

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
FOURTH DIVISION

Civil Action No. 20-CI-00332

*filed electronically*

**HAYNES PROPERTIES, LLC, *et al.***

**PLAINTIFFS**

**v.**

**BURLEY TOBACCO GROWERS COOPERATIVE  
ASSOCIATION, *et al.***

**DEFENDANTS**

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**Settlement Class Counsel's Motion re Service List**

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NOTICE

Please take notice that this Motion will be heard on Friday, March 31, 2023, beginning at the hour of 10:00 a.m. or as soon thereafter as counsel may be heard.

MOTION

Settlement Class Counsel, Katherine K. Yunker and Jason R. Hollon, hereby move the Court to enter an Order to establish a process by which parties, counsel, and other persons who have not recently made a filing in the record or appearance at a hearing in this case may remain on service lists for notices, filings, and Court orders. In support of this Motion, Class Counsel state as follows:

1. By Order entered November 22, 2021, this Court took under advisement a Class Counsel request to limit CR 5 service to counsel for Named Plaintiffs, the Burley Co-op, and the Class. That request was based on the fact that the Court's approval of the settlement had become final and non-appealable and the case now had moved into an implementation phase.

2. At a December 2021 hearing in this case, counsel for defendant Greg Craddock stated and agreed that they and attorney David Tachau (who had appeared on behalf of those

counsel in connection with their request for an attorney-fee award) be removed from service lists, on the understanding that they would remain among those given email notice of electronic filings in the case.

3. Since December 2021, the only counsel for parties or other persons who have made a filing in the record or an appearance at a hearing (other than for purposes of the individual class membership and eligibility objections and hearings in Spring-Summer 2022) have been attorneys from the law firms of McBrayer PLLC, Sturgill Turner, Barker, & Maloney PLLC, and W.H. Graddy & Associates.

4. Since the Court's Amended Opinion and Order Approving Partial Settlement entered July 28, 2021, service lists have usually included the names (but not the addresses) of unrepresented objectors listed on Schedule A of the Opinion and Order entered June 11, 2021. These 28 individuals had expressed an objection to one or more aspects of the proposed settlement, mailing their written objections directly to the Court's chambers in January–March 2021, as instructed in the notices regarding the proposed settlement.

a. None of these unrepresented objectors has made a filing or an appearance at a hearing in this case since April 2021. Eight (8) of these individuals did not establish membership in the Class or eligibility to receive dissolution proceeds.

b. So as not to discourage objections to the proposed settlement and to protect the privacy of individuals who were not named parties, it was decided in late 2020 / early 2021 that the addresses of unrepresented objectors would not be filed in the case record. Thus, it is uncertain on the record where service is being sent as to these individuals and whether it is effective. The undersigned have had envelopes returned that were directed to the “original”

addresses for these individuals and have updated some of the addresses with the consent or on the request of certain individuals.

c. Class Counsel have received requests from some of these individuals to stop serving them, but have not felt authorized to drop them from the service list of their filings or of proposed orders that they tender. In addition, some of these unrepresented objectors to the proposed settlement have evidenced confusion about the service on them of filings in this case. For example, several of them mistook their served copy of the Motion for approval of the \$1.5 million Fund notice and return postcard for the (still to occur) solicitation of their election of options about payment of a proportionate share of the Fund.

5. Class Counsel respectfully suggest that the Court establish an opt-in process by which persons not appearing in this case recently may declare (a) an interest in staying on service lists and (b) a publicly of-record address at which to be served.

WHEREFORE, Settlement Class Counsel respectfully request that the Court enter an order establishing a process by which parties, counsel, and other persons who have not recently made a filing in the record or appearance may remain on service lists for notices, filings, and Court orders with a publicly-filed address, but otherwise would not be served going forward.

Respectfully submitted,

/s/ Katherine K. Yunker

Katherine K. Yunker (KBA # 79592)

/s/ Jason R. Hollon

Jason R. Hollon (KBA # 96148)

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(859) 231-8780

*Settlement Class Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served this 23rd day of March 2023, electronically via the e-filing system and via electronic mail upon the following:

Kevin G. Henry  
Charles D. Cole  
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*Courtesy Copy (emailed):*  
Hon. Julie Muth Goodman  
c/o Alicia Dean  
aliciadean@kycourts.net

and via first-class U.S. Mail, postage prepaid, on unrepresented objectors listed on Schedule A of the Opinion and Order entered June 11, 2021, at addresses given in their respective objections or as thereafter updated:

J.B. Amburgey  
David Barnes  
Jacob Barnes  
Robert E. Barton  
Ben Clifford  
Lincoln Clifford  
Wayne Cropper  
Josh Curtis  
George M. Darnell  
Jennifer Darnell

Brent Dunaway  
William David Furnish  
Michael Furnish  
Leonard E. Gilkison  
Bill G. Hall  
Dudley Wayne Hatcher  
Steve Lang  
Berkley Marks  
Bruce Quarles

Steven Quarles  
Travis Quarles  
Jerry Rankin  
Richard Sparks  
Jarrod Stephens  
Addison Thomson  
William A. Thomson  
Danny Townsend  
Judy Townsend

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*/s/ Katherine K. Yunker*  
Settlement Class Counsel