

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
FOURTH DIVISION  
CIVIL NO. 20-CI-00332**

**HAYNES PROPERTIES, LLC ET AL.**

**PLAINTIFFS**

**v.**

**ORDER**

**BURLEY TOBACCO GROWERS COOPERATIVE  
ASSOCIATION, et al.**

**DEFENDANTS**

\* \* \* \* \*

During the December 3, 2021 hearing with all parties represented by counsel, the Defendant, Burley Tobacco Growers Cooperative Association ("BTGCA") made an oral motion that it be permitted to substitute as the reserved funding source for the approved grant to the new nonprofit, Burley and Dark Tobacco Producer Association, Inc. (maximum funding of \$1,400,000 plus accrued interest, net of the initial grant funding of \$100,000 to be paid to the new nonprofit before the end of 2021) a certain Brighthouse Life Insurance Company annuity that BTGCA owns with a reported value as of October 31, 2021 of \$1,409,485.38, in order to free up the "Dark & Burley Association" ICS Savings Account ending No. 1483 held at Traditional Bank in the amount of \$1,400,103.52 plus accrued interest for transfer and incorporation into the larger Partial Distribution ICS account ending No. 2099 at Traditional Bank for distribution to approved Class Members. There being no objections, and the Court being advised, IT IS HEREBY ORDERED that BTGCA's oral motion is GRANTED. BTGCA and the designated ICS account signatories, Al Pedigo and Penny Greathouse, are authorized to transfer the entire balance of the Dark & Burley Association ICS account ending No. 1483 into the Partial Distribution ICS account ending No.

*Ym*

2099 for distribution to qualified Class Members. From this date forward, the Brighthouse annuity in the approximate amount of \$1,409,485.38 shall serve as the reserve fund for the grant to the new nonprofit, Dark & Burley Tobacco Producers Association, Inc., and all interest received or accrued on that annuity shall be distributable to the new nonprofit, consistent with the Court's July 28, 2021 Amended Opinion and Order.

No just cause for delay being shown, this is a final and appealable Order. A copy of this Order shall be delivered to Traditional Bank, Palumbo Drive branch, by BTGCA.

Entered this 7<sup>th</sup> day of December, 2021.

  
HON. JULIE M. GOODMAN, JUDGE

HAVE SEEN:

/s/ Robert E. Maclin, III  
Attorney for Plaintiffs

/s/ Kevin G. Henry  
Attorney for BTGCA

/s/ Jason R. Hollon  
Class Counsel

/s/ W. Henry Graddy, IV  
Attorney for Roger Quarles, et al.

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that on December \_\_\_\_, 2021, the foregoing document was served by the Clerk of this Court, via first-class U.S. Mail, postage prepaid, upon the following counsel of record:

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*Counsel for Defendant, Greg Craddock on  
behalf of himself and all others similarly  
situated*

and via first-class U.S. Mail, postage prepaid, on the objectors listed on Schedule A of the June 11, 2021 Opinion and Order Awarding Service Fees and Attorneys' Fees and Nontaxable Costs, at the addresses given in their respective objections:

J. B. Amburgey  
David Barnes  
Jacob Barnes  
Robert E. Barton  
Ben Clifford

Billy G. Hall  
Dudley Wayne Hatcher  
Steve Lang  
Berkley Mark  
Ben Quarles

Lincoln Clifford  
Wayne Cropper  
Josh Curtis  
Clay Darnell  
George M. Darnell  
Jennifer Darnell  
Brent Dunaway  
Michael Furnish  
William David Furnish  
Leonard Edwin Gilkison

Bruce Quarles  
Steven Quarles  
Travis Quarles  
Jerry Rankin  
Jarrod Stephens  
Addison Thomson  
William A. Thomson  
Danny Townsend  
Judy Townsend

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CLERK, FAYETTE CIRCUIT COURT

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