

1/3/22

No. 21 - 1029

In the

SUPREME COURT OF THE UNITED STATES

GEOFFREY M. YOUNG, *pro se*, *Petitioner*

vs.

ADAM EDELEN, *et al.*, *Respondents*

(Respondents and Counsel of Record cont. on page ii)

On Petition for Writ of Certiorari to the
Supreme Court of Kentucky

PETITION FOR WRIT OF CERTIORARI

Geoffrey M. Young, Petitioner, *pro se*
2430 Millbrook Drive
Lexington, Kentucky 40503
energetic22@yahoo.com
(859) 278-4966

QUESTIONS PRESENTED FOR REVIEW

I filed a lawsuit in 2019 against 33 defendants for conspiracy to rig several primary elections.

1. May any trial court in Kentucky dismiss all allegations against most of the defendants, before discovery, for failure to state a claim, without ever construing the complaint in the light most favorable to the plaintiff and without ever making any good-faith findings of fact?
2. Under those circumstances, may Kentucky's trial and appellate courts impose sanctions against the plaintiff?
3. If a trial court dismisses a lawsuit without ever making any good-faith findings of fact, are Kentucky's two appellate courts under an affirmative duty to reverse the trial court's orders and require the trial court to make good-faith findings of fact?

LIST OF PARTIES AND COUNSEL

- a) Geoffrey M. Young, *pro se*, Plaintiff
- b) Michael R. Moloney
4897 Wyndhurst Rd.
Lexington, KY 40515-1250
Counsel for Defendants (1) ADAM
EDELEN and (18) JARED SMITH;
- Cecil F. Dunn
300 East Main St., Suite 210
Lexington, KY 40507
Counsel for Defendants (1) ADAM
EDELEN and (18) JARED SMITH;
- Laura C. Tipton, Sarah E. Adkins and
Amy Cubbage
Office of the Governor
700 Capital Ave., Suite 100
Frankfort, KY 40601
Counsel for Defendant (2) ANDY
BESHEAR;
- Christie A. Moore, Bailey Roesel and
Gina M. Young
Dentons Bingham Greenebaum, LLP
101 South Fifth St., 3500 PNC Tower
Louisville, KY 40202
Counsel for Defendants (3) BEN SELF,
(4) STEVE BESHEAR, (5) SANNIE
OVERLY, (6) ALISON UNDERGAN
GRIMES, (7) JACK CONWAY, (8)
PATRICK HUGHES, (9) GEORGE
MILLS, (10) CLINT MORRIS, (11)

ANDREA EWEN, (13) JOSH HICKS,
(15) CHARLOTTE FLANARY, (17)
KATHY HINKLE, (20) AMY
McGRATH, (24) KENTUCKY
DEMOCRATIC PARTY, (25) FAYETTE
COUNTY DEMOCRATIC PARTY, (26)
CAMPBELL COUNTY DEMOCRATIC
PARTY, (27) KENTON COUNTY
DEMOCRATIC PARTY, (29)
DEMOCRATIC WOMAN'S CLUB OF
KENTUCKY, (30) KENTUCKY
YOUNG DEMOCRATS, (31) COLLEGE
DEMOCRATS OF KENTUCKY;

Christopher W. Brooker and Deborah
H. Patterson
Wyatt, Tarrant & Combs, LLP
400 West Market St., Suite 2000
Louisville, KY 40202
Counsel for Defendants (12) DONNA
MOORE CAMPBELL, (23) TODD
PICCIRILLI, and (33) KENTUCKY
AUTHORITY FOR EDUCATIONAL
TELEVISION;

Jane Graham
Henry, Watz, Raine & Marino, PLLC
401 West Main St., Suite 314
Victorian Square
Lexington, KY 40507
Counsel for Defendants (12) DONNA
MOORE CAMPBELL and (32) THE
WOMEN'S NETWORK OF
KENTUCKY;

Benjamin D. Allen
Gess Mattingly & Atchison, PSC
201 West Short St., Suite 102
Lexington, KY 40507
Counsel for Defendants (14) MATT
JONES and (22) MIKE KERBER;

Danyel P. Rickman and Patrick R.
Hughes
Dressman Benzinger LaVelle, PSC
207 Thomas More Parkway
Crestview Hills, KY 41017
Counsel for Defendants (16) TRENT
GARRISON, (19) MIKE SHUGART,
(20) AMY McGRATH, (30) KENTUCKY
YOUNG DEMOCRATS, and (31)
COLLEGE DEMOCRATS OF
KENTUCKY;

Zachary A. Horn
Kirkland, Cain & Horn, PLLC
P.O. Box 1100
Frankfort, KY 40602-1100
Counsel for Defendant (21) ERIK
JARBOE;

Paul Whalen
113 Ridgeway Ave.
Fort Thomas, KY 41075
Counsel for Defendant (26) CAMPBELL
COUNTY DEMOCRATIC PARTY;

William L. Davis
108 Pasadena Drive, Suite 200
Lexington, KY 40503

Counsel for Defendant (28) BLUE
GRASS ACTIVIST ALLIANCE, LLC.

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- 25) *Young v. Edelen et al.*, Supreme Court of Kentucky, No. 2019-SC-000625-I. Judgment entered February 20, 2020, a90-a112.
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- 38) *Young v. Edelen et al.*, Supreme Court of Kentucky, No. 2021-SC-0186-D. Judgment entered October 20, 2021, a209.

39) *Young v. Edelen et al.*, Supreme Court of Kentucky, No. 2021-SC-0249-D. Judgment entered October 20, 2021, a210.

40) *Young v. Edelen et al.*, Supreme Court of Kentucky, No. 2021-SC-0253-D. Judgment entered October 20, 2021, a211.

41) *Young v. Edelen et al.*, Kentucky Court of Appeals, No. 2021-CA-001443-MR. Judgment entered October 27, 2021, a212-a217.

