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Appendix 1 – Entered on May 21, 2019

Entered 19-CI-01349 05/21/2019 Vincent
Riggs, Fayette Circuit Clerk

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
4TH DIVISION
CIVIL ACTION NO. 19-CI-01349

GEOFFREY M. YOUNG PLAINTIFF

v. **ORDER**

ADAM EDELEN, et al. DEFENDANTS

* * * * *

The Court, having reviewed Plaintiff's Motion
for Default Judgment against Defendant Andy
Beshear, in his individual capacity and his official
capacity as Attorney General for the Commonwealth
of Kentucky, as well as the Attorney General's
Response thereto, finds that the Attorney General

timely responded to Plaintiff's Complaint within twenty (20) days of service. Accordingly, Plaintiff's Motion for Default Judgment is **DENIED**.

/s/ Hon. John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

Tendered by:

/s/ Laura C. Tipton
Laura C. Tipton
Sarah Ellen Eads Adkins
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Counsel for the Attorney General

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190 Democrat Drive
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Kentucky Young Democrats
c/o/ Ben Self KY Democratic Party
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Amy McGrath
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Michael Shugart
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Women's Network of Kentucky
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KY Authority for Education
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Appendix 2 – Entered on May 21, 2019

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION FOUR (4)
CASE NO. 19-CI-01349

ENTERED
ATTEST, VINCENT RIGGS, CLERK
MAY 21 2019
FAYETTE CIRCUIT CLERK
BY /s/ (illegible)

V.

ADAM EDELEN, et al. DEFENDANTS

**ORDER DENYING GEOFFREY M. YOUNG'S
MOTION FOR EMERGENCY
TEMPORARY INJUNCTION**

Plaintiff Geoffrey M. Young (“Young”) has moved this Court, pursuant to CR 65.04, for a temporary injunction requiring that he be invited to the upcoming May 13, 2019 edition of *Kentucky Tonight* or that the program or that it be cancelled.

All parties having had sufficient opportunity to be heard, and this Court being duly advised, Young's motion is hereby DENIED.

FINDINGS OF FACT

1. Public television stations like KET often conduct candidate forums and debates. And it is well-established that these televised events are non-public forums, meaning the stations are not required to invite all candidates to participate—even though they are “public” television stations. *Arkansas Educational Television Commission v. Forbes*, 523 U.S. 666, 679-83 (1998).

2. Public television stations are free to exclude candidates with little support, as doing serves the best interests of the station's viewers. *Id.* at 681. In fact, the Sixth Circuit recently upheld KET's exclusion of a candidate for U. S. Senate

from *Kentucky Tonight* because he had not received \$100,000 in campaign contributions, concluding that “KET was not only permitted, ***but indeed required*** to put viewers' interests above a candidate's.”

Libertarian Nat'l Committee, Inc. v. Holiday, 907 F.3d 941, 945 (6th Cir. 2018) (citing *Forbes*, 523 U.S. at 683) *Id.* at 945-46 (emphasis added).

3. In order to provide the best possible service to its viewers, KET adopted “Candidate Invitation Criteria” for the 2019 election cycle. KET published its criteria on January 28, 2019—prior to the deadline for candidates to file to run in 2019 primary election races.

4. A couple of weeks later Young, who had filed to run for the the Democratic Party nomination for Governor, contacted KET to ask if it would count “loans” to his campaign as contributions satisfying

KET's \$50,000 criterion.

5. KET fully and squarely answered

Young's question in a February 18, 2019 e-mail, in which KET told Young *exactly* how it would determine satisfaction of the \$50,000 criterion:

KET will make the determination using the Summary Page of the [30-Day Pre-Primary Report], from which it will totl the amounts listed in Column 2 (Cumulative This Election) for the following line items:

1.A. Itemized contributions, 1.C. Cash Contributions, 1.D. Anonymous contributions, 1.E. Unitemized contributions, 1.F. Political contributions, 1.F. Political Action Committee Contributions, 1.G. Executive Committee Contributions, and 1.H. Caucus Campaign Committee Contributions.

If the total of these seven amounts is \$50,000 or more, the candidate will have fulfilled this criterion.

6. A few days later KET sent a

memorandum to each and every candidate via certified mail providing them the very same information about the \$50,000 that KET provided Young in its February 18, 2019 e-mail. KET also sent a copy of this memorandum to Young, who signed the green card confirming that he received it on February 28, 2019. Accordingly, in February KET twice told Young, in writing, exactly how KET would measure satisfaction of the \$50,000 criterion when it came time to do so in late April.

7. KET did not include amounts listed on line 1.B of the 30-Day Pre-Primary Receipt summary, which accounts for “Other Receipts,” when determining satisfaction of the \$50,000 criterion. This line item includes a candidate's loans to his or her own campaign (as opposed to outright non-refundable contributions).

8. If line 1.B were considered when determining satisfaction of the \$50,000 criterion, an unsupported candidate could game the system by “loaning” \$50,000 to his or her campaign to satisfy the criterion, and after appearing on KET program, pay that \$50,000 “loan” back to himself or herself.

9. KET's memorandum put all candidates, including Young, on written notice that Line 1.B of the 30-Day Pre-Primary Receipt summary would not be considered when determining whether there were \$50,000 in monetary contributions to the candidate.

10. Gubernatorial candidates were required to file their 30-Day Pre-Primary Reports on April 26, 2019. Shortly thereafter KET obtained copies of the reports, from which it determined which Democratic Party candidates for Governor satisfied KET's \$50,000 invitation criterion.

11. Candidates Rocky Adkins, Andy Beshear, and Adam Edelen all satisfied the criterion, and were therefore all invited. [footnote 1: Rocky Adkins reported \$1,512,324 in qualifying contributions, Andy Beshear reported \$1,845,027 in qualifying contributions, and Adam Edelen reported \$855,642 in qualifying contributions.] Young did not satisfy the criterion, as he reported accepting \$64.34 in monetary contributions under the formula KET told him it would use over two months earlier. While Young's summary page showed \$54,065.09 in "total receipts," that is the result of him listing \$54,000.75 in line 1.B for "other receipts," \$50,000 of which was the result of a loan Young made to his campaign on April 11, 2019.

12. Accordingly, KET did not invite Young to its upcoming May 13, 2019 forum for Democratic

gubernatorial candidates on *Kentucky Tonight*. KET did nothing other than apply its \$50,000 criterion in exactly the same manner it told all the candidates that it would apply it.

13. Young did not satisfy KET's \$50,000 candidate invitation criterion.

CONCLUSIONS OF LAW

1. Preliminary injunctions are "extraordinary relief" that are only warranted where [1] it is "clearly shown that one's rights will suffer immediate and irreparable injury pending trial, [2] the balance of equities is in favor of injunctive relief; and [3] there is a substantial likelihood of success."

Maupin v. Stansbury, 575 S.W.2d 695, 698 (Ky. App. 1978).

2. Young does not come anywhere close to establishing any of these prerequisites to the

extraordinary relief that he seeks.

3. In fact, as an initial matter, Young's Complaint does not even provide a foundation for his injunction motion, as his Complaint does not allege—much less allege under oath—that he satisfied the \$50,000 criterion, and that KET is excluding a candidate who made the cut. Instead, his Complaint claims that KET adopted the criteria as part of a vast “conspiracy” to rig the 2019 primary election. The first (and only) place that Young claims to have raised \$50,000, and demands to be invited to *Kentucky Tonight* as a result, is in his injunction motion. Accordingly, there is no foundational claim in Young's Complaint upon which his requested injunction can even be based.

4. But even if this fatal procedural flaw is overlooked, Young's motion fails instantly because he

did not meet KET's monetary criterion to participate in the primary panel on May 13.

5. Young is trying to engage in the gamesmanship that KET precluded by not counting "other receipts" towards the \$50,000 threshold.

6. At bottom, KET is required to put the interests of its viewers above those of a candidate who is running a non-viable, unsupported campaign for Governor. And it did exactly that by adopting, and then equally enforcing, its criteria to determine who would be invited to the upcoming edition of *Kentucky Tonight*.

7. Young's current motion for an "emergency injunction" is wholly unsupported by either law or fact, and is therefore DENIED.

/s/ John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

Appendix 3 – Entered on May 21, 2019

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION FOUR (4)
CASE NO. 19-CI-01349

ENTERED
ATTEST, VINCENT RIGGS, CLERK
MAY 21 2019
FAYETTE CIRCUIT CLERK
BY /s/

ADAM EDELEN, et al. DEFENDANTS

**ORDER GRANTING MOTION TO DISMISS AND
FOR SANCTIONS BY DEFENDANTS KET, TODD
PICCIRILLI, AND DONNA MOORE CAMPBELL**

Defendants Kentucky Authority for
Educational Television (“KET”), KET’s Director of
marketing and communications, Todd Piccirilli, and
one of KET’s board members, Donna Moore

Campbell (collectively, the “KET Defendants), by counsel, have moved this Court pursuant to CR 12.02(f) to dismiss all claims that Plaintiff Geoffrey M. Young (“Young”) filed against them in this case. The KET Defendants have also moved this Court, pursuant to CR 11, to sanction Young by requiring him, at minimum, to reimburse the KET Defendants the reasonable attorneys' fees and costs they have incurred in this case. All parties having had sufficient opportunity to be heard, and this Court being duly advised,

IT IS HEREBY ORDERED that the KET Defendants' motions are GRANTED.

Young admits that his Complaint does not state a constitutional challenge to KET's \$50,000 candidate invitation criterion, which is the foundation of all of his claims against the KET

Defendants. His Complaint also does not state a viable viewpoint discrimination claim, as it does not identify any viewpoint(s) that KET is trying to exclude. Nor does Young's Complaint allege any facts tying his viewpoint(s) to his exclusion.

Moreover, Young cannot do so because KET used objective criteria to determine its program invitations, which as a matter of logic and established law preclude the assertion of any viewpoint discrimination claim.

Young's Complaint also does not allege any facts necessary to support a viable civil conspiracy claim, such as **how** the KET Defendants acted in concert with any of the other Defendants to do an unlawful act, **what** the unlawful act was, and **who** the KET Defendants acted in concert with. *Peoples Bank of Northern Kentucky, Inc. v. Crowe Chizek*

and Co. LLC, 277 S.W.3d 255, 260-61 (Ky. App. 2008). Finally, the KET Defendants are all immune to any claims to damages Young may be asserting against them.

KET's motion for sanctions is warranted given that this is at least the fourth lawsuit that Young has filed alleging a vast conspiracy to "fix an election" that is not well grounded in fact nor warranted by existing law. Considering that Young's prior lawsuits have all been dismissed, and Young has previously been sanctioned and specifically warned not to file baseless conspiracy claims such as the ones he filed against the KET Defendants in this case, sanctions are now appropriate and necessary.

Accordingly, Young shall reimburse the KET Defendants' their reasonable attorneys' fees and costs for defending against this action. The KET

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Defendants shall submit a a statement of fees and costs, within fourteen (14) days for this Court's consideration.

This order is final and appealable with no just reason for delay.

/s/ John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

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Appendix 4 – Entered on May 28, 2019

ENTERED ATTEST, VINCENT
RIGGS, CLERK
MAY 28 2019
FAYETTE CIRCUIT COURT

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
4TH DIVISION
CIVIL ACTION NO. 19-CI-01349

Filed electronically

V.

ADAM EDELEN, ET AL. DEFENDANTS

**ORDER DISMISSING COMPLAINT
AGAINST DEFENDANTS MATT JONES
AND MIKE KERBER**

This matter is before the Court on the Motion to Dismiss filed pursuant to CR 12.02(f) by Defendants Matt Jones and Mike Kerber. The Court,

having reviewed the Motion and the Plaintiff's Response thereto, having conducted a hearing on the matter, and being otherwise sufficiently advised, GRANTS the Motion. IT IS HEREBY ORDERED that the Plaintiff's Complaint is DISMISSED, in its entirety, against Defendants Matt Jones and Mike Kerber for failing to state a claim upon which relief can be granted.

This is a final and appealable order, there being no just cause for delay.

So ordered this ____ day of _____, 2019.

/s/ John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

Pursuant to RFCC 19B, undersigned counsel certifies that the endorsement required by RFCC 19A is not required because the party against whom the order is to be entered is not represented by counsel.

/s/ Benjamin D. Allen
Benjamin D. Allen (Ky Bar No. 89480)

ATTORNEY FOR DEFENDANTS
MATT JONES AND MIKE KERBER

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Order was served on May _____, 2019, by first class mail, postage prepaid, addressed to the following:

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Michael R. Moloney
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And

Cecil F. Dunn
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LUNDERGAN GRIMES, JACK CONWAY,
PATRICK HUGHES, GEORGE MILLS, CLINT
MORRIS, ANDREA EWEN, JOSH HICKS,
CHARLOTTE FLANARY, KATHY HINKLE,
KENTUCKY DEMOCRATIC PARTY, FAYETTE
COUNTY DEMOCRATIC PARTY, CAMPBELL
COUNTY DEMOCRATIC PARTY, AND
DEMOCRATIC WOMAN'S CLUB OF KENTUCKY

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AND DONNA MOORE CAMPBELL

Benjamin D. Allen
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COUNSEL FOR DEFENDANTS
MATT JONES AND MIKE KERBER

MAY 28 2019

/s/ Vincent Riggs
CLERK, FAYETTE CIRCUIT COURT

Appendix 5 – Entered on May 28, 2019

ENTERED ATTEST, VINCENT
RIGGS, CLERK
MAY 28 2019
FAYETTE CIRCUIT COURT

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FOURTH DIVISION
CIVIL ACTION NO. 19-CI-01349

GEOFFREY M. YOUNG PLAINTIFF

VS. ORDER

ADAM EDELEN, ET AL. DEFENDANTS

* * * * *

This matter having come before the Court upon Motion of the Plaintiff for a Default Judgment against the Defendant, Adam Edelen, the Court having reviewed the record and it appearing that the Defendant, Adam Edelen, had timely filed an

Answer to the Complaint herein within Twenty (20) days from the time he was served and the Court being advised it is hereby ORDERED that the Motion for Default Judgment against Adam Edelen be and the same is hereby overruled.

