

**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

**Motion for Release of Settlement Class Counsel and
Settlement Class Representatives from their Responsibilities**

NOTICE

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

MOTION

The Settlement Class Representatives (Named Plaintiffs, Haynes Properties, LLC, Mitch Haynes and Scott Haynes d/b/a Alvin Haynes & Sons, and S&GF Management, LLC) by counsel, and Settlement Class Counsel (Katherine K. Yunker and Jason R. Hollon) on their own behalf, hereby request an order from this Court releasing them from their respective duties and responsibilities to the Class and its members. In support of this request, Movants state as follows:

Background

1. By rulings memorialized in a Preliminary Certification Order entered November 10, 2020, the Named Plaintiffs were appointed as Class Representatives (¶1) and McBrayer attorneys Katherine K. Yunker and Jason R. Hollon were appointed as Class Counsel (¶3, 4.c) for

the Settlement Class preliminarily certified therein (¶4, as amended in the Amended Preliminary Certification Order, entered November 17, 2020).

2. The Opinion and Order Awarding Service Fees and Attorneys' Fees and Nontaxable Costs, entered June 11, 2021 ("the 6/11/21 Fee Order"):

a. awarded each of the three Named Plaintiffs and Class Representatives a \$5000 service fee (¶34, Ordering ¶2);

b. awarded to the McBrayer firm under the common-fund statute (KRS 412.070), a fee of 7.5% of the net dissolution proceeds and reimbursement of costs and expenses (¶¶ 47-50, Ordering ¶¶3-4); and,

c. allowed the possibility that additional fees and expenses could be awarded to the McBrayer firm for further Class Counsel work (¶ 50, Ordering ¶¶3-4).

3. Nothing further remains to be paid, or is otherwise owing, to the Class Representatives or Class Counsel for their service and discharge of their duties and responsibilities to the Class.

a. The Class Representatives acknowledge receipt of the \$5000 amount ordered to be paid to each of them as a Service Fee.

b. Class Counsel acknowledge receipt of the amounts ordered to be paid to the McBrayer firm as a percentage fee and for reimbursable expenses, per the 6/11/21 Fee Order, and additional amounts for Class Counsel team work approved and directed in Orders entered December 9, 2021 (¶2), and October 4, 2022 (¶2).

4. The Amended Opinion and Order Approving Partial Settlement entered July 28, 2021 ("the 7/28/21 Amended Order Approving"), provided *inter alia* for the dissolution of the Burley Tobacco Growers Cooperative Association ("the Co-op") and the distribution of its net

assets to eligible, qualified Settlement Class Members. *See id.* ¶¶ 10, 14-15, 21, and Ordering ¶¶ 3, 8. The Court expressly retained jurisdiction to oversee “the judicial dissolution, the distribution process, the determination of any Class Member Eligibility,” and other implementation steps. *Id.* Ordering ¶9.

5. The 7/28/21 Amended Order Approving also provided separately for a special Fund and its distribution (¶¶ 22-36, Ordering ¶ 2). That portion of the settlement as approved has been the subject of distinct processes and reports,¹ an appeal by objectors regarding denial of an award of attorneys’ fees,² and awards of fees and expenses for Class Counsel team work;³ ¶3 of the Order Approving Fee Payment and Declaring Fund Residual, entered September 3, 2025, declares that all directives of the final and appealable 8/4/23 Order re Fund Disposition have been completed. Residual amounts from the Fund distribution have been determined to be \$7,174.82 and allowed to be combined with residual amounts from the net dissolution proceeds for *cy pres* payments.⁴ That portion of the 7/28/21 Amended Order Approving having already been concluded, no further mention is made herein; however, the release requested herein for the Class Representatives and the Class Counsel includes any and all duties and responsibilities with respect to the Fund.

¹ *See, e.g.*, Orders entered 3/13/23 (form/content of notice and electing postcard), 8/4/23 (Fund disposition), and 9/5/24 (residual Fund amounts); Reports filed 7/27/23 (postcard-election process, results) and 8/16/24 (Fund distribution).

² *See Quarles v. Haynes Props., LLC*, No. 2023-CA-00767-MR, 2024 WL 5099221 (Ky. App. Dec. 13, 2021) (Opinion and Order Dismissing appeal as moot).