RELATED CASES AND DECISIONS

- *Young v. Edelen et al.*, Fayette Circuit Court, Division 4, No. 19-CI-01349. Judgments entered May 21, 2019 (three), May 28, 2019 (three), May 29, 2019, June 6, 2019, June 10, 2019, June 11, 2019 (two), June 12, 2019 (two), July 9, 2019, July 25, 2019, August 6, 2019, August 9, 2019, August 12, 2019, September 9, 2019 (three), September 10, 2019, September 11, 2019, February 18, 2021, March 24, 2021, April 22, 2021
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- *Young v. Edelen et al.*, Kentucky Court of Appeals, No. 2021-CA-000281-MR, entered May 11, 2021, June 25, 2021
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- *Young v. Edelen et al.*, Supreme Court of Kentucky, the first of eight judgments sought to be reviewed, No. 2019-SC-000625-I. Judgment entered February 20, 2020; the second judgment sought to be reviewed, April 30, 2020; the third judgment sought to be reviewed, October 29, 2020; the fourth judgment sought to be reviewed, October 20, 2021; the fifth judgment sought to be reviewed, October 20, 2021; the sixth judgment sought to be reviewed, October 20, 2021, the seventh judgment sought to be reviewed, October 20, 2021, the eighth judgment sought to be reviewed, October 20, 2021

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BASIS FOR JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a) because the Fayette Circuit Court, Divisions 4 and 9, violated Kentucky Civil Rule (CR) 8, CR 52.01, CR 11, and other important civil rules from May, 2019 through the present day without a moment's interruption; and the Supreme Court of Kentucky denied five of my motions for discretionary review on October 20, 2021. See Appendices 36-40 at a207-211.

STATEMENT OF THE CASE

On April 10, 2019, I filed a lawsuit against 23 individual defendants and ten organizational defendants and properly had them all served. In my 123-page complaint, I alleged that the conspiracy, which started in 2014 and eventually came to include all 33 of the named defendants, illegally conspired to rig the 2018 Democratic primary for US Represen-

tative in Kentucky's 6th Congressional District; illegally conspired to rig the 2019 Democratic primary for Governor and several other Democratic primaries against me dating back to 2014; illegally conspired to violate my freedom of speech, freedom of association and freedom of movement within Kentucky; and illegally conspired to have me assaulted and battered by Defendant Mike Shugart, a retired police officer, on September 8, 2018 in Georgetown, Kentucky. I requested a jury trial.

I alleged that between March 11, 2014 and April 10, 2019, the conspiracy was in continuous violation of a foundational statute that governs all primary elections in Kentucky: Kentucky Revised Statute (KRS) 118.105. Section (1) of that statute reads as follows:

Nominations by political parties --
Vacancy in candidacy -- Replacement
candidates -- Exceptions -- Ineligibility

of Senior Status Special Judge.

(1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary held as provided in this chapter, and **the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by a primary as provided in this chapter** (Emphasis added). Complaint at 16.

My complaint continued as follows:

This is the Kentucky statute that specifies clearly and emphatically that no method of choosing Democratic (or Republican) nominees is lawful other than a "free and equal" primary, which is paid for by Kentucky taxpayers. [See Section 6 of the Kentucky Constitution] Most enabling statutes do not repeat themselves by stating that no other method to accomplish the specified goal is allowed, but free and equal elections are so important to the life of a democratic republic that the General Assembly felt that the inclusion of a slightly redundant clause – the last four

lines – was necessary. The conspiracy developed an antithetical, facially unlawful process to nominate Jack Conway for Governor more than three months before the primary election and to sideline me, in complete contempt for the law and the freedom of Kentucky's 1.6 million registered Democrats to enjoy an election untainted by any type of “fraud, intimidation, bribery, or any other corrupt practice.” [Kentucky Constitution Section 151] The conspiracy committed what might have been the worst election fraud in Kentucky history to date: rigging and stealing an entire primary election for Governor by turning it into a sham election. The conspiracy is now in the act of doing the same thing four years later. *Id.* at 17.

I alleged facts that plausibly suggested that the conspiracy committed the following violations; this is not a complete list:

(1) On March 13, 2014, I arrived at the headquarters of the Fayette County Democratic Party (FCDP), my county of residence, to attend the regular meeting of the Executive Committee. At that

time there were two candidates running to become the Democratic Party's nominee for election to the U.S. House of Representatives from Kentucky's 6th Congressional District, and the filing deadline had passed: Elisabeth Jensen and myself. I was confronted just inside the back door by Bob Layton, an attorney who had recently become the new Chair of the FCDP. Mr. Layton said: "If you try to go in tonight I will call the police and have you arrested for trespassing." I immediately left the premises and went home. I included the following allegations in my complaint:

Bob Layton...violated the FCDP Bylaws, *Robert's Rules of Order*, my freedom of speech and my freedom of association...

Intentionally and systematically violating bylaws is unlawful for any organization, even churches, which are archetypal "private organizations."
Complaint at 9-11.

(2) On May 7, 2014, Governor Steve Beshear

(D) wrote and published widely:

I am pleased to announce my endorsement of Elisabeth Jensen for Congress in the Commonwealth's 6th District – my home district. Elisabeth Jensen embodies the bold leadership desperately missing in Washington...

I am proud of Elisabeth and what she has accomplished in business and as a leader in education. And I'll be proud when she is my Congresswoman.

Thank you again for all you do,
Governor Steve Beshear *Id.* at 15.

Jensen's campaign also got Governor Beshear to record a message for a robocall, and I received that robocall a few days after it was produced – a few days before the primary. My complaint continued:

Legal Implications of Incident #3 –
Governor Steve Beshear's endorsement

The primary would be held on May 20, thirteen days later. Literally every Democrat who would vote in the primary in Kentucky's Sixth Congressional District was aware that Steve

Beshear was the Governor of Kentucky. This endorsement was a blatant violation of Article I.F of the Bylaws of the FCDP and Article I.D of the Bylaws of the KDP.

Steve Beshear, acting in his official capacity as the Governor of Kentucky and in his unofficial capacity as the head of the KDP, became an active member of the conspiracy on May 7, 2014 – possibly its ringleader. *Id.*

(3) I alleged as follows:

In January, 2015, I filed to run for the Democratic nomination for Governor (along with Johnathan Masters for Lieutenant Governor). Jack Conway was the only other candidate, and Sannie Overly was his running mate for Lieutenant Governor. On Monday, February 9, 2015, the State Central Executive Committee (“SCEC”) of the KDP held a “Unity Press Conference” at their Headquarters building in Frankfort... Before the speeches began, I asked the brand-new Chairperson of the KDP, Patrick Hughes, for permission to speak and was denied. Shortly after the “Unity Press Conference” ended, Mr. Hughes said to a reporter, “It's clear that Jack Conway's going to be our nominee for governor; it's clear that Alison Grimes is

going to be our nominee for secretary of state.” *Id.* at 15-16.