ENTERED this the ____ day of _____, 2019

/S/ JOHN E. REYNOLDS

Judge, Fayette Circuit Court

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order was mailed postage prepaid on this the ____ day of MAY 28 2019, 2019 to the following:

Geoff Young
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Lexington, Ky 40503

Michael R. Moloney

a27

175 East Main Street
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Lexington, Ky 40507
Attorney for Adam Edelen

/s/ Vincent Riggs

Clerk, Fayette Circuit Court

Appendix 6 – Entered on May 28, 2019

ENTERED ATTEST, VINCENT
RIGGS, CLERK
MAY 28 2019
FAYETTE CIRCUIT COURT

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
4TH DIVISION
CIVIL ACTION NO. 19-CI-01349

GEOFFREY M. YOUNG PLAINTIFF

v. **ORDER**

ADAM EDELEN, et al. DEFENDANTS

The Court, having reviewed Plaintiff's Motion for Default Judgment against Defendant Andy Beshear, in his individual capacity and his official capacity as Attorney General for the Commonwealth of Kentucky, as well as the Attorney General's

Response thereto, finds that the Attorney General timely responded to Plaintiff's Complaint within twenty (20) days of service. Accordingly, Plaintiff's Motion for Default Judgment is **DENIED**.

/s/ Hon. John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

Tendered by:

/s/ Laura C. Tipton
Laura C. Tipton
Sarah Ellen Eads Adkins
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Appendix 7 – Entered on May 29, 2019

[Note: I never received this order in the mail]

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
4TH DIVISION
CIVIL ACTION NO. 19-CI-01349

Filed electronically

v. **ORDER DISMISSING COMPLAINT**
AGAINST DEFENDANT ANDY BESHEAR

ADAM EDELEN, et al. DEFENDANTS

* *

The Court, having reviewed the Motion to Dismiss filed pursuant to CR 12.02(f) by Defendant, Andy Beshear, in his individual capacity and official capacity as Attorney General of the Commonwealth of Kentucky, and Plaintiff's Response and the

Attorney General's Reply, having conducted a hearing on the matter, and being otherwise sufficiently advised, hereby **ORDERS** as follows:

1. The Attorney General's Motion to Dismiss is **GRANTED**; and
2. Plaintiff's Complaint is **DISMISSED** in its entirety, with prejudice, against the Attorney General.

/s/ Hon. John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

Tendered by:

/s/ Laura C. Tipton
Laura C. Tipton
Sarah Ellen Eads Adkins
Assistant Attorneys General
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Counsel for the Attorney General

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Appendix 8 – Entered on June 6, 2019

**COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
CIVIL ACTION NO. 19-CI-01349**

GEOFFREY M. YOUNG **PLAINTIFF**

vs.

ADAM EDELEN, et al. **DEFENDANTS**

ORDER

This matter having come for hearing on
Defendants' Motion for Extension of Time, and the
Court having heard arguments of the parties and
being in all ways sufficiently advised;

IT IS HEREBY ORDERED that Defendants'
Motion for Extension of Time is GRANTED.

Defendants, Amy McGrath, Trent Garrison, Michael
K. Shugart, Kentucky Young Democrats, and College

Democrats of Kentucky Inc., shall file a response within thirty (30) days from the entry of this order.

Dated this ____ day of _____, 2019.

/s/ Hon. John E. Reynolds
Hon. John E. Reynolds, Judge

Distribution to:

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Counsel for Defendants

This Order prepared by:

Danyel P. Rickman (#97927)
859-341-1881

Entered 19-CI-01349 06/06/2019
Vincent Riggs, Fayette Circuit Clerk

Appendix 9 – Entered on June 10, 2019

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
4TH DIVISION
CIVIL ACTION NO. 19-CI-01349

Filed electronically

v. **ORDER DENYING MOTION TO VACATE
ORDER DENYING DEFAULT JUDGMENT
AGAINST DEFENDANT ANDY BESHEAR**

ADAM EDELEN, et al. DEFENDANTS

* * * * *

The Court, having reviewed Plaintiff's Motion to Vacate Order Denying Default Judgment Against Defendant Andy Beshear, as well as Defendant Beshear's Response thereto, having conducted a hearing on the matter, and being otherwise

sufficiently advised, hereby **ORDERS** that Plaintiff's Motion to Vacate is **DENIED**.

/s/ Hon. John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT
Tendered by:

/s/ Laura C. Tipton
Laura C. Tipton
Sarah Ellen Eads Adkins
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Office of Civil and Environmental Law
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Appendix 10 – Entered on June 11, 2019

ENTERED ATTEST, VINCENT
RIGGS, CLERK
JUN 11 2019
FAYETTE CIRCUIT COURT

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION FOUR (4)
CASE NO. 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

V.

ADAM EDELEN, et al. DEFENDANTS

ORDER

Plaintiff Geoff Young (“Young”) moved this Court pursuant to CR 59.05 to (1) vacate its May 21, 2019 order dismissing his claims against the KET Defendants and granting CR 11 sanctions against him, and (2) amend its May 21, 2019 order denying his motion for emergency temporary injunction. The

KET Defendants in turn moved for an extension of time to file their affidavit and statement of fees and costs supporting the award of sanctions against Young so that it can include the fees and costs of defending against Young's CR 59.05 motions. The parties having had an opportunity to be heard, and the Court being sufficiently advised,

Young's CR 59.05 motions are both hereby
DENIED.

The KET Defendants' motion for an extension is hereby GRANTED. The KET Defendants shall file their affidavit and statement of fees and costs supporting the award of Rule 11 sanctions within ten (10) days of the entry of this Order.

This is a final and appealable order with no just reason for delay.

/s/ John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

Distribute via U.S. Mail To:
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454 Kimberly Place
Lexington, Kentucky 40503

Appendix 11 – Entered on June 11, 2019

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
4TH DIVISION
CIVIL ACTION NO. 19-CI-01349

Filed electronically

GEOFFREY M. YOUNG PLAINTIFF

V.

ADAM EDELEN, ET AL. DEFENDANTS

**ORDER DENYING PLAINTIFF'S MOTION
TO VACATE, (JONES AND KERBER)**

This matter is before the Court on Plaintiff's Motion to Vacate Order Dismissing Complaint Against Defendants Matt Jones and Mike Kerber. The Court, having reviewed the Motion and the Defendants' Response thereto, having conducted a hearing on this matter, and being otherwise

sufficiently advised, DENIES Plaintiff's Motion.

So ordered this ____ day of _____, 2019.

/s/ John E. Reynolds
JUDGE, FAYETTE CIRCUIT COURT

Pursuant to RFCC 19B, undersigned counsel certifies that the endorsement required by RFCC 19A is not required because the party against whom the order is to be entered is not represented by counsel.

/s/M. Katherine Bing
M. Katherine Bing (KY Bar No. 95625)

ATTORNEY FOR DEFENDANTS
MATT JONES AND MIKE KERBER

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Order was served on JUN 11 2019 by first class mail, postage prepaid, addressed to the following:

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Lexington, Kentucky 40503
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Dressman Benzinger LaVelle P.S.C.
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William L. Davis
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Counsel for Bluegrass Activist Alliance

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Counsel for Kentucky Authority for Educational Television, Todd Piccirilli, and Donna Moore Campbell

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401 West Main Street, Ste. 314
Lexington, Kentucky 40507
Counsel for The Women's Network and Donna Moore

/s/ Vincent Riggs
FAYETTE CIRCUIT CLERK
CLERK, FAYETTE CIRCUIT COURT

Appendix 12 – Entered on June 12, 2019

ENTERED ATTEST. VINCENT
RIGGS, CLERK
JUN 12 2019
FAYETTE CIRCUIT COURT
BY _____ DEPUTY

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FOURTH DIVISION
CIVIL ACTION NO. 19-CI-01349

GEOFFREY M. YOUNG PLAINTIFF

VS. ORDER

ADAM EDELEN, ET AL. DEFENDANTS

* * * * *

This matter having come before the Court upon the Defendant's Motion to Dismiss the Complaint herein and upon the Defendant's Motion to Impose Sanctions upon the Plaintiff for filing a

frivolous lawsuit, and the Court being advised it is hereby ORDERED as follows:

1. That the Motion to Dismiss be and the same is hereby sustained.
2. That the Motion to Impose Sanctions be and the same is hereby sustained and based upon the Affidavit of Michael R. Moloney which accompanied the Motion to Dismiss, sanctions are hereby imposed upon Geoffrey M. Young in the amount of Seven Hundred Seventy-One dollars and Fifty (\$771.50) cents.

ENTERED this the _____ day of _____, 2019.

/S/ JOHN E. REYNOLDS

Judge, Fayette Circuit Court

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of

a49

the foregoing Order was mailed, postage prepaid
on this the _____ day of _____ 2019 to the
JUN 12 2019
following:

Geoff Young
454 Kimberly Place
Lexington, Kentucky 40503

Michael R. Moloney
175 East Main Street
Ste 120
Lexington, Kentucky 40507
Attorney for Adam Edelen

/s/ Vincent Riggs
Clerk, Fayette Circuit Court

Appendix 13 – Entered on June 12, 2019

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION FOUR (4)
CASE NO. 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

V.

ADAM EDELEN, et al. DEFENDANTS

ORDER

Plaintiff Geoff Young (“Young”) moved this Court pursuant to CR 59.05 to (1) vacate its May 21, 2019 order dismissing his claims against the KET Defendants and granting CR 11 sanctions against him, and (2) amend its May 21, 2019 order denying his motion for emergency temporary injunction. The KET Defendants in turn moved for an extension of time to file their affidavit and statement of fees and costs supporting the award of sanctions against

Young so that it can include the fees and costs of defending against Young's CR 59.05 motions. The parties having had an opportunity to be heard, and the Court being sufficiently advised,

Young's CR 59.05 motions are both hereby DENIED.

The KET Defendants' motion for an extension is hereby GRANTED. The KET Defendants shall file their affidavit and statement of fees and costs supporting the award of Rule 11 sanctions within ten (10) days of entry of this Order.

This is a final and appealable order with no just reason for delay.

/s/ Hon. John E. Reynolds

JUDGE, FAYETTE CIRCUIT COURT

a52

Distribute via U.S. Mail To:

Geoff Young
454 Kimberly Place
Lexington, Kentucky 40503

Appendix 14 – Entered July 9, 2019

ELECTRONICALLY FILED

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION IV
CASE NO. 19-CI-01349

GEOFFREY M. YOUNG PLAINTIFF

V. **ORDER ON ERIK JARBOE'S
MOTION TO DISMISS**

ADAM EDELEN, ET. AL. DEFENDANTS

*** * * * * *

The Court having reviewed the Motion to Dismiss, filed by Defendant, Erik Jarboe, filed pursuant to CR 12.02(f), and Plaintiff's Response, having conducted a hearing on the matter, and being otherwise sufficiently advised, hereby **ORDERS** as follows:

1. The Defendant, Erik Jarboe's Motion to Dismiss is **GRANTED**; and
2. Plaintiff's Complaint is **DISMISSED** in its entirety, with prejudice, against Erik Jarboe both in his individual capacity and as Executive Director of the New Kentucky Project.

/s/ Hon. John E. Reynolds

JUDGE, FAYETTE CIRCUIT COURT

Tendered by:

/s/ Zachary A. Horn
Zachary A. Horn
Kirkland, Cain & Horn, PLLC
P.O. BOX 1100
Frankfort, KY 40602

Distribution to (parties not yet filing electronically):

Geoffrey M. Young
454 Kimberly Place
Lexington, KY 40503

College Democrats of Kentucky
c/o Ben Self

190 Democrat Drive
Frankfort, KY 40601

Women's Network of Kentucky
c/o Donna Moore Campbell
KY Authority for Education
600 Cooper Drive
Lexington, KY 40502

Trent Garrison
Northern Kentucky University
Department of Geology
Nunn Drive
Highland Heights, KY 41099

Michael Shugart
9446 Norton Commons Blvd.
Prospect, KY 40059

JUL 10 2019

/s/ Vincent Riggs

Appendix 15 – Entered on July 25, 2019

(Note: I never received this order in the mail.)

