

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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**Joint Motion for *Cy Pres* Payments**

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NOTICE

Please take notice that this Motion will be brought on for hearing at the Court's regular motion hour on Friday, September 19, 2025, at 10 A.M., or as soon thereafter as counsel may be heard.

MOTION

The Plaintiffs/Class Representatives and the Burley Tobacco Growers Cooperative Association in dissolution, through counsel, hereby jointly move for an Order authorizing payment of \$148,924.13 in residual funds to four (4) *cy pres* recipients in accordance with the directives in ¶17 of the 1/24/24 Agreed Order re Final Disposition of Net Dissolution Proceeds and ¶9 of the 8/4/23 Order re Fund Disposition. Specifically, the joint movants request authorization that the \$148,924.13 residual amount being held in escrow by McBrayer PLLC be paid as donations in the name of the Burley Tobacco Growers Cooperative Association, allocated as follows:

1. 25% plus one cent (\$37,231.04) to the Civil Rule 23 Account maintained by the Kentucky IOLTA Fund Board of Trustees pursuant to Supreme Court Rule 3.830(2); and
2. 25% (\$37,231.03) each to the following:

- a. the Hutson School of Agriculture at Murray State University, designated for an agreed endowment or an agricultural scholarship fund (if available);
- b. the Department of Agriculture and Food Science at Western Kentucky University, designated for the Burley Tobacco Growers Cooperative scholarship; and
- c. the Department of Agricultural Sciences at Morehead State University, designated for an agreed endowment or an agricultural scholarship fund (if available).

By its Order RE Residual Dissolution Proceeds entered August 29, 2025, the Court found that there were \$141,749.31 in remaining net dissolution proceeds held by the McBrayer firm in its escrow account (¶1), directed that there be no further distributions of such proceeds to the Settlement Class (¶3), and ordered that the \$141,749.31 be considered a residual amount from the dissolution proceeds (¶3). By ¶2 of the Order Approving Fee Payment and Declaring Fund Residual entered September 3, 2025, the Court held that the special Fund Residual was \$7,174.82 and should be combined with the greater residual from net dissolution proceeds, and that *cy pres* payments of the combined residual would satisfy the requirements of ¶9 of the 8/4/23 Order re Fund Disposition.

These *cy pres* payments are of all the remaining net dissolution proceeds and there will then be nothing held in escrow by the McBrayer firm that is subject to the Court's further orders in this case. Class Counsel will report that the payments have been made so that the Court can then close this case. No further distributions being made under the Amended Opinion and Order Approving Partial Settlement entered July 28, 2021, to the Settlement Class or any of its members, or in connection with the dissolution of the Burley Tobacco Growers Cooperative Association, the joint movants ask that the Court declare the *cy pres* payments order final and appealable, there being no cause for delay in completing the distribution of net dissolution proceeds.

WHEREFORE, the moving parties jointly request entry of the final and appealable order requested herein.

Respectfully submitted,

/s/ Kevin G. Henry w/ permission  
Kevin G. Henry  
Charles D. Cole  
STURGILL, TURNER, BARKER & MALONEY  
PLLC  
333 West Vine Street, Suite 1500  
Lexington, KY 40507

/s/ Robert E. Maclin, III w/ permission  
Robert E. Maclin, III  
WHITEFORD, TAYLOR & PRESTON LLP  
250 W. Main Street, Suite 1800  
Lexington, KY 40507

/s/ Katherine K. Yunker  
Katherine K. Yunker (KBA # 79592)  
Jason R. Hollon (KBA # 96148)  
MCBRAYER PLLC  
201 E. Main Street, Suite 900  
Lexington, KY 40507-1361  
(859) 231-8780

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served this 15th day of September 2025, 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  
Settlement Class Counsel

EMAILED TO:

W. Henry Graddy, IV  
Dorothy T. Rush  
W.H. GRADDY & ASSOCIATES  
137 N. Main Street  
Versailles, KY 40383  
hgraddy@graddylaw.com  
dtrush2@gmail.com

*Courtesy Copy (emailed):*  
Hon. Julie Muth Goodman  
c/o Joseph Guthrie  
josephguthrie@kycourts.net

MAILED (first-class U.S. Mail, postage prepaid) TO:

J.B. Amburgey  
P. O. Box 47  
Means, KY 40346

David Barnes  
768 Bowman Mill Road  
Berry, KY 41003

Jacob Barnes  
1088 Bowman Mill Road  
Berry, KY 41003

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

Ben Clifford  
2459 Ky. Hwy. 1284 E  
Cynthiana, KY 41031

Lincoln Clifford  
Ky Hwy 1284 E  
Cynthiana KY 41031

Wayne Cropper  
5350 Raymond Road  
Mayslick, KY 41055

Josh Curtis  
1402 KY Hwy 1940  
Cynthiana, KY 41031

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

Jennifer Darnell  
248 Gray Lane  
Cynthiana, KY 41031

Brent Dunaway  
1547 KY Highway 1054 N  
Berry KY 41003

William David Furnish  
1320 Highway 982  
Cynthiana, KY 41031

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

Bill G. Hall  
P. O. Box 117  
Means, KY 40346

Dudley Wayne Hatcher  
648 Hood Rd.  
Morgantown, KY 42261

Steve Lang  
703 Gray Lane  
Cynthiana, KY 41031

Berkley Marks  
5399 Paris Pike  
Mt. Sterling KY 40353

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

Jerry Rankin  
4540 Perryville Road  
Danville, KY 40422

Richard Sparks  
1499 Thatchers Mill  
Paris, KY 40361

Jarrold Stephens  
504 Commonwealth Lane  
Cynthiana KY 41031

Addison Thomson  
2224 Mt. Vernon Park  
Cynthiana, KY 41031

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

Danny Townsend  
Judy Townsend  
11620 Main St.  
Jeffersonville, KY 40337

**Joint Motion Service List**

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