Legal Implications of Incident #4 –
Unity Press Conference on February 9,
2015

One of the meanings of the word “nominate” (from Latin) is to name someone. To name candidates is therefore to nominate them; thus, the SCEC and the brand-new KDP Chairman officially **ominated** Jack Conway, Alison Lundergan Grimes, Andy Beshear, and Adam Edelen on 2/9/15, despite the fact that the primary election was still more than three months away, on May 19, 2015. For a political party to nominate its candidates three months ahead of the vote is to turn the entire primary election into an empty, anti-democratic exercise – a sham. Chairman Hughes and the other members of the conspiracy violated Kentucky law when they nominated Defendant Conway on 2/9/15, announced their decision to the public, and then made sure that the KDP promoted, supported, and allocated significant resources only to Conway and not to his opponent (Geoff Young) from February 9, 2015 until 5/19/15. *Id.* at 16.

(4) Incident #23: I alleged that the next

meeting on September 8, 2016, the Chairman of the FCDP, Defendant Clint Morris, arranged for the Executive Committee to pass the following resolution. According to the minutes: Alayne White made the following motion: "Geoff Young shall not be allowed to attend the rest of this meeting or any part of any future meetings of the Executive Committee." It was seconded by Fred Rodgers. The Committee voted. All were in favor; none opposed. Young was asked to leave the meeting room immediately and not come back into the building until his lawsuit was finally adjudicated. *Id.* at 43.

I alleged in my complaint:

If a citizen of Fayette County, Kentucky is old enough and registers as a Democrat, he or she may never be legally kicked out of the party. What the FCDP and KDP have done in my case since 2014 has been to remove as many privileges of party membership as they could, regardless of Kentucky's election laws, certain sections of the federal and Kentucky Constitutions, *Robert's Rules of Order*, my free speech rights, and my due process rights. Section 6 of the Kentucky Constitution reads, in full: "All elections shall be free and equal." KRS 119.295 states:

Any act or deed denounced by the statutes concerning regular elections or concerning elections generally shall be an offense when committed in connection with a primary election held under KRS Chapter 118, and shall be punished in the same manner, and all the penalties for violation of the regular election laws shall apply with equal force to all similar violations of the provisions of the statutes relating to primary elections.

Legal conclusion: Kentucky's two official political parties (the RPK and KDP) are required to administer fair primaries as well as fair general elections. It is just as illegal for either party to rig and steal a primary election as it is to rig and steal a general election. Legal conclusion: By calling the police every time I walk into the party headquarters buildings in Lexington and Frankfort, the FCDP and KDP **ensured** that the 2018 Democratic primary campaign for the U.S. House of Representatives in Kentucky's 6th Congressional District and the 2019 Democratic primary for Governor would be unfair, rigged against me, fraudulent, and violative of numerous important state election laws, ethics laws, ethics regulations, the KDP's

Bylaws and the FCDP's bylaws. *Id.* at 45-46.

(5) I alleged as follows:

Incident #63: KET changes its criteria for Governor candidates – Jan-Feb, 2019

On February 7, 2019, I checked the KET website to find out what criteria I was going to have to meet before being allowed into the KET gubernatorial primary panel or debate that usually occurs in April or May. The date for this year's KET debate for the candidates for Governor will be May 13. I learned that on January 28, 2019, KET had added a brand new criterion for the gubernatorial candidates: That the candidate's slate must have accepted at least \$50,000 in monetary contributions as documented on the 30-day pre-primary report filed with the Kentucky Registry of Election Finance. In 2015, the requirement had been that I had to have attended campaign events in all six of Kentucky's six Congressional districts. I had been able to meet that criterion. I immediately called KET and asked them why the new requirement had been added to the Governor's race and not to any of the five other constitutional officers in 2019...

On 2/15/19, Todd Piccirilli, KET's Senior Director of Marketing & Communications, emailed me back with the following answer, which I considered to be quite evasive:

In response to your questions about this year's candidate criteria, please know at the outset that KET's goal in creating criteria is to provide the best service to our viewers...

KET included a campaign contribution requirement because it is a publicly-reported, proven, objective indicator of campaign viability which is a function of candidate support and voter/ viewer interest. The contribution amount was based on a good-faith assessment of what would constitute a reasonable, minimum, and objective threshold of campaign support for a statewide race and viewer interest. *Id.* at 106-107.

90. Legal Implications of Incident #63,
KET's new monetary requirement

KET is clearly telling the voters of Kentucky that candidates who aren't rich or don't have a lot of very rich supporters shouldn't bother to run for

office. The only candidate this criterion could exclude would be me because Andy Beshear has already raised more than a million dollars and Todd Piccirilli knows with a high degree of certainty that Adam Edelen and Rocky Adkins will have little trouble raising at least \$50,000 each by April 21, 2019. By taking the role of a gatekeeper and designing their new requirement to discriminate against less wealthy candidates, KET joined the primary-election-rigging conspiracy that formed in 2014 or 2015 and is still violating my constitutional rights today...

It is important to note that KET is not a for-profit mass media corporation. It has a duty to educate the public. When it hosts a debate among the candidates, it may not discriminate on the basis of wealth. For KET to institute a monetary criterion is a violation of its mission... The Authority is an agency of the Commonwealth of Kentucky in the Education & Workforce Development Cabinet...

For a for-profit corporation to enter into a conspiracy to rig the Democratic primary for Governor is one thing, but for a state agency to do so – **under color of law** – is a violation of the Commonwealth's duty to uphold Section 6 of the Kentucky Constitution: “All

elections shall be free and equal.” The only media corporation I am suing at this time is the Kentucky Authority for Educational Television. *Id.* at 108-109.

(6) I alleged that on September 8, 2018, the following Defendants conspired to have me assaulted and battered at a conference center in Georgetown, Kentucky for standing up silently with a sign in my hand while Defendant Amy McGrath was speaking: Adam Edelen, Amy McGrath, Jared Smith, Erik Jarboe, retired police officer Mike Shugart, and Matt Jones. *Id.* at 92-102.

