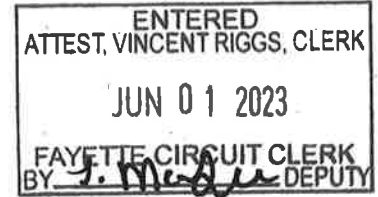


COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FOURTH DIVISION

Civil Action No. 20-CI-00332



HAYNES PROPERTIES, LLC,
et al.

PLAINTIFFS

vs.

**Order denying Graddy CR 59 Motion to Alter, Amend
or Vacate this Court's Order of April 5, 2023**

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

DEFENDANTS

This matter came before the Court on May 5, 2023, to hear the CR 59 Motion to Alter, Amend or Vacate this Court's Order of April 5, 2023 ("CR 59 Motion"), filed by the law firm of W.H. Graddy & Associates (the "Graddy firm") and seeking this Court alter, amend, or vacate its April 5, 2023 Order denying the Graddy firm's Renewed Motion for Award of Attorney's Fees. Class Counsel having filed a response thereto, the parties having had an opportunity to be heard, and the Court being duly and sufficiently advised, IT IS HEREBY ORDERED as follows:

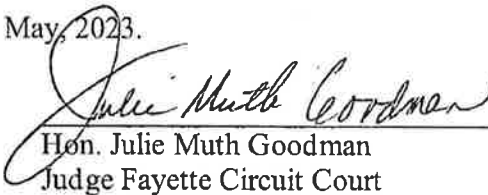
1. The Court DENIES the CR 59 Motion. For the reasons stated in the Court's April 5, 2023 Order and its August 24, 2021 Order, both of which are expressly adopted and incorporated herein, and for those reasons stated on the record on May 5, 2023, March 24, 2023, and August 20, 2021, the Court CONCLUDES that the Graddy firm is not entitled to an award of attorney's fees or costs as such an award is not authorized by law or by any agreement of the parties. In response to allegations made or positions taken in the CR 59 Motion or during the hearing, the Court also FINDS that the Graddy firm's representation on behalf of its clients was not a "but for" cause of any modification to the settlement agreement provisions relating to the \$1.5 million grant or any benefit to the class as a whole because (a) the Court had raised issues

with the settlement agreement provisions about the \$1.5 million before any written objections were filed, (b) there were objectors to the provisions about the \$1.5 million other than the persons the Graddy firm represented, and (c) the Court's exercise of its fiduciary responsibilities to the class were the actual and sufficient reason for any modifications ordered in the Amended Opinion and Order Approving Partial Settlement entered July 28, 2021.

2. The Court further DENIES as MOOT the Graddy firm's request in its CR 59 Motion for leave to negotiate an award of attorney's fees and costs with class counsel and the parties, it being represented at the hearing that there had been unsuccessful negotiations following the filing of the CR 59 Motion.

3. This order is final and appealable, there being no just cause for delay.

Given under my hand this 25th day of May, 2023.



Hon. Julie Muth Goodman
Judge Fayette Circuit Court

PREPARED BY:

/s/ Jason R. Hollon

Katherine K. Yunker (KBA # 79592)

Jason R. Hollon (KBA # 96148)

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Counsel for Settlement Class

HAVE SEEN, in conformity
with the rulings made at hearing:

/s/ W. Henry Graddy, IV (w/permission)

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*Counsel for Objectors Roger Quarles et al.
and representative of the Movant firm*

/s/ Kevin G. Henry (w/permission)

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Growers Cooperative Association*

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served on this 1st day
of June 2023, via U.S. Mail, first class, to the following counsel and unrepresented objectors
to the proposed settlement:

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Clerk, Fayette Circuit Court 