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION FOUR (4)
CASE NO. 19-CI-1349

ENTERED ATTEST, VINCENT
RIGGS, CLERK
JUL 25 2019
FAYETTE CIRCUIT COURT

GEOFFREY M. YOUNG PLAINTIFF

v. ORDER DISMISSING PLAINTIFF'S
CLAIMS AGAINST THE KDP DEFENDANTS
AND GRANTING SANCTIONS

ADAM EDELEN, *et al.* DEFENDANTS

The Court, having reviewed the Motion to Dismiss Complaint and for Sanctions filed pursuant to CR 12.02(f) and CR 11 by Defendants Ben Self, Steve Beshear, Sannie Overly, Alison Lundergan

Grimes, Jack Conway, Patrick Hughes, George Mills,
Clint Morris, Andrea Ewen, Josh Hicks, Charlotte
Flanary, Kathy Hinkle, Amy McGrath, Kentucky
Democratic Party, Fayette County Democratic Party,
Campbell County Democratic Party, Kenton County
Democratic Party, Democratic Woman's Club of
Kentucky, College Democrats of Kentucky, and
Kentucky Young Democrats ("KDP Defendants"),
and the Court being otherwise duly and sufficiently
advised, hereby ORDERS as follows:

1. The KDP Defendants' Motion to Dismiss is
GRANTED;
2. Plaintiff's Complaint is DISMISSED in its
entirety, with prejudice, against the KDP
Defendants;
3. The KDP Defendants' Motion for Sanctions
is GRANTED;

4. Plaintiff is ORDERED to pay the KDP Defendants reasonable legal fees and costs incurred in this matter;
5. Before the Clerk of the Court will accept for filing any future lawsuits by Plaintiff against these Defendants, Plaintiff must first seek and receive leave of Court.

This is a final Order; there being no just cause for delay.

/s/ John E. Reynolds

JUDGE, FAYETTE CIRCUIT COURT

Tendered by:

s/Christie A. Moore
Christie A. Moore (#86858)
Bailey Roese
BINGHAM GREENEBAUM DOLL LLP
101 S. Fifth Street
3500 PNC Tower
Phone: (502) 587-3758
Facsimile: (502) 540-2276

a59

cmoore@bgdlegal.com
broese@bgdlegal.com

COUNSEL FOR DEFENDANTS BEN SELF, et al.

/s/ Vincent Riggs JUL 25 2019

Appendix 16 – Entered August 6, 2019

COMMONWEALTH OF KENTUCKY
22ND JUDICIAL CIRCUIT
FAYETTE CIRCUIT COURT
CIVIL BRANCH
4TH DIVISION
CIVIL ACTION NO. 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

vs.

ADAM EDELEN, ET. AL., DEFENDANTS

**ORDER OVERRULING PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT AGAINST
DEFENDANT BLUEGRASS ACTIVIST ALLIANCE**

This matter is before the Court on Plaintiff's Motion for Default Judgment against Bluegrass Activist Alliance. The Court, having reviewed the Motion and the Defendant's Bluegrass Activist Alliance's Response thereto, having conducted a hearing on this matter on July 19, 2019, and being otherwise sufficiently advised, DENIES Plaintiff's Motion for

Default Judgment against Bluegrass Activist
Alliance.

So ordered this ____ day of _____, 2019

/s/ John E. Reynolds

JOHN E. REYNOLDS, JUDGE
FAYETTE CIRCUIT COURT

Pursuant to RFCC 19B, undersigned counsel
certifies that the endorsement required by RFCC
19A is not required because the party against whom
the order is to be entered is not represented by
counsel.

/s/William L. Davis
**ATTORNEY FOR BLUEGRASS
ACTIVIST ALLIANCE**

Distribute via U.S. Mail To: Geoff Young, 454
Kimberly Place, Lexington, Kentucky 40503.

Entered 19-CI-01349 08/06/2019
Vincent Riggs, Fayette Circuit Clerk

Appendix 17 – Entered August 9, 2019

(Note: I never received this order in the mail.)

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION FOUR (4)
CASE NO. 19-CI-1349

V.

ADAM EDELEN, et al. DEFENDANTS

ORDER

This Court, having previously granted Defendants Kentucky Authority for Educational Television's, Todd Piccirilli's, and Donna Moore Campbell's (the "KET Defendants") CR 11 motion for sanctions against Plaintiff Geoffrey M. Young, and counsel for these Defendants having submitted an affidavit showing \$23,425.36 in attorneys' fees and costs the KET Defendants actually incurred in

defending against Young's meritless claims against them, and all parties having had sufficient opportunity to be heard, and this Court being duly advised,

IT IS HEREBY ORDERED that Plaintiff Geoffrey M. Young shall pay \$23,425.36 in CR 11 sanctions to the KET Defendants within ten (10) days of entry of this Order. Young shall make payment by check made payable to Wyatt Tarrant & Combs, LLP, and shall send the check to the KET Defendants' counsel at the following address:

Christopher W. Brooker
WYATT TARRANT & COMBS, LLP
500 West Jefferson Street, Suite 2800
Louisville, Kentucky 40202-2898

This Order is final and appealable with no just reason for delay.

/s/ Hon. John E. Reynolds

a64

JUDGE, FAYETTE CIRCUIT COURT

Distribute via U.S. Mail to:

Geoff Young
454 Kimberly Place
Lexington, KY 40503

Appendix 18 – Entered August 12, 2019

COMMONWEALTH OF KENTUCKY
22ND JUDICIAL CIRCUIT
FAYETTE CIRCUIT COURT
CIVIL BRANCH
4TH DIVISION
CIVIL ACTION NO. 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

vs.

ADAM EDELEN, ET. AL., DEFENDANTS

**ORDER DISMISSING PLAINTIFF'S COMPLAINT
AGAINST DEFENDANT BLUEGRASS ACTIVIST
ALLIANCE WITH PREJUDICE AND GRANTING
SANCTIONS AGAINST PLAINTIFF**

*** * *** * ***

This matter came before the Court on the Defendant Bluegrass Activist Alliance's motion to dismiss Plaintiff Geoffrey Young's claims against it with prejudice and for sanctions against Plaintiff Geoffrey Young in open court on August 9, 2019. The Court having reviewed Defendant Bluegrass Activist

Alliance's Motion to Dismiss and for Sanctions and Memorandum in support of Motion; having conducted a hearing on this matter in open Court on August 9, 2019 during regular motion hour; and being otherwise sufficiently advised, hereby

ORDERS as follows:

1. Defendant Bluegrass Activist Alliance's Motion to Dismiss and for Sanctions against Plaintiff Geoffrey Young is **GRANTED**;
2. Plaintiff's Complaint is **DISMISSED** in its entirety, with prejudice, against the Bluegrass Activist Alliance at Plaintiff's costs;
3. Defendant Bluegrass Activist Alliance shall file an affidavit of its Counsel outlining the fee to be imposed against Plaintiff Geoffrey Young and costs supporting the award of Rule 11 sanctions within ten (10) days of entry of this Order.

This is a final and appealable order with no just reason for delay.

So Ordered this ____ day of **AUG 12 2019**

/s/ Vincent Riggs

/s/ Hon. John E. Reynolds

JOHN E. REYNOLDS, JUDGE,
FAYETTE CIRCUIT COURT

Pursuant to RFCC 19B, undersigned counsel certifies that the endorsement required by RFCC 19A is not required because the party against whom the order is to be entered is not represented by counsel.

/s/William L. Davis

**ATTORNEY FOR BLUEGRASS
ACTIVIST ALLIANCE**

Distribute via U.S. Mail To:
Mr. Geoff Young
454 Kimberly Place
Lexington, Kentucky 40503.

Appendix 19 – Entered September 9, 2019

Electronically Filed

(Note: I never received this order in the mail.)

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 4
CIVIL ACTION NO 19-CI-1349

ENTERED
ATTEST, VINCENT RIGGS, CLERK
SEP 09 2019
FAYETTE CIRCUIT CLERK
BY /s/

GEOFFREY M. YOUNG PLAINTIFF

v. ORDER DENYING MOTION TO TRANSFER

ADAM EDELEN, *et. al.* DEFENDANTS

Plaintiff Geoffrey M. Young, having moved to transfer this case to another division of the Fayette Circuit Court, Defendants having responded in objection; oral argument having been held and the

a69

Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED

that the Motion is and shall be **DENIED**. This is a final and appealable Order and there is no just reason for delay.

Done, this ____ day of _____, 2019.

/s/ John E. Reynolds

JUDGE JOHN REYNOLDS
FAYETTE CIRCUIT COURT

Copies to All Counsel of Record

a70

Appendix 20 – Entered September 9, 2019

Electronically Filed

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 4
CIVIL ACTION NO 19-CI-1349

ENTERED
ATTEST, VINCENT RIGGS, CLERK
SEP 09 2019
FAYETTE CIRCUIT CLERK
BY /s/

GEOFFREY M. YOUNG PLAINTIFF

v. **ORDER**

ADAM EDELEN, *et. al.* DEFENDANTS

1

Plaintiff Geoffrey M. Young, having moved to vacate the Court's July 25, 2019 Order (1) dismissing all claims against Defendants Ben Self, Steve Beshear, Sannie Overly, Alison Lundergan Grimes,

Jack Conway, Patrick Hughes, George Mills, Clint Morris, Andrea Ewen, Josh Hicks, Charlotte Flanary, Kathy Hinkle, Amy McGrath, Kentucky Democratic Party, Fayette County Democratic Party, Campbell County Democratic Party, Kenton County Democratic Party, College Democrats of Kentucky, Kentucky Young Democrats and Democratic Woman's Club of Kentucky ("KDP Defendants"); and (2) imposing sanctions upon Plaintiff; the KDP Defendants having responded in objection; oral argument having been held and the Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED

that the Motion is and shall be **DENIED**.

This is a final and appealable Order and there is no just reason for delay.

Done, this ____ day of _____, 2019.

a72

/s/ John E. Reynolds

JUDGE JOHN REYNOLDS
FAYETTE CIRCUIT COURT

Copies to All Counsel of Record

Appendix 21 – Entered September 9, 2019

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 4
CIVIL ACTION NO 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

V.

ADAM EDELEN, *et. al.* DEFENDANTS

ORDER

This Court having reviewed Plaintiff Geoffrey M. Young's "Motion and Memorandum for Sanctions Against Chris Brooker and Deborah Patterson in the Amount of \$46,850.72", having heard oral arguments on the matter, and otherwise being sufficiently advised,

IT IS HEREBY ORDERED that Plaintiff's
meritless motion is denied. IT IS FURTHER
ORDERED that, as all claims against Defendants

Kentucky Authority for Educational Television, Todd Piccirilli, Donna Moore Campbell (the "KET Defendants) have been dismissed with sanctions imposed by final and appealable order, any future, similarly meritless papers filed by Plaintiff against the KET Defendants and/or their attorneys in this Court shall result in additional sanctions against Plaintiff.

This Order is final and appealable with no just reason for delay.

/s/ Hon. John E. Reynolds

JUDGE, FAYETTE CIRCUIT COURT

Distribute via U.S. Mail to:
Geoff Young
454 Kimberly Place
Lexington, Kentucky 40503

Entered 19-CI-01349 09/10/2019 Vincent Riggs,
Fayette Circuit Clerk

Appendix 22 – Entered September 10, 2019

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 4
CIVIL ACTION NO 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

V.

ADAM EDELEN, *et. al.* DEFENDANTS

ORDER

In June, 2019, Counsel for Defendants Ben Self, Steve Beshear, Sannie Overly, Alison Lundergan Grimes, Jack Conway, Patrick Hughes, George Mills, Clint Morris, Andrea Ewen, Josh Hicks, Charlotte Flanary, Kathy Hinkle, Amy McGrath, Kentucky Democratic Party, Fayette County Democratic Party, Campbell County Democratic Party, Kenton County Democratic Party, College Democrats of Kentucky, Kentucky Young

Democrats and Democratic Woman's Club of Kentucky ("KDP Defendants"), moved this Court for sanctions against Plaintiff Geoffrey Young, under CR 11. After briefing and a hearing on the merits of the Motion, this Court granted that Motion in a written Order on July 25, 2019.

The KDP Defendants, having submitted an Affidavit setting forth \$28,720.19 in attorneys' fees, costs and expenses actually incurred in defending against Plaintiff's frivolous claims against them, all parties having had an opportunity to be heard, and the Court being otherwise sufficiently advised,

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff Geoffrey M. Young shall pay \$28,720.19 in CR 11 sanctions to the KDP Defendants within ten (10) days of entry of this Order. Payment shall be made by check, payable to

Bingham Greenebaum Doll LLP and shall be sent to
Defendants' counsel at:

Christie A. Moore
Bingham Greenebaum Doll LLP
101 S. Fifth Street
3500 PNC Tower
Louisville, KY 40202

This is a final and appealable order, and there is no
just reason for delay.

/s/ Hon. John E. Reynolds

JUDGE JOHN REYNOLDS
FAYETTE CIRCUIT COURT

Entered 19-CI-01349 09/10/2019 Vincent Riggs,
Fayette Circuit Clerk



Appendix 23 – Entered September 11, 2019

COMMONWEALTH OF KENTUCKY
22ND JUDICIAL CIRCUIT
FAYETTE CIRCUIT COURT
CIVIL BRANCH
4TH DIVISION
CIVIL ACTION NO. 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

VS.

