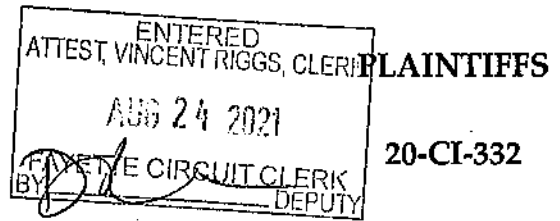


COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FOURTH DIVISION

HAYNES PROPERTIES, LLC, et al.

v.

BURLEY TOBACCO GROWERS
COOPERATIVE ASSOCIATION,
et al.



DEFENDANTS

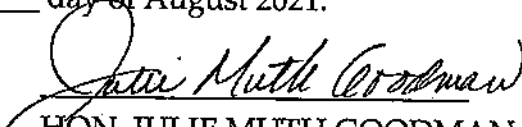
ORDER

The above-styled matter came before the Court on August 20, 2021, on the Motion to Alter, Amend, or Vacate by Intervening Defendants/Objectors Roger Quarles, et al. Class Counsel pointed out in their Response that CR 59.05 makes no allowance for the filing of successive CR 59.05 motions, and there is no authority for allowing a party to make more than one such motion. It appears that the Quarles Objectors may have already filed a CR 59.05 motion in the form of their Motion to Refer the Parties to Mediation. Though not styled as a Motion to Alter, Amend, or Vacate, there would be no need for a mediation on the terms of the judgment if the Quarles Objectors had no intent to change the terms upon which the Court had already ruled. Despite this, however, the Court allowed all Parties to make their arguments on the Record, as it seemed disingenuous to the Court to make the argument against successive attempts to change the final judgment when multiple Parties attempted to do the same in their responses.

The issue of whether the Quarles Objectors made successive motions does not need to be addressed, however, if they are unable to meet the burden of CR 59.05. The Kentucky Supreme Court has stated that while "CR 59.05 does not set forth the grounds for the motion" courts have nonetheless limited its use "because 'reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.'" *Gullion v. Gullion*, 163 S.W.3d 888, 893 (Ky. 2005) (quoting FEDERAL PRACTICE AND PROCEDURE § 2810.1).

Having reviewed the Record, relevant case law, and memorandums of parties, as well as having heard the arguments of counsel, this Court **HEREBY DENIES** the motion as the Quarles objectors have not cleared the high bar for setting aside a judgment after its entry.

Given under my hand this 24th day of August 2021.


HON. JULIE MUTH GOODMAN
JUDGE, FAYETTE CIRCUIT COURT

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served on this _____ day of August, 2021, via U.S. Mail, first class, to the following:

AUG 24 2021

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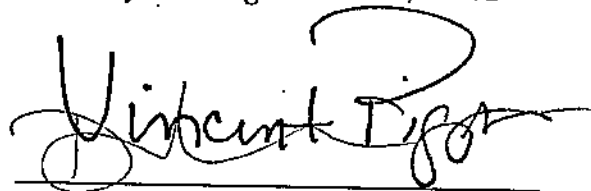
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