(7) And I alleged as follows:

**Introduction: The Actual Defendant is a
Conspiracy of Individuals and
Organizations**

This is a civil action for declaratory relief, injunctive relief and damages arising out of violations of my freedom of speech, freedom of peaceable assembly, and freedom of movement within the Commonwealth of Kentucky committed by an ongoing **conspiracy** of powerful Democrats, both in and out of Kentucky government. See Section 1 of Kentucky's Constitution and the First Amendment (federal). A preponderance of the evidence will show that the conspiracy also deprived me of my due

process rights guaranteed by the United States and Kentucky Constitutions and statutory law. See the 14th Amendment

The evidence will also show the jury that the conspiracy made it impossible for me to compete on an equal basis for the nomination to the office of Governor in 2015 and 2019 and the office of U.S. Representative in Kentucky's 6th Congressional District in 2014 and 2018 by systematically using the resources of the Kentucky Democratic Party ("KDP") to help my opponents and deprive me of every type of resource imaginable – in blatant violation of the Bylaws of the KDP and Kentucky's election laws. These actions constituted election fraud.

The evidence will also show that every time I tried to appeal the foregoing violations to the appropriate body within the KDP and to certain officials in the Lexington-Fayette Urban County Government ("LFUCG"), procedures were used that violated my right to due process and turned every appeal into a sham. Every time I mailed a criminal complaint to the FBI and state law enforcement officials such as the Kentucky Attorney General and various County and Commonwealth Attorneys, my accusations were ignored and buried by the bureaucracy. I was

therefore systematically, and under color of state law and custom, deprived of my rights to be free of the exercise of arbitrary power as guaranteed by the 14th Amendment (federal) and Section 2 of the Kentucky Constitution and deprived of my right to enjoy free and equal primary elections (that are not sham elections) as guaranteed by Sections 6 and 151 of the Kentucky Constitution and by KRS 119.295.

The Nature of the Conspiracy

All 23 of the individual Defendants and all ten of the organizational or corporate Defendants are alleged to be co-conspirators with each other, in that each agreed to participate and participated in the furtherance of the objective of the civil wrongs alleged in this Complaint. Sometimes they participated in the conspiracy by taking no action when their official positions required them to investigate my accusations and to take actions to stop the violations.

I am informed and believe and thereupon allege that each individual Defendant and each organizational Defendant entered into the conspiracy and agreement with the other Defendants and/or subsequently joined said conspiracy and ratified the prior

acts and conduct of the Defendants who had previously entered into said conspiracy. Upon information and belief, I allege that all of the Defendants have knowingly, maliciously, and willfully entered into said conspiracy, which is ongoing. The purposes of this ongoing conspiracy include, but are not limited to, the wrongs alleged herein. All of the Defendants' acts and failures to act as alleged herein were perpetrated in furtherance of the violative aims of the ongoing conspiracy.

There are other co-conspirators not named as Defendants in this Complaint, who may be called as witnesses. *Id.* at 5-6.

Any competent, unbiased court that had analyzed my complaint would quickly have concluded that it met the requirements of CR 8.01, Claims for relief, which reads as follows:

(1) A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (a) a short and plain statement of the claim showing that the pleader is entitled to relief and (b) a demand for judgment for the relief to which he deems himself entitled.

Relief in the alternative or of several different types may be demanded.

CR 8.01 is equivalent to Federal Rule of Civil Procedure (FRCP) 8(a).

In its decision in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-556 (2007), this Court cited *Swierkiewicz v. Sorema N. A.*, 534 U.S. 506, 508 (2002); *Neitzke v. Williams*, 490 U.S. 319, 327 (1989) (“Rule 12(b)(6) does not countenance . . . dismissals based on a judge's disbelief of a complaint's factual allegations”); and *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) (a well-pleaded complaint may proceed even if it appears “that a recovery is very remote and unlikely”). This Court continued:

In applying these general standards to a § 1 claim, we hold that stating such a claim requires a complaint with enough factual matter (taken as true) to suggest that an agreement was made. Asking for plausible grounds to infer an agreement does not impose a probability requirement at the pleading stage; it

simply calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of illegal agreement. *Twombly* at 556.

The decision by the Kentucky Court of Appeals in *Gall v. Scroggy*, 725 S.W.2d 867, 868-869 (Ky. Ct. App. 1987) made it clear that all Kentucky courts must apply this same standard of review:

The sole issue we need address to resolve this appeal is whether the trial court proceeded properly in dismissing the complaint. We believe it did not. CR 12.02 sets out seven specific defenses which “may at the *option of the pleader* be made by motion.” (Emphasis added.) Among these defenses is “failure to state a claim upon which relief can be granted.” CR 12.02(f). It is well settled in this jurisdiction when considering a motion to dismiss under this rule that the pleadings should be liberally construed in a light most favorable to the plaintiff and all allegations taken in the complaint to be true.

The decision in *Winget v. Rockwood*, 69 F.2d 326, 329 (8th Cir. 1934) instructed as follows:

This motion to dismiss, under Equity Rule 29 (28 USCA § 723), is in the nature of a general demurrer. All the well-pleaded facts are, for the purpose of this motion, taken as true. A suit should not ordinarily be disposed of on such a motion unless it clearly appears from the allegations of the bill that it must ultimately, upon final hearing, be dismissed. To warrant such dismissal, it should appear from the allegations that a cause of action does not exist, rather than that a cause of action has been defectively stated. This court in *Ansehl v. Puritan Pharmaceutical Co.*, 61 F.2d 131, 133, speaking through Judge John B. Sanborn, said: "Since such a motion to dismiss has taken the place of a demurrer, it is elementary that it admits all material facts well pleaded in the complaint, that only defenses in point of law appearing upon the face of the complaint may be considered, and that, unless it is clear that, taking the allegations to be true, no cause of action in equity is stated, the motion should be denied." [Emphasis added]

Kentucky's Judicial Branch – the Fayette Circuit Court (Divisions 4 and 9), Court of Appeals and Supreme Court – has been violating CR 8 from May 2019 through the present day.

Twenty days after all of the defendants were served, on May 1, 2019, three of the Defendants filed a motion and memorandum to dismiss [pursuant to CR 12.02(f) and for sanctions [pursuant to CR 11]. The Kentucky Authority for Educational Television (“KET”), Todd Piccirilli and Donna Moore Campbell, by counsel, included the following arguments in their motion and memorandum:

(1) “Young is mad at these Defendants because KET has established objective criteria that require candidates in gubernatorial primaries to have raised at least \$50,000 in campaign contributions in order to be invited to participate in a KET forum.”