ADAM EDELEN, ET. AL., DEFENDANTS

**ORDER OVERRULING PLAINTIFF'S MOTION
TO VACATE THE DISMISSAL ORDER AND
ORDER FOR SANCTIONS ENTERED
ON BEHALF OF DEFENDANT BLUEGRASS
ACTIVIST ALLIANCE**

This matter is before the Court on Plaintiff's motion to vacate the dismissal order and order for sanctions entered on behalf of the Defendant Bluegrass Activist Alliance in the case sub judice on August 12, 2019. The Court, having reviewed the Motion and the Defendant's Bluegrass Activist Alliance's

Response thereto, having conducted a hearing on this matter on September 6, 2019, and being otherwise sufficiently advised, DENIES Plaintiff's motion to vacate the dismissal order and order for sanctions entered on behalf of the Defendant Bluegrass Activist Alliance on August 12, 2019. This Order is final and appealable with no just reason for delay.

/s/ Hon. John E. Reynolds

JOHN E. REYNOLDS, JUDGE
FAYETTE CIRCUIT COURT

Pursuant to RFCC 19B, undersigned counsel certifies that the endorsement required by RFCC 19A is not required because the party against whom the order is to be entered is not represented by counsel.

/s/William L. Davis

a80

**ATTORNEY FOR BLUEGRASS
ACTIVIST ALLIANCE**

Distribute via U.S. Mail To:
Mr. Geoff Young,
454 Kimberly Place
Lexington, Kentucky 40503.

Entered 19-CI-01349 09/11/2019
Vincent Riggs, Fayette Circuit Clerk

a81

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Appendix 24 – Entered October ~~29~~, 2019

Commonwealth of Kentucky

Court of Appeals

NO. 2019-CA-001266-I

GEOFFREY M. YOUNG

MOVANT

**ON MOTION FOR INTERLOCUTORY RELIEF
FROM FAYETTE CIRCUIT COURT
v. HONORABLE JOHN E. REYNOLDS, JUDGE
ACTION NO. 19-CI-01349**

ADAM EDELEN, ET AL.

RESPONDENTS

ORDER DENYING INTERLOCUTORY RELIEF

*** * * * *

**BEFORE: CLAYTON, CHIEF JUDGE; DIXON AND
SPALDING, JUDGES.**

This cause comes before the Court on

Movant's motion for interlocutory relief under CR

[footnote 1: Kentucky Rules of Civil Procedure.]

65.07. Having reviewed the record, and being otherwise sufficiently advised; IT IS HEREBY ORDERED that Movant's motion shall be, and hereby is, DENIED.

I. BACKGROUND

Movant sued over thirty defendants in the Fayette Circuit Court, alleging a conspiracy by the Kentucky Democratic Party and others in the operation of Democratic primary elections in the Commonwealth. The Kentucky Authority for Educational Television, its director of marketing and Communications, Todd Piceirilli, and one of its board members, Donna Moore Campbell (collectively, "KET"), were named as defendants in the suit.

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. Movant filed a motion to alter, amend or vacate the order pursuant to CR 59.05.

On June 11, 2019, the circuit court entered an order denying Movant's motion to alter, amend or vacate. The June 11, 2019 order recites that it is "a



final and appealable order with no just reason for delay.”

Finally, on August 9, 2019, the circuit court entered an order awarding KET \$23,425.36 in attorneys’ fees and costs. The order also recited that it was “final and appealable with no just reason for delay.” Movant did not file a notice of appeal from any of the three orders pertaining to his claims against KET. KET filed a notice of judgment lien in the Fayette County Clerk’s office on August 20, 2019. Also on August 20, 2019, the Fayette Circuit Court Clerk entered an order of garnishment (non-wage) to Commonwealth Credit Union, Inc., in the amount of \$23,425.36. Movant’s motion for interlocutory relief under CR 65.07 followed.

I. ANALYSIS

This Court may only grant CR 65.07 relief

where the trial court has “granted, denied, modified, or dissolved a temporary injunction.” CR 65.07(1). Therefore, “[a]s a prerequisite for obtaining interlocutory relief from an order of the circuit court under CR 65.07 or CR 65.09, the order at issue must be an injunction.” *Chesley v. Abbott*, 503 S.W.3d 148, 152 (Ky. 2016).

Movant argues the circuit court has not entered a final judgment in this case because it “has not yet entered a final and appealable order that addressed all of the claims, rights and responsibilities of all of the parties.” Movant further asserts “judicial economy” requires that he be permitted to file a single appeal. Finally, Movant claims “[a] judgment lien against me is a type of injunction because it orders my credit union to send [KET’s counsel] \$23,425.36 and prohibits me from making those funds unavailable

for garnishment.”

In *Chesley, supra*, the trial court entered a \$42 million judgment against a lawyer who represented clients in the botched fen-phen litigation on the former clients’ breach of fiduciary duty claims. The Court made the judgment final and appealable under CR 54.02. The trial court later ordered Chesley to direct his lawyers to make all payments relative to Chesley’s interest in his former Ohio law firm payable to the former clients through their counsel. *Id.* at 152. Chesley argued the order granted mandatory injunctive relief prior to “adjudication of all outstanding claims.” *Id.* He asserted the order was a “temporary injunction” and sought review under CR 65.07, then CR 65.09.

The Kentucky Supreme Court affirmed this Court’s determination that the order in question was

not a temporary injunction. Therefore, Chesley was not entitled to interlocutory relief under CR 65.07 or CR 65.09. The Court held:

[T]he circuit court under CR 54.02 entered a final judgment on Respondents' breach of fiduciary duty claims. The circuit court was empowered to enter a valid final judgment on the breach of fiduciary duty claims despite the fact that there were other collateral claims outstanding. The circuit court's order did not concern those issues and they remain to be adjudicated. Rather, the circuit court by entering a final judgment under CR 54.02, permitted the judgment on the central issue to be appealed to avoid unnecessary delay. As such, there was a final judgment regarding the breach of fiduciary duty Claims upon the entry of the circuit court's October 22, 2014, order.

Id. at 153.

In the case *sub judice*, the circuit court likewise utilized CR 54.02 to "release for appeal [a] final decision[] upon one or more, but less than all,

claims in [a] multiple claims action[]." [footnote 2:

CR 54.02(l) provides, in pertinent part:

When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may grant a final judgment upon one or more but less than all of the claims or parties only upon a determination that there is no just reason for delay. The judgment shall recite such determination and shall recite that the judgment is final.
End of footnote 2]

Watson v. Best Fin. Servs., Inc., 245 S.W.3d 722, 726

(Ky. 2008) (internal quotation and footnote omitted).

As was the case in *Chesley, supra*, there is simply no temporary injunction in this case from which Movant may obtain relief under CR 65.07.

II. CONCLUSION

WHEREFORE, Movant's motion for interlocutory relief under CR relief under CR 65.07

a89

is DENIED.

ENTERED: OCT 24 2019

/s/ Jonathan R. Spalding
JUDGE, COURT OF APPEALS

Appendix 25 – The first of eight orders sought to be reviewed – Entered February 20, 2020

RENDERED: FEBRUARY 20, 2020
NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

2019-SC-000625-I

GEOFFREY M. YOUNG APPELLANT

ON REVIEW FROM COURT OF APPEALS
V. CASE NO. 2019-CA-001266-MR
FAYETTE CIRCUIT COURT NO. 19-CI-01349
JUDGE JOHN E. REYNOLDS

ADAM EDELEN, BEN SELF,
STEVE BESHEAR, SANNIE
OVERLY, ALLISON LUNDERGAN
GRIMES, JACK CONWAY, AMY
MCGRATH, PATRICK HUGHES,
GEORGE MILLS, CLINT MORRIS,
ANDREA EWEN, CHARLOTTE
FLANARY, KATHY HINKLE,
KENTUCKY DEMOCRATIC PARTY,
FAYETTE COUNTY DEMOCRATIC
PARTY, CAMPBELL COUNTY
DEMOCRATIC PARTY, KENTON
COUNTY DEMOCRATIC PARTY,
KENTUCKY YOUNG DEMOCRATS,
APPELLEES

COLLEGE DEMOCRATS OF KENTUCKY,
DEMOCRATIC WOMAN'S CLUB OF
KENTUCKY, JOSH HICKS, JARED
SMITH, ANDY BESHEAR, ERIK
JARBOE, MATT JONES, MIKE KERBER,
BLUEGRASS ACTIVIST ALLIANCE, LLC,
KENTUCKY AUTHORITY FOR EDUCATIONAL
TELEVISION, TODD PICCIRILLI, DONNA
MOORE CAMPBELL, THE WOMBN'S
NETWORK OF KENTUCKY, DR. TRENT
GARRISON, AND MICHAEL K. SCHUGART

MEMORANDUM OPINION AND ORDER
DENYING INTERLOCUTORY RELIEF
AND ORDERING SHOW CAUSE

Proceeding *pro se*, Geoffrey Young comes before this Court asking it to vacate a Court of Appeals order denying him interlocutory relief under CR [footnote 1: Kentucky Rule of Civil Procedure.]

65.07. Respondents request that this motion be denied and further request that this Court impose sanctions against Young under CR 73.02(4). For the reasons that follow, we affirm the Court of Appeals

and grant the Respondents' request for sanctions.

I. FACTUAL AND PROCEDURAL BACKGROUND

In April 2019, Geoffrey Young filed suit in Fayette Circuit Court against thirty-three people and organizations alleging a civil conspiracy to rig the Democratic primary election in Kentucky against him and violate Young's constitutional rights.

Pertinent to this appeal, Young named the Kentucky Authority for Educational Television (KET); Todd Piccirilli, KET's director of marketing and communications; and Donna Moore Campbell, one of KET's board members (collectively, the KET defendants) as parties to his claim. The KET defendants promptly moved the circuit court to dismiss the claims against them under CR 12.02 for failure to state a claim, and for the imposition of sanctions against Young in accordance with CR 11.

Following briefing and a hearing, in May 2019, the circuit court granted the KET defendants' motion to dismiss and approved sanctions against Young in the form of attorney's fees. The circuit court's order dismissing found that the foundation for Young's claim against the KET defendants was KET's requirement that candidates for governor receive \$50,000 in campaign contributions before being invited to participate in KET's candidate forum. [footnote 2:

We note that it is well within KET's discretion to have said requirement. *See Libertarian National Committee, Inc. v. Holiday*, 907 F.3d 941 (6th Cir. 2018) (upholding as constitutional KET's requirement that candidates for U.S. Senate must collect \$100,000 in campaign contributions to be featured on its general election debate).]

The order then states that Young admitted his complaint did not state a constitutional challenge to

the \$50,000 requirement. Young's complaint also failed to state a viable discrimination complaint, as it did not identify a viewpoint KET was attempting to exclude. Finally, Young's complaint did not allege the facts necessary to support a viable civil conspiracy claim. Regarding CR 11 sanctions, the circuit court found that

KET's motion for sanctions is warranted given that this is at least the fourth lawsuit that Young has filed alleging a vast conspiracy to 'fix an election' that is not well grounded in fact nor warranted by existing law. Considering that Young's prior lawsuits have all been dismissed, and Young has been previously sanctioned and specifically warned not to file baseless conspiracy claims such as the ones he filed against the KET defendants in this case, sanctions are now appropriate and necessary.

The order stated that it was "final and appealable with no just reason for delay."

Young then filed a motion to vacate. After briefing and a hearing, the court denied Young's motion to vacate. The order denying the motion stated that it was "a final and appealable order with no just reason for delay."

The KET defendants later timely filed an affidavit of attorney's fees and costs. Young did not challenge the amount contained in the affidavit: \$23,425.36.

On August 9, 2019, the circuit court entered an order directing Young to pay \$23,425.36 to the KET defendants pursuant to CR 11. Young did not make payment, post a supersedeas bond, or file a notice of appeal within thirty days. On August 20, the KET defendants initiated a non-wage garnishment against Young's account at his credit union and placed a judgment lien on Young's real

property in Fayette County. [footnote 3: After the non-wage garnishment satisfied the full payment of Young's debt to the KET defendants, the KET defendants released the judgment lien.] Young never sought to exempt his funds from garnishment.

On August 26, 2019, Young filed a "Motion for Interlocutory Relief Prior to Final Judgment" in the Court of Appeals invoking CR 65.07. The Court of Appeals denied his motion, and this appeal followed. Additional facts are discussed below as necessary.

II. ANALYSIS

A. Interlocutory relief

This Court reviews a lower court's ruling on a request for injunctive relief for abuse of discretion. [footnote 4: *See Chesley v. Abbott*, 503 S.W.3d 148, 152 (Ky. 2016).] A court abuses its discretion when it acts in a way that is arbitrary, unreasonable,

unfair, or unsupported by sound legal principles.

[footnote 5: *Commonwealth v. English*, 993 S.W.2d 941, 945 (Ky. 1999).]

We note first that “[a]s a prerequisite for obtaining interlocutory relief from an order of the circuit court under CR 65.07 or CR 65.09 the order at issue must be an injunction.” [footnote 6:

Chesley, 503 S.W.3d at 152.; *see also* CR 65.07 (“When a circuit court by interlocutory order has granted, denied, modified, or dissolved a temporary injunction, a party adversely affected may within 20 days after the entry thereof move the Court of Appeals for relief from such order.”).

