

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
FOURTH DIVISION  
20-CI-00332

HAYNES PROPERTIES, LLC, et al.

PLAINTIFFS

v.

BURLEY TOBACCO GROWERS  
COOPERATIVE ASSOCIATION, et al.

DEFENDANTS

**Notice Regarding Bond**

Pursuant to this Court's order of September 26, 2023, Objector-Appellants notify the Court as follows:

1. Given that the Objector-Appellants' substantive objections were granted, their personal monetary stake in this case is limited to seeing their attorney, W.H. Graddy & Associates, paid for their work.
2. Under the circumstances, Objector-Appellants' attorneys cannot advise them to personally subject themselves to the bond.
3. As this Court's order requires any bond to be in the name of one of the Objector-Appellants, no bond will be posted.
4. Objector-Appellants still maintain that this Court can order the \$99,325.00 to be held under its equitable powers and those of CR 23. If no such order is issued by Friday, September 29, 2023, Objector-Appellants will assume all of this Court's September 26, 2023, order

remains in place and that Class Counsel will distribute all remaining funds.

- 5. Should the Objector-Appellants prevail on appeal, they will be forced to seek to recover their fees by any means at their disposal, including seeking them directly from Class Counsel (pursuant to this Court's inherent power to exercise jurisdiction over all issues related to the settlement)<sup>1</sup> or by intervening in this action to recover against the Class itself.

Respectfully submitted,

**/s/ John S. Friend**  
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<sup>1</sup> See e.g., *California v. IntelliGender, LLC*, 771 F.3d 1169, 1179 (9th Cir. 2014)

**CERTIFICATE OF SERVICE**

Counsel certifies that the foregoing was served on all parties of record via Kentucky CourtNet 2.0. It will also be served concurrently on the non-parties below:

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