Memorandum at 2.

(2) “Nor does he allege (nor could he allege) that KET adopted its criteria for any reason other than what it stated when answering Young's questions—to provide the best possible service to its viewers.” *Id.* at 4.

(3) “Here, Young does not plead any **facts** supporting a viable claim against the KET Defendants.” *Id.*

(4) "Young also suggests that KET's actions also violate Section 6 of the Kentucky Constitution, which holds that '[a]ll elections shall be free and equal.' [Complaint, ¶ 90]. The glaring problem with this claim is that the KET Defendants are not conducting an election, meaning Section 6 does not apply to them. Instead, KET is a television station that will hold a candidate forum in advance of a primary election. While Young will be excluded from that forum, he is not being excluded from the election. Young asks this Court to improperly conflate the two. If that were not enough, Section 6 of the Kentucky Constitution does not apply to primary elections—it only applies to general elections... citing *Rosenberg v. Republican Party of Jefferson County*, 270 S.W.2d 171, 172 (Ky. 1954). Since Young's claims against the KET Defendants solely concern a forum for Democratic Party candidates, the KET Defendants could not possibly have violated Section 6." *Id.* at 6-7.

(5) "Young's Complaint repeats the word 'conspiracy' like a mantra. It does not, however, allege any facts from which one could conclude that KET acted in concert with any other Defendant when it adopted the \$50,000 contribution criterion that Young is now

attacking.” *Id.* at 8.

(6) “This Court Should Sanction Young for Filing This Frivolous Lawsuit... Even the most cursory inquiry confirms that Young's claims against the KET Defendants are unsupportable in fact and law. Young is plainly trying to use this Court and its processes to bully and otherwise harass KET and its employees into letting him appear on a program he has no right to be on... Enough is enough. Young's 123-page complaint is pure harassment—not only of the Defendants, but of this Court and its valuable time. There is absolutely no reason the KET Defendants (or any other Defendant) should have to bear the costs of hiring counsel and moving to dismiss Young's frivolous lawsuit. Young was provided more than fair warning that filing a lawsuit like this would result in sanctions and he refused to heed it. Fairness, equity, and CR 11 now demand that Young, at a minimum, pay the reasonable legal fees the KET Defendants incurred in defending against his latest groundless Complaint.” *Id.* at 11-12.

The “KET Defendants” noticed their dismissal and sanctions motion to be heard on May 17, 2019. I timely filed a response that included the following

argument:

[T]he question of whether the KET Defendants excluded me based upon my platform and viewpoints, or out of basic hatred for me as an anti-Establishment politician, is a question for the jury to decide and is inappropriate to use as a reason to grant a motion to dismiss for failure to state a claim. I stated plenty of claims, a fact the Defendants are in denial about. Response at 5.

Motion Hour #2 began in former Judge John E. Reynolds' courtroom at 10:56 am on May 17, 2019.

At 11:03:10 am, Attorney Chris Brooker began talking:

Your Honor, Chris Brooker, for what I refer to as the KET Defendants... Your Honor, I have a motion to dismiss pursuant to Rule 12 for failure to state a claim. Mr. Young is a serial litigant... (At 11:04:39): Now KET and the KET Defendants were brought into this lawsuit because they used, they employed, the \$50,000 candidate invitation criterion that we discussed last week, that is completely constitutional, that on its very face in its nature, is not discriminatory against viewpoints, because it is viewpoint-

neutral. That's why KET uses it. (At 11:05:01): And there is absolutely no fact pleaded in the 123-page Complaint that in any way, shape or form alleges or would serve as the foundation for a civil conspiracy claim against any of the KET Defendants. It doesn't allege who they conspired with, what the illegal action was, when it happened, where it happened, *anything*, there is no fact supporting a conspiracy claim against any of my clients. There is no fact, there is no viable claim asserted against the KET Defendants, so we ask that his claims against the KET Defendants be dismissed and we also move for sanctions, Your Honor, because Mr. Young has been specifically warned that this type of baseless litigation will result in sanctions. KET should not have had to hire attorneys to read and digest and take care of the numerous filings that have taken place in this case, we had the motion for injunction last week. Here we are again, and unless Mr. Young is required to pay the real costs to the Defendants, who have done nothing wrong, we will continue to see these lawsuits election after election after election.”

Former Judge John E. Reynolds (at 11:06:13): What were the um, did you (asking Chris Brooker) look at the Jefferson County file?

Brooker: Yes, Your Honor.

Judge Reynolds: What was he sanctioned for that?

Brooker: He was sanctioned for bringing baseless and meritless claims –

Judge Reynolds: What I mean, what was the cost?

Brooker: The attorney's fees.

Young (at 11:06:24): Which were zero dollars. The attorneys never submitted a bill...

Judge Reynolds (interrupting): Oh they didn't? Okay.

Young: ...to the court, and the reason is, I caught them lying to the Supreme Court of Kentucky and they didn't want to risk –

Judge Reynolds (interrupting): All right. I don't want to get into all that.

Young: Yeah. Right.

Judge Reynolds (at 11:06:41): Mr. Young, tell me what statute, what law are you relying on as a cause of action in your complaint against KET?

Young: Conspiracy to violate my freedom of speech, –

Judge Reynolds (interrupting): Okay.

Young: ...conspiracy to violate my freedom of movement within the United States, conspiracy to violate my, um, ok there was another one having to do with my being barred continuously from Party offices. Every constitutional violation in the 123-page complaint, I'm alleging against the KET Defendants and every other defendant, because: That is what a conspiracy is.

Judge Reynolds (11:07:40): Okay. (To Chris Brooker): Uh, your motion will be granted. Submit an affidavit of costs.

Brooker: Yes, Your Honor.

Young (at 11:07:46): So it's okay to conspire to assault and batter me? I hadn't finished answering that question. I was assaulted and battered on September 8, 2018. It's, it's, granting a motion to dismiss is the ultimate sanction, Your Honor –

Judge Reynolds (talking to his law clerk at 11:08:04): Is that resolved? Is that resolved?

Young: It's the ultimate sanction, and

it has to – A motion to dismiss has to, um, pass the hurdle of the, uh, standard of review. Their motion to dismiss didn't –

Judge Reynolds (interrupting at 11:08:24): Sir, you're asking for relief that doesn't exist under the law for this Court, okay? I can't grant you the relief on those causes of action. It doesn't exist.