Young argued to the Court of Appeals that the circuit court had not entered a final judgment against him yet because it had not entered a final, appealable order that addressed all of the claims, rights, and responsibilities of all the parties to the

case. The Court of Appeals denied Young's motion for interlocutory relief, holding that *Chesley v. Abbott* was on point and controlling.

In *Chesley*, the trial court entered a \$42 million judgment against a lawyer on numerous breach of fiduciary duty claims by several former clients related to fen-phen litigation. [footnote 7: *Id.* at 151.] The trial court ordered Chesley to direct all payments relative to his interest in his former law firm payable to his former clients via their counsel. [footnote 8: *Id.* at 152.] Chesley argued to the Court of Appeals that the "order granted mandatory injunctive relief and was entered prior to the adjudication of all outstanding claims," and therefore the order was subject to appellate review under CR 65.07 and CR 65.09. [footnote 9: *Id.*] This Court affirmed the Court of Appeals' determination that

the order was not a temporary injunction, and therefore Chesley was not entitled to interlocutory relief under CR 65.07 or CR 65.09. [footnote 10: *Id.* at 154.]

Specifically, this Court held that, although there were other claims pending against Chesley, the circuit court entered a final judgment against him regarding the breach of fiduciary duty claims:

the circuit court under CR 54.02 entered a final judgment on Respondents' breach of fiduciary duty claims. The circuit court was empowered to enter a valid final judgment on the breach of fiduciary duty claims despite the fact that there were other collateral claims outstanding. The circuit court's order did not concern those issues and they remain to be adjudicated. Rather, the circuit court by entering a final judgment under CR 54.02, permitted the judgment on the central issue to be appealed to avoid unnecessary delay. As such, there was a final judgment regarding the breach of fiduciary duty

claims upon the entry of the circuit court's [order]. [footnote 11: *Id.* at 153.]

Here, Young similarly asserts that, because there are still pending claims against other defendants in the case, the circuit court's orders dismissing his claims against the KET defendants and ordering him to pay attorney's fees are interlocutory. [footnote 12: Young makes several other claims to support his motion, some of which are frankly nonsensical. We will only address the claim that is dispositive of this motion.] This is clearly incorrect, as CR 54.02(1) directs:

[w]hen more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may grant a final judgment upon one or more but less than all of the claims or parties only upon a determination that there is no just reason for delay. The judgment shall recite such

determination and shall recite that the judgment is final.

The circuit court's orders in this case were final and noted that they were final and appealable without reason for delay. Accordingly, we cannot and do not hold that the Court of Appeals abused its discretion in dismissing Young's motion for interlocutory relief, as he was not entitled to it. We therefore affirm that ruling.

B. The KET defendants' motion for sanctions and to enjoin Young

In its response to this Court, the KET defendants request that, in addition to denying Young's motion, we sanction him in accordance with CR 73.02(4):

If an appellate court determines that an appeal or motion is frivolous, it may award just damages and single or double costs to the appellee or respondent. An appeal or motion is

frivolous if the court finds that it is so totally lacking in merit that it appears to have been taken in bad faith.

The KET defendants further request that we enjoin Young from filing any further conspiracy-related lawsuits or proceeding with any related appeals against KET, and/or any of its employees or representatives, in any Kentucky court without prior court approval.

The KET defendants note eight cases filed by Young from 2014 to 2019 of a similar ilk that were all dismissed at the trial stage, including a Jefferson Circuit case wherein the court-imposed sanctions against Young under CR 11. Of particular note, is *Young v. Overly*, [footnote 13: 2017 WL 4355561 (E.D. Ky. Sept. 29, 2017).] a case filed by Young in Federal District Court for the Eastern District of Kentucky. In that case, as in this case, Young made

several assertions against the Kentucky Democratic Party in relation to an unsuccessful bid for governor.

[footnote 14: *Id.* at *1.] Young also sought sanctions against the defendants and their counsel. [footnote 15: *Id.* at *4.] U. S. District Judge Gregory F. Van Tatenhove declined to impose sanctions and instead:

agree[d] with Defendants' argument that Young should be wary of being sanctioned himself. As Young is a pro se litigant and is without formal training in the law, the Court does feel compelled to extend a word of caution on filing claims in federal court when there are no factual circumstances to support the causes of action he alleges. It is simply not the case that anyone who pays the Court's filing fee may air any grievance in federal court, no matter how speculative or whether such grievances are grounded in fact. Federal substantive and procedural laws contain provisions that can cause plaintiffs alleging baseless claims to be sanctioned by the court or to be responsible for paying the attorney's fees of the adversary that was wrongfully hauled into court. It has

been long recognized that Federal Rule of Civil Procedure 11 applies to pro se plaintiffs and permits sanctions by the Court when the asserted action is frivolous or without evidentiary support[.]

The Court does not at this time make any findings that these provisions are applicable here and sua sponte assess sanctions or require fee shifting. However, the Court does alert Young that such consequences exist in the federal system and could be requested by current or future defendants or assessed by the Court if his claims are found to be unsupported by fact and frivolous. This warning is certainly not given to discourage Young from filing whatever meritorious claims that he might have, but to provide guidance going forward. [footnote 16: *Id.* at *5 (internal citations omitted).]

This warning clearly fell on deaf ears, as Young filed the case at bar less than two years after it was issued.

The standard for determining whether an appeal is frivolous under CR 73.04(4) is if “the appeal

is totally lacking in merit in that no reasonable attorney could assert such an argument." [footnote 17: *Leasor v. Redmon*, 734 S.W.2d 462, 464 (Ky. 1987).] While Young is proceeding *pro se* in this case, it would be disingenuous of this Court to allow that fact to shield him, considering his previously discussed history. That said, *Chesley* is so plainly on point, as was made abundantly clear by the Court of Appeals' opinion, that for Young to make the same argument to this court was blatantly frivolous.

In addition, the KET defendants' request that we enjoin Young from filing any claims against it in the future. Regarding that request

the United States Supreme Court has explained that every paper filed in court exhausts some of the court's limited resources. Thus, to best utilize its resources, where a *pro se* litigant files repetitious and frivolous claims, a court may bar prospective filings to prevent

the deleterious effect of such filings on scarce judicial resources. [footnote 18: *Cardwell v. Commonwealth*, 354 S.W.3d 582, 585 (Ky. App. 2011).

As already discussed, Young has wasted more than his fair share of judicial resources filing numerous complaints with no legal basis over the last five years. It would therefore be well within this Court's discretion to enjoin Young from filing any cases against KET, or any of its employees or representatives, in any Kentucky court without prior court approval.

Accordingly, the KET defendants are hereby ordered to file an affidavit in this Court regarding the amount of attorney's fees incurred in defending this action on appeal. The affidavit shall be filed within fifteen days of the rendering of this opinion. Thereafter, Young will have fifteen days following

the filing of the KET defendants' affidavit to show cause why his appeal to the Court of Appeals and this Court should not be considered frivolous and subject to the aforementioned sanctions. [footnote 19: *See Freeman v. Commonwealth*, 697 S.W.2d 133 (Ky. 1985).]

III. CONCLUSION

For the foregoing reasons we affirm the Court of Appeals' denial of Young's motion for interlocutory relief. We further order that the KET defendants submit an affidavit as to attorney's fees incurred in defending this action on appeal. Young shall thereafter show cause as to why his appeal to the Court of Appeals and to this Court were not frivolous and why he should not be charged with paying all or part of the KET defendants' attorney's fees, and further why he should not be enjoined from filing any

further any cases against KET, or any of its employees or representatives, in any Kentucky court without prior court approval.

All sitting. All concur. /s/ John D. Minton, Jr.
CHIEF JUSTICE

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COUNTY DEMOCRATIC PARTY, KENTON
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Appendix 26 – The second of eight orders
sought to be reviewed – Entered April 30, 2020

SUPREME COURT OF KENTUCKY

2019-SC-000625-I

GEOFFREY M. YOUNG APPELLANT

ON APPEAL FROM COURT OF APPEALS
CASE NO. 2019-CA-1266-MR
FAYETTE CIRCUIT COURT NO. 19-CI-01349
HONORABLE JOHN E. REYNOLDS, JUDGE

ADAM EDELEN, BEN SELF, APPELLEE
STEVE BESHEAR, SANNIE OVERLY,
ALISON LUNDERGAN GRIMES, JACK
CONWAY, AMY MCGRATH, PATRICK
HUGHES, GEORGE MILLS, CLINT
MORRIS, ANDREA EWEN, CHARLOTTE
FLANARY, KATHY HINKLE, KENTUCKY
DEMOCRATIC PARTY, FAYETTE COUNTY
DEMOCRATIC PARTY, CAMPBELL
COUNTY DEMOCRATIC PARTY, KENTON
COUNTY DEMOCRATIC PARTY, KENTUCKY
YOUNG DEMOCRATS, COLLEGE
DEMOCRATS OF KENTUCKY, DEMOCRATIC
WOMAN'S CLUB OF KENTUCKY, JOSH
HICKS, JARED SMITH, ANDY BESHEAR,
ERIK JARBOE, MATT JONES, MIKE
KERBER, BLUEGRASS ACTIVIST ALLIANCE,

LLC, KENTUCKY AUTHORITY FOR
EDUCATIONAL TELEVISION, TODD
PICCIRILLI, DONNA MOORE CAMPBELL,
THE WOMEN'S NETWORK OF KENTUCKY,
TRENT GARRISON, AND MICHAEL K.
SCHUGART

ORDER ENFORCING SANCTIONS

Appellant Geoffrey Young was ordered by this Court to show cause why his appeal to this Court from the Court of Appeals was not frivolous under Kentucky Rule of Civil Procedure 73.04(4). In his response, Young failed to make any argument as to why said appeal was not frivolous.

Accordingly, Young is now ordered to reimburse Kentucky Authority for Educational Television (KET) for its attorney's fees totaling \$13,108.95 which KET incurred while defending this frivolous appeal. Said sum shall be paid within ninety (90) days from the entry of this order.

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All sitting. All concur.

ENTERED: April 30, 2020.

s/ John D. Minton, Jr.
CHIEF JUSTICE

Appendix 27 – the third of eight orders
sought to be reviewed – Entered October 29, 2020

SUPREME COURT OF KENTUCKY

2019-SC-0625-I

GEOFFREY M. YOUNG APPELLANT

ON APPEAL FROM COURT OF APPEALS
V. CASE NO. 2019-CA-1266-MR
FAYETTE CIRCUIT COURT NO. 19-CI-01349
JUDGE JOHN E. REYNOLDS

ADAM EDELEN, BEN SELF, APPELLEES
STEVE BESHEAR, SANNIE OVERLY,
ALISON LUNDERGAN GRIMES, JACK
CONWAY, AMY MCGRATH, PATRICK
HUGHES, GEORGE MILLS, CLINT
MORRIS, ANDREA EWEN, CHARLOTTE
FLANARY, KATHY HINKLE, KENTUCKY
DEMOCRATIC PART, FAYETTE COUNTY
DEMOCRATIC PARTY, CAMPBELL
COUNTY DEMOCRATIC PARTY, KENTON
COUNTY DEMOCRATIC PARTY, KENTUCKY
YOUNG DEMOCRATS, COLLEGE
DEMOCRATS OF KENTUCKY, DEMOCRATIC
WOMAN'S CLUB OF KENTUCKY, JOSH
HICKS, JARED SMITH, ANDY BESHEAR,
ERIK JARBOE, MATT JONES, MIKE

KERBER, BLUEGRASS ACTIVIST
ALLIANCE, LLC, KENTUCKY AUTHORITY
FOR EDUCATIONAL TELEVISION, TODD
PICCIRILLI, DONNA MOORE CAMPBELL,
THE WOMEN'S NETWORK OF
KENTUCKY, DR. TRENT GARRISON,
AND MICHAEL K. SCHUGART

ORDER

Geoffrey M. Young has moved to reconsider
this Court's Order entered on April 30, 2020,
enforcing sanctions against him. The motion merely
restates arguments previously presented to this
Court which have been rejected. Young has failed to
make a showing reconsideration is warranted.
Therefore, the motion to reconsider is DENIED.

Young has also moved to amend his cross-
motion for sanctions against the Kentucky Authority
for Educational Television (KET), its employees,
representatives, and attorneys (collectively, the KET
defendants). Young again offers no new arguments

or justification for his proposed amendment.

Therefore, the motion to amend is DENIED.

The cross-motion for sanctions, which contains little more than restatements of Young's substantive arguments on what he believes are the merits of his case, does not set forth an adequate basis for imposition of sanctions. Thus, the cross-motion for sanctions is DENIED.

Finally, our February 20, 2020 Opinion and Order required Young to show cause why we should not enjoin him from filing further cases against the KET defendants without prior approval. Although the response was due within thirty days of the rendition of our Opinion and Order, Young failed to mention the proposed sanctions until the July 23, 2020, filing of his motion to amend his cross-motion for sanctions. Young's tardy response misapprehends

the authority of this Court to impose such sanctions and wholly fails to address the merits of the question. Instead, Young persists in repeating his unfounded and frivolous arguments which have been repeatedly and soundly rejected by courts at all levels. Young's continued resort to such unavailing arguments fails to advance his cause, results in waste of court resources, and wastes time and resources of the defendants who must respond to his vexatious actions. Any further such behavior by Young will result in progressively harsher sanctions. “[T]he judiciary's conciliatory attitude toward unrepresented parties is not boundless.” *Cardwell v. Commonwealth*, 354 S.W.3d 582, 585 (Ky. App. 2011).