³ *See* approval of fees and expenses in 8/4/23 Order re Class Counsel Fees and Costs (¶¶ 1-3), 9/5/24 Order on Special Distribution Status Report (¶2), and 9/3/25 Order Approving (¶1).

⁴ *See* 9/5/24 Order on Special Distribution Status Report (¶¶ 1.a, 3) and 9/3/25 Order Approving Fee Payment and Declaring Fund Residual (¶2).

Conclusion of Appointed Duties and Responsibilities

6. Among Class Counsel's duties have been oversight and implementation of procedures for notification about the proposed settlement, preliminary certification, requested attorney-fee awards, the fairness hearing, and establishing class membership and distribution eligibility,⁵ drafting and presenting proposed Orders,⁶ participation in the fairness hearing and other Court hearings to present facts, comment, and argument for Class as a whole, presenting the view of the Dissolution Committee at June-July 2024 hearings regarding denials of Class membership or distribution eligibility to individual people or entities,⁷ setting up and staffing a team email address and toll-free number to facilitate contact by Class members and providing updates for an informational website, assisting Class members to whom distributions were made with check reissues and changes to Class member names, TINs, or addresses as needed,⁸ and summarizing and disseminating information in Reports filed with the Court and served on parties and others.⁹

7. After the Order for Ending Settlement Administration by Angeion Group LLC, entered October 24, 2024, and compliance therewith, described in their 11/20/24 Report,¹⁰ Class Counsel (through the McBrayer firm) have maintained an informational website, held residual

⁵ See, e.g., 11/17/20 Order Directing Notice; 12/15/20 and 1/11/21 Agreed Orders re notice of fees/costs requests; 11/4/21 Motion for an Order regarding Case Administration (¶5); 3/4/22 Status Report (¶2).

⁶ See, e.g., 3/22/21 and 4/19/21 Orders, and 4/30/21 Notice of Compliance therewith.

⁷ See, e.g., 11/22/21 Order (¶2, establishing procedures), Video Logs filed for objection hearings on 6/14/22, 6/15/22, 7/18/22 and 7/20/22, and 7/14/21 Motions for ruling on objections.

⁸ See, e.g., the statistics for the three distributions of net dissolution proceeds reported in ¶¶ 4-6 of the 12/7/24 Status Report re Dissolution Distributions and Dissolution QSF Remainder.

⁹ Concurrently herewith, Class Counsel are filing and serving their final Report (including information about the *cy pres* distributions), which lists earlier reports filed and served.

¹⁰ In the Order re Settlement Administrator and Dissolution Distributions Residual (¶1.b), entered January 29, 2025, the appointed Settlement Administrator (Angeion Group LLC) was discharged "from its duties and obligations to this Court, the parties, and the Settlement Class in this case."

funds in escrow, and performed as necessary any other tasks formerly within the Settlement Administrator's bailiwick.

8. In performing their duties, Class Counsel have consulted with the Class Representatives as necessary or helpful, and the Class Representatives have made themselves available and given thoughtful attention to such consultations.

9. Nothing further remains to be done to implement the 7/28/21 Amended Order Approving that will affect the Class or its members. The third and final distribution of the Co-op's net dissolution proceeds has been made (in April 2024), TAGS fees due and owing from eligible, qualifying Class Members have been offset (by April 2024), and all issued distribution checks have been negotiated or voided (by October 2024). Court orders entered January 29, 2025 (¶¶2-3), August 29, 2025 (¶¶3-5), and September 25, 2025 (¶1-2) have declared that no further distributions are to be made to Class members and provided for the full disposition of the entire remaining net dissolution proceeds, including *cy pres* distributions as the last step.

10. For the *cy pres* distributions — per the Order Approving Cy Pres Payments of Residual, entered September 22, 2025 — Class Counsel arranged for the checks to be issued in November 2025 from the McBrayer escrow account in which the residual funds were held. All those checks have been negotiated, and no funds to be distributed to others remain with the McBrayer firm or subject to Class Counsel's direction or control.

WHEREFORE, Movants request that this Court find and declare that all duties and responsibilities of the appointed Class Counsel and Class Representatives have been concluded and that they are released from their respective duties and responsibilities.

Respectfully submitted,

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Settlement Class Counsel

HAVE SEEN; AGREE to the requested relief

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 11th day of December 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.

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