The circuit court's manner of usurping the role of the jury and granting meritless, bad-faith motions to dismiss and meritless, bad-faith motions for CR 11 sanctions in a matter of seconds never varied during the next four months. The court never had any probing questions for any of the defense attorneys, for example a question like this: "In his Response, Mr. Brooker, Mr. Young accused you of lying when you wrote on page 4 of your memorandum, 'Young does not plead any facts supporting a viable claim against the KET Defendants.' Can you explain to the Court why that statement of yours is not a lie

that would be sanctionable under CR 11?"

At the fifth motion hour on June 7, 2019, the following exchange took place:

Geoff Young (at 10:40:03 am): Uh, Your Honor, I'd like to ask if my Complaint filed on April 10, 2019 is well-pleaded or not. That could, that could resolve easily a whole lot of these motions, if you were to make a finding on that question. Is it a well-pleaded complaint?

Judge Reynolds (smiling at 10:40:30): What are you asking? I mean, do you want my critique of it, or?

Young (at 10:40:35): If you say it's not a well-pleaded complaint, I will be asking what's wrong with it. But my simple question is, is my Complaint well-pleaded with respect to the conspiracy as a whole, and then, in respect to each individual Defendant?

Judge Reynolds: Mis, uh, Mister Young, it could be a – it may be a well-pleaded complaint, however the Court has ruled there is no basis on which to grant you judgment under the law. So.

Young (at 10:41:10): No, the law allows for damages, for declaratory relief, and injunctive relief. All types of relief are

available under the law, so, that's why I

—

Judge Reynolds (interrupting at 10:41:25): Well, in terms of injunctive relief, that part is moot, right? Because the primary's over.

Young: No.

Judge Reynolds: No?

Young (at 10:41:33): The election-rigging by the Democratic Party is still going on today. They have never ceased their violative behavior. From March of 20 – from February of 2015 through today, that's more than four years, the conspiracy has never stopped rigging Democratic primaries, violating my freedom of speech, violating my freedom of movement within the United States, violating my freedom of association, violating my due process rights under the Kentucky Constitution which is parallel to the U.S. Constitution, Bill of Rights, and assaulting and battering me in Georgetown in September of 2018. They have never stopped any of those behaviors. If I were to walk into the Fayette County Democratic Party headquarters today, they would call the police to have me arrested for trespassing.

Judge Reynolds (interrupting): Okay.

Young: I think that's a violation.

Judge Reynolds (at 10:42:40): Well that would be their right. I mean, you can decide who –

Young (interrupting): No. I'm a Democrat.

Judge Reynolds: You can decide who's gonna be allowed on your property and who's not.

Young (at 10:42:49): I'm a Democrat. The bylaws of the KDP and the Fayette County Democratic Party say all registered Democrats may attend any –

Judge Reynolds (interrupting at 10:42:58): No. Okay.

Young: ...meeting. And so no, it's not lawful at all.

Judge Reynolds (at 10:43:03): Alright, Mr. Young, I'm gonna deny –

Young (interrupting at 10:43:05): Is my Complaint well-pleaded or not? That is the question I have.

Judge Reynolds: Not to state uh, grounds which entitle you to judgment

under the law. So I'm gonna dismiss –

Young (interrupting at 10:43:16):
What's wrong with it then?

Judge Reynolds: Mister Young, I'm gonna deny your motion to vacate. I'm gonna –

Young (interrupting): Which one?

Judge Reynolds (at 10:43:21): All of 'em. I'm gonna grant the motion to amend as requested by counsel. She needs to amend her cost to include today.

Young: Okay fine.

Judge Reynolds (at 10:43:35): Is there any other business to take up with the Court?

Young: Yes.

Attorney Michael Moloney: My motion to dismiss on behalf of Mr. Edelen and also on behalf of, um, Jared Smith.

Judge Reynolds: Okay. I thought we took that up before. Did we not? I thought I granted that.

Moloney (at 10:43:53): You did grant that, but he's got a motion to set aside –

Young: To vacate that.

Judge Reynolds (at 10:44:57): I'm I'm
denying all these motions to vacate.
We've already heard all this.

Moloney: Good, I have a motion for
sanctions on behalf of Mr. Smith and
Mr. Edelen.

Judge Reynolds: Okay, if –

Young (to Moloney): On what grounds?

Judge Reynolds (at 10:44:08): Hold on,
Mr. Young. Mr. Moloney, if you would
prepare an affidavit of cost.

Former judge Reynolds seemed not to know
what a well-pleaded complaint is. He seemed to be
totally unaware that CR 8 [FRCP 8] imposes major,
serious obligations on all courts in Kentucky. And he
ruled against me five times in a matter of seconds
without a word of explanation or legal justification.

The fact that the circuit court never construed my
complaint in the light most favorable to the plaintiff
and never assumed, during the initial pleadings

stage, that all of the allegations in my complaint were true means that all of the court's dismissal orders were nullities. *See Gall v. Scroggy*, 725 S.W.2d 867, 869 (Ky. Ct. App. 1987).

Because all of the trial court's dismissal orders were nullities, this lawsuit has never progressed beyond the initial pleadings stage. It is still stuck at the same stage it was at on April 10, 2019, the day I filed it. Kentucky's Judicial Branch has wasted more than 32 months entering one nullity after another. The 217-page Appendix to this petition for certiorari includes 41 nullities and no legally valid decisions.

The last set of unjust circuit court orders I will discuss relates to the "KDP Defendants." Having been granted an extension of approximately one month, counsel for the 17 "KDP Defendants" electronically filed a [motion and] memorandum to dismiss and for CR 11 sanctions against me on June

3, 2019. It included the following arguments:

- (1) "Plaintiff's claims are barred under the doctrine of *res judicata*... As to the identity of parties, nearly all of the individuals and/or entities named in the above-captioned matter have been previously named as defendants in one or more of Plaintiff's previous lawsuits... Here, all of the issues presented in Plaintiff's Complaint have been litigated." Memorandum at 4-6.
- (2) "The relevant statute of limitations bars claims arising from events taking place more than one year ago... Although Kentucky courts have held that the statute of limitations for conspiracy does not begin to run until 'the last overt act performed in compliance with the objective of the conspiracy has been accomplished,' it cannot seriously be claimed that this alleged 'conspiracy' has had the same objective over the last 5 years such that the 'last overt act' could have occurred within the last year." *Id.* at 7-8.
- (3) "Here, Plaintiff does not allege any facts from which one could conclude that the KDP Defendants ever entered into an agreement or acted in concert with any other Defendant... Plaintiff's other references to the purported 'conspiracy' are nothing more than mere

legal conclusions, with no factual support. Thus, all of the Plaintiff's conspiracy claims against the KDP Defendants should immediately be dismissed." *Id.* at 9.