While Young has not shown adequate cause why we should not impose the pre-filing restrictions

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in relation to the KET defendants, we decline to do so at this juncture as this appears to be the first time Young has targeted these defendants in any of his previous litigation. We are constrained to only consider the propriety of sanctions in the case before us. Although we have chosen not to impose the pre-filing restrictions at this time, Young is cautioned that should he persist in abusing the legal process by filing repetitive, baseless, abusive, and frivolous actions, we will not hesitate to impose such sanctions in the future.

All sitting. All concur.

ENTERED: October 29, 2020.

/s/ John D. Minton Jr.
CHIEF JUSTICE

Appendix 28 – Entered February 18, 2021

2/18/21

Entered 19-CI-01349 ~~05/21/2019~~ Vincent Riggs
[Clerk], Fayette Circuit Court

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 9
CIVIL ACTION NO. 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

v. ORDER DENYING MOTION FOR
INJUNCTIVE RELIEF AND FOR SANCTIONS

ADAM EDELEN, *et al.* DEFENDANTS

* * * * *

Plaintiff moved for injunctive relief and for CR
11 sanctions against counsel for Defendants Ben
Self, Steve Beshear, Sannie Overly, Alison
Lundergan Grimes, Jack Conway, Amy McGrath,
Patrick Hughes, George Mills, Clint Morris, Andrea
Ewen, Josh Hicks, Charlotte Flanary, Kathy Hinkle,

Kentucky Democratic Party, Fayette County
Democratic Party, Campbell County Democratic
Party, Kenton County Democratic Party, College
Democrats of Kentucky, Kentucky Young Democrats,
and Democratic Woman's Club of Kentucky ("KDP
Defendants"), (the "Motion"). All parties were given
an opportunity to be heard, and the Court being
otherwise sufficiently advised hereby finds no
evidence to support injunctive relief or CR 11
sanctions.

IT IS THEREFORE ORDERED AND
ADJUDGED that the Motion is DENIED in its
entirety.

This is a final and appealable order and there
is no just cause for delay.

/s/ Hon. Kimberly Bunnell
JUDGE KIM BUNNELL
FAYETTE CIRCUIT COURT

a123

Tendered jointly by:

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/s/ Geoffrey M. Young

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PRO SE PLAINTIFF

A true and correct copy of the foregoing was served electronically on February 17, 2021 upon the following:

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COUNSEL FOR THE ATTORNEY GENERAL

The foregoing Order was sent to Plaintiff, via U.S.
Mail on February 17, 2021 at the following address:

a126

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PRO SE PLAINTIFF

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COUNSEL FOR KDP DEFENDANTS

2/18/21

Entered 19-CI-01349 05/21/2019 Vincent Riggs
[Clerk], Fayette Circuit Court

Appendix 29 – Entered March 24, 2021

Entered 19-CI-01349 03/24/2021 Vincent Riggs,
Fayette Circuit Clerk

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 4
CIVIL ACTION NO 19-CI-1349

GEOFFREY M. YOUNG PLAINTIFF

v. ORDER DENYING MOTION FOR
INJUNCTIVE RELIEF AND FOR SANCTIONS

ADAM EDELEN, *et al.* DEFENDANTS

Plaintiff, Geoffrey M. Young filed, on March 12, 2021, a Motion To Vacate Every Order Entered By Former Judge John E. Reynolds And Motions For Sanctions Against Several Defendants And Lawyers.

Defendants responded in objection, and the parties were provided the opportunity to argue their positions. After sufficient consideration, the Court

finds that it lacks jurisdiction over the matter.

**IT IS THEREFORE ORDERED AND
ADJUDGED** that the Motion is, and shall be
DENIED in its entirety.

IT IS ALSO ORDERED AND ADJUDGED
that the Motion of KDP Defendants for sanctions in
the form of attorneys' fees is also **DENIED**.

This is a final and appealable Order and there
is no just cause for delay.

/s/ Kimberly N. Bunnell
JUDGE KIM BUNNELL

Tendered By:

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Entered 19-CI-01349 03/24/2021
Vincent Riggs [Clerk], Fayette Circuit Court

Appendix 30 – Entered April 22, 2021

Entered 19-CI-01349 04/22/2021 Vincent Riggs,
Fayette Circuit Clerk

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 9
CIVIL ACTION NO 19-CI-1349

v. **ORDER**

ADAM EDELEN, *et al.* DEFENDANTS

Plaintiff, Geoffrey M. Young filed, on April 13, 2021, a Motion For CR 11 Sanctions against Several Defendants and Lawyers. Defendants responded in objection, and the parties were provided the

consideration, the Court denies Plaintiffs Motion in all respects.

**IT IS THEREFORE ORDERED AND
ADJUDGED** that the Motion is, and shall be
DENIED in its entirety.

IT IS ALSO ORDERED AND ADJUDGED
that the Motion of the KDP Defendants and the
Motion of Defendant KET, seeking enforcement of
Judge Reynolds' Order prohibiting Plaintiff from
filing any further motions against any Defendant in
this action is **GRANTED**. Before the Clerk will accept
any further filings from Plaintiff against any of these
Defendants, leave of Court must be sought and
granted.

IT IS ALSO ORDERED AND ADJUDGED
that Defendants' motions for sanctions in the form of
attorneys' fees is **DENIED**.

This is a final and appealable Order and there
is no just cause for delay.

/s/ Hon. Kimberly Bunnell
JUDGE KIM BUNNELL
FAYETTE CIRCUIT COURT

Tendered By:

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Appendix 31 – Entered May 11, 2021

Commonwealth of Kentucky
Court of Appeals

NO. 2021-CA-000281-MR

GEOFFREY M. YOUNG APPELLANT

APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE KIMBERLY BUNNELL, JUDGE
ACTION NO. 19-C1-01349

V.

ADAM EDELEN, ANDY BESHEAR,
STEVE BESHEAR, BLUE GRASS ACTIVIST
ALLIANCE, LLP, CAMPBELL COUNTY
DEMOCRATIC PARTY, DONNA MOORE
CAMPBELL, COLLEGE DEMOCRATS OF
KENTUCKY, JACK CONWAY,
DEMOCRATIC WOMAN'S CLUB OF
KENTUCKY, ANDREA EWEN, FAYETTE
COUNTY DEMOCRATIC PARTY,
CHARLOTTE FLANARY, TRENT
GARRISON, ALISON LUNDERGAN
GRIMES, JOSH HICKS, KATHY HINKLE,
PATRICK HUGHES, ERIK JARBOE,
MATT JONES, KENTON COUNTY
DEMOCRATIC PARTY, KENTUCKY
AUTHORITY FOR EDUCATIONAL
TELEVISION, KENTUCKY DEMOCRATIC

PARTY, KENTUCKY YOUNG DEMOCRATS,
MIKE KERBER, AMY MCGRATH, GEORGE
MILLS, CLINT MORRIS, SANNIE OVERLY,
TODD PICCIRILLI, BEN SELF, MIKE
SHUGART, JARED SMITH, THE WOMEN'S
NETWORK OF KENTUCKY

APPELLEES

ORDER DIRECTING APPELLANT
TO SHOW CAUSE WHY APPEAL
SHOULD NOT BE DISMISSED

*** * * * *

BEFORE: CALDWELL, DIXON, AND LAMBERT,
JUDGES.

On March 8, 2021, Appellant filed this appeal
from a February 18, 2021 order denying his motion
for injunctive relief and CR [footnote 1: Kentucky
Rules of Civil Procedure.] 11 sanctions against
Appellees, Ben Self, Steve Beshear, Sannie Overly,
Alison Lundergan Grimes, Jack Conway, Patrick
Hughes, George Mills, Clint Morris, Andrea Ewen,
Josh Hicks, Charlotte Flanary, Kathy Hinkle, Amy

McGrath, Kentucky Democratic Party, Fayette
County Democratic Party, Campbell County
Democratic Party, Kenton County Democratic Party,
Democratic Women's Club of Kentucky, College
Democrats of Kentucky, and Kentucky Young
Democrats ("KDP Appellees"). Currently before the
Court is Appellant's appeal in No. 2019-CA-001443
of an order dismissing the KDP Appellees. Because
that appeal is pending, this Court is unclear of how
the circuit court had jurisdiction to issue the
February 18, 2021 order. Generally, the filing of a
notice of appeal divests the circuit court of
jurisdiction to rule on matters involved in the appeal
while the appeal is pending. See *Young v.*
Richardson, 267 S.W.3d 690 (Ky. App. 2008), *as*
modified on denial of reh'g (Oct. 3, 2008).

Having reviewed the record, and being

otherwise sufficiently advised; IT IS HEREBY ORDERED that Appellant is directed to SHOW CAUSE why this appeal should not be dismissed as improperly taken, as well as frivolous given Appellant's pending appeal of the underlying case in No. 2019-CA-001443-MR and his history with this Court. Appellant SHALL FILE five (5) copies of a written response with the Clerk of this Court within twenty (20) days from the date of entry of this order. Any other party MAY FILE five (5) copies of a response within twenty (20) days after Appellant files his response. This matter SHALL BE RETURNED to the Court's active docket after the expiration of the time given.

ENTERED: MAY 11 2021

/s/ James H. Lambert
JUDGE, COURT OF APPEALS

Appendix 32 – Entered May 11, 2021

Commonwealth of Kentucky

Court Of Appeals

NO. 2021-CA-000400-MR

GEOFFREY M. YOUNG APPELLANT

APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE KIMBERLY BUNNELL, JUDGE
ACTION NO. 19-C1-01349

v.

ADAM EDELEN, ANDY BESHEAR,
STEVE BESHEAR, BLUE GRASS ACTIVIST
ALLIANCE, LLP, CAMPBELL COUNTY
DEMOCRATIC PARTY, DONNA MOORE
CAMPBELL, COLLEGE DEMOCRATS OF
KENTUCKY, JACK CONWAY,
DEMOCRATIC WOMAN'S CLUB OF
KENTUCKY, ANDREA EWEN, FAYETTE
COUNTY DEMOCRATIC PARTY,
CHARLOTTE FLANARY, TRENT
GARRISON, ALISON LUNDERGAN
GRIMES, JOSH HICKS, KATHY HINKLE,
PATRICK HUGHES, ERIK JARBOE,
MATT JONES, KENTON COUNTY
DEMOCRATIC PARTY, KENTUCKY
AUTHORITY FOR EDUCATIONAL
TELEVISION, KENTUCKY DEMOCRATIC

PARTY, KENTUCKY YOUNG DEMOCRATS,
MIKE KERBER, AMY MCGRATH, GEORGE
MILLS, CLINT MORRIS, SANNIE OVERLY,
TODD PICCIRILLI, BEN SELF, MIKE K.
SHUGART, JARED SMITH, AND THE
WOMEN'S NETWORK OF KENTUCKY

APPELLEES

ORDER

*** * * * *

BEFORE: CALDWELL, DIXON, AND LAMBERT,
JUDGES.

This cause comes before the Court on a motion to dismiss by Appellees, Kentucky Authority for Educational Television (KET), Todd Piccirilli, and Donna Moore Campbell (collectively, "KET Defendants"). [footnote 1: Appellees, Andy Beshear, Matt Jones, and Mike Kerber, recently filed similar motions to dismiss and the Court has received and reviewed Young's responses to those motions.] The KET Defendants claim this appeal is untimely,

improper, and frivolous. We agree.

As an initial matter, Young filed a notice of appeal from the underlying action on September 23, 2019. In that appeal, Young identified all thirty-three defendants, including the KET Defendants, as appellees and stated he was appealing from “any final Orders entered by the Trial Court.” That appeal is pending before this Court in No. 2019-CA-001443-MR.

Apparently, on March 12, 2021, while the aforementioned appeal was pending, Young filed a motion to vacate “every order entered by former Judge John E. Reynolds.” [footnote 2: Judge Reynolds was the presiding judge in September 2019. Judge Bunnell is the current presiding judge in the circuit court in which the underlying case is pending.] On March 24, 2021,

the circuit court denied Young's motion, stating the court lacked jurisdiction. Subsequently, on April 1, 2021, Young filed the instant appeal from the March 24, 2021 order.

As the circuit court recognized in its March 24, 2021 order, it lacked jurisdiction. The circuit court lost jurisdiction over the underlying action once Young filed his notice of appeal on September 23, 2019. *See Wright v. Ecolab, Inc.*, 461 S.W.3d 753, 758 (Ky. 2015) ("[U]pon the filing of a notice of appeal, a circuit court loses jurisdiction over the particular case, owing to the transfer of that jurisdiction to the appellate court."). "As a general rule, except with respect to issues of custody and child support in a domestic relations case, the filing of a notice of appeal divests the trial court of jurisdiction to rule on any issues while the appeal is pending." *Johnson v.*

Commonwealth, 17 S.W.3d 109, 113 (Ky. 2000).

In addition, we hold the March 24, 2021 order to be a nullity. As stated in *Johnson, supra*, an order entered while an appeal is pending “is a nullity.” *Id.* at 113. Because the circuit court lacked jurisdiction and the March 24, 2021 order is a nullity, Young’s appeal from that order is improper and must be dismissed.

