

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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RAP 63(C) Motion re Failure to File or  
Insufficiency of *Supersedeas* Bond

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**NOTICE**

Please take notice that this Motion will be heard on Friday, August 25, 2023, beginning at the hour of 10:00 a.m. or as soon thereafter as counsel may be heard.

**MOTION**

Plaintiffs / Settlement Class Representatives, through their attorneys (including Settlement Class Counsel), hereby move this Court to determine “matters relating to the right to file a supersedeas bond, the amount and sufficiency thereof, and the surety thereon.” RAP 63(C)(2).

In support of their Motion, Plaintiffs state as follows:

1. This Court’s Order re Fund Disposition, entered August 4, 2023, became fully final on August 14, 2023. Per the Order’s ¶1, the payments and distributions directed therein are to be made as soon as feasible.

2. In the absence of a *supersedeas* bond given by the Quarles Objector-Appellants, the undersigned counsel alerted other counsel (by an 8/16/23 email) of an intent to ask the Co-op to proceed with its pay-out of the remaining \$1.325 million from the Fund as directed. Counsel for the Quarles Objector-Appellants advised other counsel (by 8/17/23 email) of an intent to post

a bond and specified the intended amount. Plaintiffs' and the Co-op's counsel have each responded that they disagree with the adequacy of a bond in that amount.

3. As of the end of the day, Friday, August 18, 2023, the undersigned have received no further communication from counsel for the Quarles Objector-Appellants and no notice that an executed *supersedeas* bond has been presented to the Clerk or to the Court for approval.

4. Plaintiffs anticipate that no bond will be given or, if a bond is given, that it will not be as provided in RAP 63. In either case, the Quarles Objector-Appellants may not stay enforcement of the 8/4/23 Order re Fund Disposition. To enable the ordered disbursements as soon as feasible and without the uncertainty of when and what the Quarles Objector-Appellants might do with respect to a *supersedeas* bond, Plaintiffs bring this Motion.

Respectfully submitted,

/s/ Katherine K. Yunker

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*Attorneys for Plaintiffs /*

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served this 19th day of August 2023, upon counsel via the e-filing system and electronic mail and upon unrepresented persons via first class U.S. Mail, postage prepaid, as shown on the attached Service List.

/s/ Katherine K. Yunker

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