(4) "Plaintiff is aware that the instant case is not warranted by law, as his claims have all been dismissed in prior lawsuits... Candidly, Plaintiff's repeated and harassing lawsuits have placed enormous strain on the KDP Defendants... Given Plaintiff's blatant disregard for these prior dismissals, sanctions orders, and warnings, fairness, equity, and Civil Rule 11 demand that the Plaintiff pay the reasonable legal fees and costs the KDP Defendants incurred in defending against his latest Complaint. The KDP Defendants also request that the Court enjoin Plaintiff from filing further lawsuits against any of these KDP Defendants." *Id.* at 11.

On June 10, 2019 I timely filed my response, which included the following passages:

The 19 [*sic: 17*] KDP Defendants wrote, "In short, Plaintiff alleges he is the victim of a political conspiracy intended to negatively affect his political campaigns." (Memo at 2) In short, that is another lie. I actually

allege that the conspiracy violated my freedom of speech, freedom of association, freedom of movement within the United States and my due process rights under the 14th Amendment; unlawfully threatened me with arrest and jail for trying to attend Democratic Party meetings, unlawfully rigged the Democratic primaries of 2014, 2015, 2018 and 2019 against me; and assaulted and battered me in Georgetown on September 8, 2018.

The 19 [*sic: 17*] KDP Defendants wrote, “Importantly, the various courts in which those actions were filed dismissed all of those actions as meritless.” Memo at 2. In the real world, I have never filed a civil action that was heard or decided on its merits. All have been dismissed – contrary to at least 90 years of U.S. Supreme Court precedent – before discovery and before a single page of actual evidence was presented to any court. Young’s Response at 6-7.

I included the following cross-motion for sanctions:

5. All of the Defendants and their lawyers should be sanctioned, not me.

How many lies are acceptable in a

motion to dismiss or any other pleading? The correct answer is zero. All I did on April 10, 2019 was to file a well-pleaded, rather run-of-the-mill complaint for conspiracy to violate my constitutional rights over a period of more than five years and serve it, according to law, on 33 individual and organizational defendants. The alleged facts are so powerful that a single reading of the Complaint would have established, to any reasonable person, that it is well-pleaded. I didn't have to **prove** anything in the Complaint, as counsel are well aware. See Argument 1 above. That is what the discovery and trial phases of any civil action are for. I have never written or said anything false or sanctionable in any of my lawsuits, but Counsel have attempted to defraud this Court by lying about the law in every pleading they have filed to date. They also chronically state, orally and in writing, that I never alleged any fact that might be of the slightest relevance or interest to the Court. Their entire legal strategy consists of hoping and praying that the Court will never read my Complaint and decide whether it is well-pleaded, which is what every court in America is **required to do** when confronted with a CR 12.02(f) motion to dismiss. There is nothing to indicate that they will ever stop lying unless they are sanctioned

severely and all of their motions to dismiss are overruled with prejudice. Then all of the Defendants should be ordered to file genuinely responsive pleadings, not bad-faith place holders, and discovery should commence.

Response at 10.

Motion Hour #6 began on Friday, June 14, 2019 at 10:34:50 am. The only item was the “KDP Defendants” motion to dismiss and for sanctions against me. At 10:36:44, Christie Moore said:

Um, and we believe our papers kind of provide the Court with everything it needs but what we did want to do was give a quick overview again, just to refresh and to bullet some points.

Judge Reynolds (at 10:36:53): I mean the – I have granted multiple motions to dismiss this action, and the same facts, same issues, present itself as to your clients as they have to, you know, a half dozen other orders I've entered, so I'm going to enter that judgment just the same, Mr. Young, as I have in the other cases. Let's talk about –

Moore: Thank you.

Judge Reynolds (at 10:37:19): Well, the

cost, I've awarded costs to other attorneys, but the proactive sanction of limiting access, let's talk about that, because.

Moore: It is an extreme measure, agreed.

Judge Reynolds: Yeah.

Moore (at 10:37:32): Agreed. But, for instance, Mr. Conway's been sued this many times (holding up her hand), you know, a handful of times. Others have been sued twice... (At 10:39:29): I mean, it's an issue of, Who's gonna want to volunteer with the Kentucky Democratic Party, the Fayette Democratic Party? Who's gonna be a Young Democrat in Kentucky if they're looking at the past litigiousness and future lawsuits?

Young (saying his first words of the day at 10:39:43): Your Honor, none of these people would've been sued even once if they hadn't violated my civil rights, rigged Democratic primary elections, and, uh, had me assaulted and battered just a few months ago in Georgetown on September 8, 2018. None of these people would've had to have any hassle at all if they hadn't kept violating my rights. My lawsuit has been meritorious and well-pleaded since day one. So all

they're trying to do is shut me up, take away my rights to resort to the courts of Kentucky, and cover up their own wrongdoing over a period of more than four years. I don't sue people who haven't harmed me. That's a policy I have. (Showing the KDP Defendants' motion to dismiss and for sanctions) This is more than one inch thick. Most of it is appendices from other cases, previous cases. All of it is irrelevant to this case. The violations have been going on until today. If I were to walk into the party headquarters today they would call the police, simply because they don't like being sued and they don't like being told that they have committed violations. I'm a whistleblower, Your Honor. They deserve no, um, legal fees to be paid by me.

Judge Reynolds (to Christie Moore at 10:41:25): Okay. So, going forward, um, you know he's gonna appeal all this, you're gonna have to spend energy –

Moore (interrupting): And money.

Judge Reynolds: And money, drafting a brief, but in this extraordinary remedy to say, "Well, you can't have access to Fayette Circuit Court to file any more actions against these particular people."