Furthermore, the KET Defendants request this Court to impose sanctions against Young in accordance with the Kentucky Supreme Court’s October 29, 2020 order from one of Young’s prior appeals of the underlying case. *See Young v. Edelen*, 2020 WL 1291421 (Ky. Feb. 20, 2020), reconsideration denied Oct. 29, 2020. [footnote 3: Young filed a petition for writ of certiorari in the United States Supreme Court regarding that case, which was

denied in a one sentence opinion on April 5, 2021.

See Young v. Edelen, 2021 WL 1240930 (Mem., Apr. 5, 2021).] In that matter, the Kentucky Supreme Court ordered Young to show cause why his appeals to the Court of Appeals and the Kentucky Supreme Court were not frivolous and why he should not be sanctioned and enjoined from filing any further cases against the KET Defendants “in any Kentucky court without prior court approval.” *Id.* at *3-4. After receiving Young’s response to the show cause order, the Supreme Court held that Young failed to make any argument as to why his appeal was not frivolous and ordered him to reimburse the KET Defendants their attorney’s fees totaling \$13,108.95. *See* April 30, 2020 Kentucky Supreme Court order in No. 2019-SC-000625. The Court held that, “[w]hile Young is proceeding *pro se* in this case, it would be

disingenuous of this Court to allow that fact to shield him, considering his previously discussed history.”

Id. at *4. Because the underlying action in this appeal is the same as that in the Kentucky Supreme Court case, we take judicial notice of the Supreme Court’s opinion and orders. *See Collins v. Combs*, 320 S.W.3d 669, 678 (Ky. 2010); *see also* KRE [footnote 4: Kentucky Rules of Evidence.] 201.

Because Young persists in filing frivolous motions and appeals, even after being warned by the Kentucky Supreme Court, we shall grant the KET Defendants’ request for fees and costs associated with this appeal, pursuant to CR 73.02(4). [footnote 5:

CR 73.02(4) provides that, “[i]f an appellate court determines that an appeal or motion is frivolous, it may award just damages and single or double costs to the appellee or

respondent. An appeal or motion is frivolous if the court finds that it is so totally lacking in merit that it appears to leave been taken in bad faith.”]

Further, we shall grant the KET Defendants’ request to enjoin Young from filing any cases ln this Court without prior court approval. *See Cardwell v.*

Commonwealth, 354 S.W.3d 582, 585 (Ky. App. 2011) (holding that “where a *pro se* litigant files repetitious and frivolous claims, a court may bar prospective filings to prevent the deleterious effect of such filings on scarce judicial resources.”).

In summary, having reviewed the record and all relevant pleadings, and being otherwise sufficiently advised; IT IS HEREBY ORDERED as follows:

(1) This appeal is DISMISSED as improperly taken from a null and erroneous order.

(2) The KET Defendants' motion for award of damages pursuant to CR 73.02(4) is GRANTED. The KET Defendants are ordered to file an affidavit in this Court within fifteen days of the entry of this order with an itemization of fees and costs incurred in defending this appeal. Thereafter, Young will have fifteen days following the filing of the KET Defendants' affidavit to respond.

(3) The Court ORDERS that, if Young files any further appeals in circuit court, to the Court of Appeals, or if Young pays the full filing fee to file an action in the Court of Appeals against the KET Defendants, the Clerk of the Court of Appeals IS DIRECTED to present the documents to a three-judge motion panel for review of whether the matter is frivolous and should be summarily dismissed.

ENTERED: MAY 11 2021

a152

/s/ James H. Lambert
JUDGE, COURT OF APPEALS

Appendix 33 – Entered May 11, 2021

Commonwealth of Kentucky

Court of Appeals

NO. 2019-CA-001443-MR

GEOFFREY M. YOUNG APPELLANT

APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE JOHN E. REYNOLDS, JUDGE
ACTION NO. 19-C1-01349

V.

ADAM EDELEN, ANDY BESHEAR,
STEVE BESHEAR, BLUE GRASS ACTIVIST
ALLIANCE, LLP, CAMPBELL COUNTY
DEMOCRATIC PARTY, DONNA MOORE
CAMPBELL, COLLEGE DEMOCRATS OF
KENTUCKY, JACK CONWAY,
DEMOCRATIC WOMEN'S CLUB OF
KENTUCKY, ANDREA EWEN, FAYETTE
COUNTY DEMOCRATIC PARTY,
CHARLOTTE FLANARY, TRENT
GARRISON, ALISON LUNDERGAN
GRIMES, JOSH HICKS, KATHY HINKLE,
PATRICK HUGHES, ERIK JARBOE,
MATT JONES, KENTON COUNTY
DEMOCRATIC PARTY, KENTUCKY
AUTHORITY FOR EDUCATIONAL
TELEVISION, KENTUCKY DEMOCRATIC
PARTY, KENTUCKY YOUNG DEMOCRATS,

MIKE KERBER, AMY MCGRATH, GEORGE
MILLS, CLINT MORRIS, SANNIE OVERLY,
TODD PICCIRILLI, BEN SELF, MIKE
SHUGART, JARED SMITH, WOMEN'S
NETWORK OF KENTUCKY APPELLEES

ORDER

*** * * * *

BEFORE: CALDWELL, DIXON, AND LAMBERT,
JUDGES.

This cause comes before the Court on four motions: (1) motion to dismiss by Appellees, Matt Jones and Mike Kerber; (2) motion to dismiss and motion for award of damages by Appellees, Kentucky Authority for Educational Television (KET), Todd Piccirilli, and Donna Moore Campbell ("KET Defendants"); (3) motion to dismiss, motion for award of damages, and motion for CR [footnote 1: Kentucky Rules of Civil Procedure.] sanctions by Appellees, Ben Self, Steve Beshear, Sannie Overly,

Alison Lundergan Grimes, Jack Conway, Patrick Hughes, George Mills, Clint Morris, Andrea Ewen, Josh Hicks, Charlotte Flanary, Kathy Hinkle, Amy McGrath, Kentucky Democratic Party, Fayette County Democratic Party, Campbell County Democratic Party, Kenton County Democratic Party, Democratic Women's Club of Kentucky, College Democrats of Kentucky, and Kentucky Young Democrats ("KDP Appellees"); and (4) Appellant's "motion to advance."

1) Motion to dismiss by Appellees, Jones and Kerber.

For their motion to dismiss, Appellees, Jones and Kerber, argue that Appellant, Geoffrey M. Young's appeal is untimely. Jones and Kerber claim the circuit court entered a final and appealable order granting their motion to dismiss Young*'s complaint

against them on May 28, 2019, followed by an order denying Young's CR 59 motion to alter, amend, or vacate on June 11, 2019. However, Young did not file his notice of appeal until September 23, 2019, which was beyond the thirty day deadline set forth in CR 73.02. Thus, they request the Court to dismiss Young's appeal.

In response, Young does not dispute that the circuit court granted Jones and Kerber's motion to dismiss on May 28, 2019 and denied his motion to vacate on June 11, 2019. Further, he does not dispute that he did not appeal those orders until September 23, 2019, which was beyond the thirty day deadline. However, Young argues the circuit court unfairly dismissed his claims "chunk by chunk instead of all at once" and it would have been impossible to appeal each of the dismissal orders

entered against the twenty-four defendants he sued.

Pursuant to CR 73.02(1)(a), “[t]he notice of appeal shall be filed within 30 days after the date of notation of service of the judgment[.]” And, pursuant to CR 73.02(2), “[t]he failure of a party to file timely a notice of appeal shall result in a dismissal[.]” The filing of the notice of appeal within the time limit of this rule is “mandatory and jurisdictional.” *Burchell v. Burchell*, 684 S.W.2d 296, 299 (Ky. App. 1984).

In an attempt to avoid the effect of the finality rule, Young argues that he should have been able to wait to appeal until his claims against all parties had been resolved. However, that argument ignores CR 54.02, which states that, in an action involving more than one claim, or in an action involving multiple parties, “the court may grant a final judgment upon one or more but less than all of the claims or parties

only upon a determination that there is no just reason for delay." A final judgment that conclusively determines the rights of the parties regarding that phase of the proceeding leaves nothing else to be resolved between them. *Francis v. Crounse Corp.*, 98 S.W.3d 62, 65 (Ky. App. 2002). As such, the June 11, 2019 order was appealable at that time and Young's failure to do so is fatal to his appeal against Jones and Kerber. *See Diaz v. Barker*, 254 S.W.3d 835, 837-38 (Ky. App. 2008)

Young also argues that the circuit court acted in "bad faith" by entering an order with finality language and suggests the court wanted to drive him to bankruptcy. However, that issue is not before us. As stated, Young chose not to timely appeal. That decision limits our review. If Young believed the circuit court abused its discretion by making the

dismissal order final and appealable, it was incumbent upon him to timely appeal that order. *See Watson v. Best Financial Services, Inc.*, 245 S.W.3d 722, 727 (KY, 2008) (“In the event that a trial court exercises its discretion and determines that a party is entitled to immediate appellate review, a party failing to appeal from a final judgment containing the requisite recitals ... does so to its peril.”). In other words, if Young believed the circuit court abused its discretion by reciting finality language, he should have filed his notice of appeal within thirty days of the final judgment and raised that issue on appeal.

Having reviewed the record, and being otherwise sufficiently advised, the above-styled appeal as to Appellees, Jones and Kerber, shall be, and hereby is, DISMISSED as untimely.

2) Motion to dismiss by Appellees, KET

Defendants

For their motion to dismiss, the KET

Defendants argue that Young's appeal is untimely and frivolous. They also request damages pursuant to CR 73.02(4).

The KET Defendants claim the circuit court entered an order granting their motion to dismiss Young's complaint and imposing sanctions against him on May 21, 2019, followed by an order denying Young's CR 59 motion to vacate on June 12, 2019.

The June 12, 2019 order recited that it was "final and appealable with no just reason for delay." That order also provided that the KET Defendants should submit an affidavit of their fees and costs supporting CR 11 sanctions against Young.

On June 20, 2019, the KET Defendants timely submitted an affidavit of fees and costs. Young did

not object or challenge that affidavit.

On August 9, 2019, the circuit court entered an order awarding the KET Defendants \$23,425.36 in fees and costs. Young did not timely pay as ordered, post a supersedeas bond, or file a notice of appeal within thirty days.

On August 20, 2019, the KET Defendants initiated a non-wage garnishment against Young's account at his credit union and placed a judgment lien on Young's real property. [footnote 2: After the non-wage garnishment satisfied the full payment of Appellant's debt to the KET Defendants, the KET Defendants released the judgment lien. See *Young v. Edelen*, 2020 WL 1291421 (Ky. Feb 20, 2020), reconsideration denied Oct. 29, 2020, at footnote 3. In response, on August 26, 2019, Young filed a motion for interlocutory relief with this Court, in

Case No. 2019-CA-001266-I. [footnote 3: The Court denied that motion on October 24, 2019. Young then appealed that order, which the Kentucky Supreme Court denied in *Young v. Edelen*, 2020 WL 1291421 (Ky. Feb. 20, 2020), reconsideration denied Oct. 29, 2020. Young filed a petition for writ of certiorari in the United States Supreme Court, which was denied in a one sentence opinion on April 5, 2021. See *Young v. Edelen*, 2021 WL 1240930 (Mem., Apr. 5, 2021).]

Young filed the instant appeal on September 23, 2019. In his notice of appeal, Young attempts to appeal from “any final Order the Trial Court might have entered or might enter in the future that dismisses all of my claims against all of the Defendants and awards sanctions to be paid by me to any of the attorneys.”

Based on the foregoing, the KET Defendants argue the circuit court entered a final and appealable order on June 12, 2019. Pursuant to CR 73.02(l)(e), Young was required to file his notice of appeal challenging the May 21, 2019 order dismissing the KET Defendants and the June 12, 2019 order denying his CR 59 motion to vacate that order by July 12, 2019. However, Young did not file his notice of appeal until September 23, 2019, which was beyond the thirty day deadline.

Next, the KET Defendants argue that Young failed to object to the August 9, 2019 order granting their fees and costs. Thus, he waived any right to appeal the amount and is precluded from including that order in his September 23, 2019 notice of appeal, which did not specifically list that order.

Finally, the KET Defendants request the

Court to find this appeal to be frivolous and award just damages under CR 73.02(4) due to Young's abusive, expensive, and wasteful behavior. In support, they cite an order from the Eastern District of Kentucky, *Geoffrey M Young v. Sannie Overly*, 2017 WL 4355561 (E.D. Ky. Sept. 29, 2017), in which United States District Judge Gregory F. Van Tatenhove specifically warned Young of the consequences of filing frivolous claims.

In response to the foregoing, Young argues that his appeal is timely because the last order he appealed from was entered on September 11, 2019. Also, he claims the circuit court acted in bad faith by entering dismissal orders "chunk by chunk" instead of entering an order dismissing all his claims against all Defendants at one time. Further, Young claims he did not receive the August 9, 2019 order to pay

the KET Defendants' fees and expenses, which is why he did not file a motion to vacate that order. He suggests that the circuit court "connived" with the attorney for the KET Defendants "and possibly with the Clerk of the Fayette Circuit Court in order to make sure I would never receive my copy in the mail" "to avoid having to deal with yet another CR 59 motion to vacate." Appellant's Response, p. 6.

