

ELECTRONICALLY FILED

**COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FOURTH DIVISION
CIVIL ACTION NO. 20-CI-00332**

HAYNES PROPERTIES, LLC, et al.

PLAINTIFFS

v. **MOTION TO ORDER A SECOND ROUND OF POSTCARD MAILINGS
AND NOTICE**

BURLEY TOBACCO GROWERS COOPERATIVE ASSOC., et al.

DEFENDANTS

* * * * *

Come now the Objectors, Roger Quarles, et al., by and through counsel, and for their Motion to Order a second round of postcard mailings, state as follows:

The envelope and postcard with instructions were sent to class members to provide each an opportunity vote on the disposition of their proportionate share of the \$1.325 million on or about April 11, 2023. However, the envelope did not contain a return address or any other indication of the significance of the mailing. Roger Quarles has heard from other class members that the notice was almost discarded as “junk” mail. See attached email and a copy of the envelope.

Class Counsel has verbally informed the undersigned that approximately 1,900 of the 2,605 class members have responded to the notice. Approximately 100 class members have voted to contribute their proportionate share to the new tobacco nonprofit. Due to the large proportion of class members electing to keep their share, it is in the interest of fairness to the class members and justice that a second round of postcards (with visible notice of the significance of the mailing on the envelope) be sent to the approximately 700 unresponsive class members rather than allow those class members to default. Where these unresponsive class members appear to have the excuse that they did not open this mail where it had no identification, it is prudent to cure this potential excuse

with a second mailing that is clearly identified as related to the Burley Cooperative and this litigation.

WHEREFORE, the Objectors MOVE this Court to order a second round of postcard mailings to the unresponsive Class Members with the envelope clearly identified that it is from Class Counsel for the Burley Cooperative dissolution.

NOTICE

The parties will take notice that the Objectors will bring the foregoing on for hearing, on July 21, 2023 at the hour of 10:00 a.m. or as soon thereafter as counsel may be heard in the Fayette County Courthouse, Lexington KY.

Respectfully submitted,

/s/ W. Henry Graddy, IV
W. Henry Graddy, IV
Dorothy T. Rush
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(855) 398 4562 - facsimile
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908 Minoma Ave.
Louisville, KY 40217
(502)542-2455
johnny@friendlawky.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate of the foregoing was served via E-Mail, on this the 1st day of May, 2023 on the following:

Hon. Kevin G. Henry
Hon. Charles D. Cole
Sturgill, Turner, Barker & Maloney PLLC
333 W. Vine Street, Suite 1500
Lexington, KY 40507
khenry@sturgillturner.com
ccole@sturgillturner.com

Hon. Robert E. Maclin, III
Hon. Jaron P. Blandford
Hon. Jason R. Hollon
Hon. Katie Yunker
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kyunker@mcbayerfirm.com

Courtesy copy to:
Hon. D. Gaines Penn
ENGLISH, LUCAS, PRIEST & OWSLEY, LLP
1101 College Street
PO Box 770
Bowling Green, KY 42102-0770
gpenn@elpolaw.com

/s/ W. Henry Graddy, IV
W. Henry Graddy, IV

Pursuant to the April 18, 2023, Order Re Service List, notice is provided to these unrepresented objectors by United States Mail, sent to the following:

David Barnes 768 Bowman Mill Road Berry, Kentucky 41003	Jennifer Darnell 248 Grady Lane Cynthiana, Kentucky 41031	Berkley Marks 5399 Paris Pike Mt. Sterling, Kentucky 40353
Jacob Barnes 1088 Bowman Mill Road Berry, Kentucky 41003	Brent Dunaway 1547 Ky Highway 1054 N Berry, Kentucky 41003	Jerry Rankin 4540 Perryville Road Danville, Kentucky 40422
Ben Clifford	William David Furnish	Richard Sparks

2459 Ky. Highway 1284 E
Cynthiana, Kentucky 41031

Lincoln Clifford
Ky Highway 1284 E
Cynthiana Kentucky 41031

Wayne Cooper
5350 Raymond Road
Mayslick, Kentucky 41055

Josh Curtis
1402 Ky Highway 1940
Cynthiana, Kentucky 41031

Robert E. Barton
Barton Bros. Farm
4095 Huffman Mill Pike
Lexington, Kentucky 40511

Danny Townsend
Judy Townsend
11620 Main Street
Jeffersonville, Kentucky 40337

1320 Highway 982
Cynthiana, Kentucky 41031

Michael Furnish
750 Smith Martin Lane
Cynthiana, Kentucky 41031

Leonard E. Gilkison
345 Calloway White Road
Winchester, Kentucky 40391

George M. Darnell
1593 Grays Run Pike
Cynthiana, Kentucky 41031

Dudley Wayne Hatcher
648 Hood Road
Morgantown, Kentucky 42261

Bruce Quarles
Steven Quarles
Travis Quarles
10570 Owenton Road
Frankfort, Kentucky 40601

1499 Thatchers Mill
Paris, Kentucky 40361

Jarrold Stephens
504 Commonwealth Lane
Cynthiana, Kentucky 41031

Addison Thomson
2224 Mr. Vernon Park
Cynthiana, Kentucky 41031

William A. Thomson
1809 Mt. Vernon Pike
Cynthiana, Kentucky 41031

/s/ W. Henry Graddy, IV
W. Henry Graddy, IV



Dorothy Rush <dtrush2@gmail.com>

Re: Mailing

2 messages

Hank Graddy <hgraddy@graddylaw.com>
To: Roger Quarles <quarlesnet@icloud.com>
Cc: Dorothy Rush <dtrush@graddylaw.com>

Fri, May 5, 2023 at 8:19 AM

Roger
I failed to send this to you when we filed it last Monday.
I am going back to make my last argument before this judge on legal fees this morning at 10.
Next step will be Court of Appeals.
Call me if you have comments or questions.
Nothing filed yet on Loss Carry Over.
Hank Graddy
[PS - Clint was very helpful earlier this week]

On Sun, Apr 23, 2023 at 2:35 PM Roger Quarles <quarlesnet@icloud.com> wrote:

Hank, This is the mailing envelope. I've had numerous comments saying they almost pitched it away as junk mail. It's devoid of any notice / return address indicating any legal notice. I suspect some indeed were discarded.

It may be worthy of a reminder only to those who Havnt made any response to class counsel in early May. It's a poor work product.

Separately I've heard scuttle butt that no effort towards the NOL issue will occur with a letter to the court from Cpa saying it's impossible. I maintain only the IRS can say that following a letter from Class counsel informing IRS they intend to distribute following guidance from the IRS. That puts all the work on the IRS with no expense towards class counsel—. Or you for this matter?

Thanks. Rq.


Sent from my iPad

 **2023.05.01RenoticeCR59.pdf**
1335K

Hank Graddy <hgraddy@graddylaw.com>
To: Dorothy Rush <dtrush@graddylaw.com>

Thu, Jun 29, 2023 at 11:52 AM

Dorrie
Please call me.
Hank
[Quoted text hidden]

 **BusinessCard_2023-04-23_142635.pdf**
286K

KNOXVILLE TN 377

4 APR 2023 PM 2 L



ROGER QUARLES

1689 LEMONS MILL RD

GEORGETOWN, KY 40324-9382

40324-9382B9