Moore (at 10:41:50): I agree, I agree, but

we've been here several times. Judge Van Tatenhove has warned him, Judge Bisig has warned him –

Young: What, Van Tatenhove? Oh. Oh, federal court, federal court, right.

Judge Reynolds (at 10:42:01): Has any other court said directly: "You are barred from filing further actions"?

Moore: Not yet.

Young: No.

Moore: Not yet, Judge, and granted, we do know it's extreme, and that's why I want to carve out those entities that have not been sued before.

Judge Reynolds: Yeah.

Moore: This is gonna be a second one against Amy McGrath – back to back.

Judge Reynolds: Yeah.

Moore: And this is gonna be the fifth against Jack Conway. For the exact (snaps her fingers) same (snaps her fingers) grievances.

Young (at 10:42:31): Well they're not. They're new. If I were to walk in today I would get another grievance against

the conspiracy.

Moore: And this is what we're looking at, Judge.

Judge Reynolds: Is that the plan? Just to continue to create –

Young (interrupting at 10:42:43): No, Your Honor. The plan is to bring. Them. To **JUSTICE**.

The circuit court spent one second thinking about whether to grant the “KDP Defendants” motion to dismiss – from 10:36:53 to 10:36:54 am. Literally the only justification for that momentous decision was that “I have granted multiple motions to dismiss this action, and the same facts, same issues, present itself as to your clients as they have to, you know, a half dozen other orders I've entered.”

The court's comment during Motion Hour #2 on May 17, 2019 – “I can't grant you the relief on those causes of action” – violated CR 8 in two different ways: (a) It ignored the existence of CR 8

and the standard of review discussed above; and (b) It revealed the former judge's intention to usurp the role of the future jury and "decide" the entire case himself. What former judge Reynolds really meant by that remark was: "I am never going to allow this lawsuit to come before a jury, and I am never going to allow you to conduct any discovery against any of the Defendants. You keep bringing up civil rules and standards of review, but this Court has ruled."

The circuit court's order re the "KDP Defendants" wasn't entered until July 25, 2019, and it included no findings of fact whatsoever. See Appendix 15 at a56-a59. The number of "KDP Defendants" covered by the order had increased from 17 to 20, but the circuit court never noticed that bit of subterfuge.

In its decision in *Anderson v. Johnson*, 350 S.W.3d 453, 458 (Ky. 2011), the Supreme Court of

Kentucky instructed as follows:

One should not have to ask a court to do its duty, particularly a mandatory one... CR 52 embodies a burden on both the court (CR 52.01) and the litigant (CR 52.04). It is further reasonable that the broader burden be on the court whose express duty is to make necessary findings of fact and conclusions of law...

Also, as a matter of policy, when a court fails to make *any* kind of factual findings as required, the litigant should not be prohibited from asking an appellate court to require the lower court to make such findings. A trial court should be well aware of the requirements of CR 52.01, and failing in that duty places a litigant in the difficult position of signaling to the court that an appeal is imminent... *Id.*

To the extent possible, this Court should read the rules in harmony, rather than in conflict, to avoid rendering any of the language surplusage. This can be done by reading CR 52.01 as creating a general duty for the trial court to find facts, and 52.04 as applying only after the court has complied with its general duty. CR 52.01 requires that the judge engage in at least a good faith effort at fact-finding and that the found facts be

included in a written order. Failure to do so allows an appellate court to remand the case for findings, even where the complaining party failed to bring the lack of specific findings to the trial court's attention. *Id.*

The trial court decided only that the move would not be in the child's best interest, which is the conclusion of law required by KRS 403.320. The order includes no findings of fact to support this conclusion, which violates the command of CR 52.01. Appellant's appeal, therefore, is properly before this Court, since under CR 52.01 a request for findings is not necessary for purposes of review. Saying only that it is not in a child's best interest to move to Paducah, and nothing further, raises the question "Why?" CR 52.04 is simply not involved here because the trial court made no factual findings rather than good-faith but incomplete findings. *Id.* at 458-459.

In the case under appeal, the vast majority of the circuit court's orders included no findings at all.

In the remaining orders in the Appendix, none of the so-called "findings" were made in good faith. A perfect example of the Court of Appeals' refusal to do

its duty is found in its order dated October 24, 2019 (Appendix 24):

On May 21, 2019, the circuit court entered an order granting KET's motion to dismiss and motion for sanctions against Movant. The circuit court found that Movant's complaint did not allege "any facts necessary to support a viable civil conspiracy claim." Noting that the case was "at least the fourth lawsuit" Movant had filed "alleging a vast conspiracy to 'fix an election' that is not well grounded in fact nor warranted by existing law," the circuit court sanctioned Movant and ordered him to reimburse KET for its reasonable attorneys' fees and costs. The May 21, 2019 order recites that it is "final and appealable" "with no just reason for delay." The order directs KET to submit a statement of fees and costs within fourteen days. Order at a82-a83.

The mandatory duty of an appellate court is not simply to report what the court below purported to find, but to judge whether the lower court's order correctly applied the law or was a nullity. Every time the circuit court entered an order that violated

CR 8, CR 52.01 and other civil rules, however, the Court of Appeals refused to do its duty and simply reported what the circuit court had written. The Supreme Court of Kentucky did the same thing with regard to the orders of the Court of Appeals. That means that all of the orders entered by Kentucky's two appellate courts in this case are nullities.

REASONS WHY CERTIORARI SHOULD BE GRANTED

Between May, 2019 and today, Kentucky's Judicial Branch has been chronically violating CR 8, CR 11, CR 12, and CR 52.01. If those foundational civil rules may be violated by a Kentucky trial or appellate court any time it desires, any lawsuit or ballot challenge, no matter how meritorious, could be dismissed before discovery or trial, and justice would become a matter of luck – whether the plaintiff happens to get an honest judge.

CONCLUSION

This Court may wish to consider summary reversal of all 41 of the orders included in the Appendix on the grounds that no Kentucky court may dismiss a complaint before discovery without first construing the complaint in the light most favorable to the plaintiff and without taking all allegations in the complaint to be true. *See Gall v. Scroggy*, 725 S.W.2d 867, 869 (Ky. Ct. App. 1987).

Signed on January 3, 2022 by



Geoffrey M. Young, *pro se*
2430 Millbrook Drive (new address)
Lexington, KY 40503
(859) 278-4966
Email: energetic22@yahoo.com