As previously stated, under CR 73.02, Young had thirty days in which to file his notice of appeal against the KET Defendants. However, Young waited until September 23, 2019 to appeal the June 12, 2019 order. Thus, we conclude that Young's appeal against the KET Defendants shall be dismissed as untimely.

Regarding the August 9, 2019 order granting the KET Defendants' fees and costs, we find Young's

argument that he did not receive this order, which is why he claims he did not file a motion to vacate that order, to be unpersuasive. The August 9, 2019 order lists Young's address on the certificate of service and states that the order is to be distributed to him via U.S. Mail. Although Young speculates that the court, the KET Defendants, and the clerk "connived" for him not to receive this order, Young offers no proof of such baseless supposition. The August 9, 2019 order was final. Further, Young's attempt to appeal that order with vague language, like "any final Order the Trial Court might have entered," is improper. Pursuant to CR 73.03(1), the notice of appeal "shall identify the judgment, order or part thereof appealed from." *See Hopkins v. Hilliard*, 444 S.W.2d 130, 131 (Ky. 1969).

Finally, we shall grant the KET Defendants'

request for damages under CR 73.02(4) because we find this appeal against the KET Defendants to be frivolous. CR 73.02(4) provides that, "[i]f an appellate court determines that an appeal or motion is frivolous, it may award just damages and single or double costs to the appellee or respondent. An appeal or motion is frivolous if the court finds that it is so totally lacking in merit that it appears to have been taken in bad faith."

Significantly, since the KET Defendants filed their October 15, 2019 motion to dismiss and for sanctions in this Court, the Kentucky Supreme Court issued an opinion and order on February 20, 2020 in the related, and previously mentioned, interlocutory relief case. *See Young v. Edelen*, 2020 WL 1291421 (Ky. Feb. 20, 2020). In that case, the Kentucky Supreme Court ordered Young to show

cause why his appeals to the Court of Appeals and the Kentucky Supreme Court were not frivolous and why he should not be sanctioned and enjoined from filing any further cases against the KET Defendants “in any Kentucky court without prior court approval”

Id. at *3-4. After receiving Young's response to the show cause order, the Supreme Court held that Young failed to make any argument as to why his appeal was not frivolous and ordered him to reimburse the KET Defendants their attorney's fees totaling \$13,108.95. *See* April 30, 2020 Kentucky Supreme Court order in No. 2019-SC-000625.

Because the underlying action in this appeal is the same as that in the Kentucky Supreme Court case, we take judicial notice of the Supreme Court's opinion and orders. *See Collins v. Combs*, 320 S.W.3d 669, 678 (Ky. 2010); *see also* KRE [footnote 4:

Kentucky Rules of Evidence.] 201.

The Kentucky Supreme Court's opinion initially holds that Young's argument, that the circuit court had not entered a final judgment yet because it had not entered a final order that addressed all the claims and rights of all parties to the case, was "clearly incorrect" and in contravention to CR 54.02(1). *Id.* at *3 (citing *Chesley v. Abbott*, 503 S.W.3d 148 (Ky. 2016)). Then, the Kentucky Supreme Court examined Young's litigation history to assess whether to sanction him.

The Kentucky Supreme Court noted that Young had filed eight similar cases from 2014 to 2019, including a Jefferson Circuit case wherein the court imposed CR I I sanctions against Young, *Id.* at *3. The Court also focused on a federal case, *Young v. Overly*, 2017 WL 4355561 (E.D. Ky. Sept. 29,

2017), in which Young made similar assertions against the Kentucky Democratic Party in relation to an unsuccessful bid for governor and sought sanctions against the defendants in that case and their attorneys* *Id.* at *3-4. Judge Van Tatenhove denied Young's request for sanctions and instead agree[d] with Defendants' argument that Young should be wary of being sanctioned himself. As Young is a pro se (sic) litigant and is without formal training in the law, the Court does feel compelled to extend a word of caution on filing claims in federal court when there are no factual circumstances to support the causes of action he alleges. It is simply not the case that anyone who pays the Court's filing fee may air any grievance in federal court, no matter how speculative or whether such grievances are grounded in fact. Federal substantive and procedural laws contain provisions that can cause plaintiffs alleging baseless claims to be sanctioned by the court or to be responsible for paying the attorney's fees of the adversary that was wrongfully hauled into court. It has

been long recognized that Federal Rule of Civil Procedure 11 applies to pro se (sic) plaintiffs and permits sanctions by the Court when the asserted action is frivolous or without evidentiary support[.]

The Court does not at this time make any findings that these provisions are applicable here and *sua sponte* (sic) assess sanctions or require fee shifting. However, the Court does alert Young that such consequences exist in the federal system and could be requested by current or future defendants or assessed by the Court if his claims are found to be unsupported by fact and frivolous. This warning is certainly not given to discourage Young from filing whatever meritorious claims that he might have, but to provide guidance going forward.

Id. at *3-4 (quoting *Young*, 2017 WL 4355561 at *5).

*The Kentucky Supreme Court proclaimed: “This warning clearly fell on deaf ears, as Young filed the case at bar less than two years after it was issued.”

Id. at *4.

After noting Young's disregard of the federal court's warning, the Court analyzed the standard for determining whether an appeal is frivolous and stated that, “[w]hile Young is proceeding *pro se* in this case, it would be disingenuous of this Court to allow that fact to shield him, considering his previously discussed history.” *Id.* at *4. Then, the Court held that Young's argument “was blatantly frivolous” and ordered him to show cause why he should not be sanctioned. *Id.* (citing *Freeman v. Commonwealth*, 697 S.W.2d 133 (Ky. 1985). As mentioned, the Kentucky Supreme Court ultimately found no cause shown and sanctioned Young in April 2020.

Likewise, we find that Young's appeal is frivolous and he has wasted the judicial resources of this Court. Accordingly, we grant the KET

Defendants' motion for award of damages pursuant to CR 73.02(4). The KET Defendants are ordered to file an affidavit in this Court, within fifteen days of the entry of this order, with an itemization of fees and costs incurred in defending this appeal.

Thereafter, Young will have fifteen days following the filing of the KET Defendants' affidavit to respond.

Further, it is well within our discretion to enjoin Young from filing any cases in this Court without prior court approval. In *Cardwell v. Commonwealth*, 354 S.W.3d 582, 585 (Ky. App. 2011), the Court dealt with a *pro se* litigant who filed successive motions for post-conviction relief, stating:

the United States Supreme Court has explained that every paper filed in court exhausts some of the court's limited resources. Thus, to best utilize its resources, where a *pro se* litigant files

repetitious and frivolous claims, a court may bar prospective filings to prevent the deleterious effect of such filings on scarce judicial resources.

Id. at 585 (citations omitted). Two years later, in *Walker v. Brown*, 416 S.W.3d 316 (Ky. App. 2013), the Court similarly dealt with a *pro se* prisoner who filed repetitive and continuous motions. In that case, the Court held that special sanctions were appropriate and ordered:

If William Walker files an appeal in circuit court, to the Court of Appeals, or if Mr. Walker pays the full filing fee to file an action in the Court of Appeals, the Clerk of the Court of Appeals is directed to present the documents to a three-judge panel for review of whether the matter is frivolous and should be summarily dismissed.

Id. at 319.

Even though Young is a civil litigant, the same reasoning that applied to William Walker applies

here. Accordingly, the Court orders that, if Young files any further appeals in circuit court, to the Court of Appeals, or if Young pays the full filing fee to file an action in the Court of Appeals against the KET Defendants, the Clerk of the Court of Appeals is directed to present the documents to a three-judge panel for review of whether the matter is frivolous and should be summarily dismissed.

3) Motion to dismiss, motion for award of damages, and motion for CR 11 sanctions by Appellees, KDP Appellees.

For their motion to dismiss, the KDP Appellees argue Young's appeal is untimely and frivolous. The KDP Appellees also request CR 11 sanctions be imposed and CR 73.02(4) damages be awarded, claiming the appeal lacks any merit and is another in a series of frivolous lawsuits by Young.

Further, they request an order enjoining Young from filing any further appeals of any matters against them.

First, the KDP Appellees claim that the circuit court dismissed Young's claims against them in a July 25, 2019 order, which included the finality language required by CR 54.02, but Young waited more than thirty days, in violation of CR 73.02, to file a notice of appeal. Accordingly, the KDP Appellees argue Young's appeal is untimely and should be dismissed.

In response, like his responses to the other motions to dismiss, Young argues that he appealed from an order entered on September 10, 2019, so his September 23, 2019 appeal is timely. Young does not dispute that the July 25, 2019 order dismissing the KDP Appellees was a final and appealable order.

Instead, Young claims the order was entered in bad faith and meant to punish him, among other arguments.

As stated in our two previous rulings in this order, under CR 73.02, Young had thirty days in which to file his notice of appeal against the KDP Appellees. However, Young waited until September 23, 2019 to appeal the July 25, 2019 order.

Accordingly, we shall dismiss the appeal as to the KDP Appellees as untimely.

Next, the KDP Appellees argue that this appeal should be dismissed as frivolous. Even though the Court is dismissing this appeal as untimely, we will address this argument in relation to the KDP Appellees' motion for CR 11 sanctions and award of damages pursuant to CR 73.02(4).

Like the KET Defendants, the KDP Appellees

cite the order from the Eastern District of Kentucky warning Young of potential sanctions, as support for their request of sanctions and damages. The KDP Appellees also attach the Jefferson Circuit Court order, which sanctioned Young for filing frivolous litigation, that the Kentucky Supreme Court referenced in its February 20, 2020 opinion. The KDP Appellees further argue they need an order to enjoin Young from filing any further matters against them because they “do not have the time or funds to continue engaging in [Young's] frivolous whims.”

In response, Young argues that the KDP Appellees are the ones who should be sanctioned for arguing his appeal is untimely. Young requests double the damages the circuit court awarded to the KDP Appellees.

For the reasons discussed above regarding the

KET Defendants' request for damages under CR 73.02(4), we similarly find Young's untimely appeal of the July 25, 2019 order and his baseless arguments to be frivolous. Accordingly, we shall grant the KDP Appellees' motion for award of damages pursuant to CR 73.02(4). The KDP Appellees are ordered to file an affidavit in this Court, within fifteen days of the entry of this order, with an itemization of fees and costs incurred in defending this appeal. Thereafter, Young will have fifteen days following the filing of the KDP Appellees' affidavit to respond.

The KDP Appellees also seek CR 11 sanctions against Young. CR 11 provides that, by signing his pleadings, Young certifies:

that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded

in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

The Court dealt with a similar situation in *Flint v. Jackson*, 2014 WL 7206835 (Dec. 19, 2014), discretionary review denied Aug. 17, 2016. In that case, a *pro se* plaintiff, Edward Flint, filed suit against several Courier-Journal defendants, alleging a variety of claims ranging from discrimination against him as a stockholder to refusal to publish stories. The circuit court dismissed Flint's complaint and this Court affirmed. In a concurring opinion, Judge Maze addressed Flint's history of frivolous claims:

“The right of every individual in society to access a system of justice to redress

wrongs is basic and fundamental to our common law heritage,” protected under Kentucky’s Constitution. This is rightfully so. However, since 2009, Flint has filed nineteen appeals with this Court, ten of which remain active, and at least eight of which concern the same defendant. … [F]or every baseless action and motion Flint has filed, others have had to expend time and money in response. It is evident that from the action brought in the present case that Edward Flint has become an abusive litigant.

Id. at *5 (citation and footnote omitted). Judge Maze further noted that even though “[c]ourts often, and with good reason, grant *pro se* litigants greater leeway in the prosecution of their claims,” “*pro se* litigants must still comply with the Rules of Civil Procedure.” *Id.* (citations omitted). Judge Maze discussed applying CR 11 to *pro se* litigants when they become “abusive of our system’s liberal provision of access and redress[.]” *Id.*

While Mr. Flint apparently has an immeasurable pool of time and resources, the Kentucky Court of Justice does not. It is my hope that the members of the Court of Justice, at both the trial and appellate levels, will take reasonable steps in the future to ensure that an inordinate amount of these extremely limited resources are not exhausted on a single unappeasable plaintiff.

Id. [footnote 5:

The very next year, the Court decided another case involving Flint, *Flint v. Coach House, Inc.*, 2015 WL 7810069 (Ky. App. Dec. 4, 2015), discretionary review denied Dec. 8, 2016. In that case, Flint appealed the trial judge's decision not to recuse. The Court dismissed the appeal because Flint appealed from a non-final order and imposed sanctions against Flint for a bad faith appeal. "Mr. Flint's actions demonstrate a persistent unwillingness to abide by or even to familiarize himself with the Rules of Civil Procedure governing appeals," and has required "opposing party and this Court to expend resources to deal with his frivolous appeals." *Id.* at *2. Because the Court "previously cautioned Mr.

Flint about the possibility of sanctions for filing frivolous appeals" and his appeal was "so totally lacking in merit," the Court concluded "that it appear[ed] to have been taken in bad faith" and imposed CR 73.02(4) damages against him. *Id.* at *2-3. End of footnote 5.]

Based on Young's history, this Court will grant the KDP Appellees' request for CR 11 sanctions.

While we will not enjoin Young from filing any further appeals, we do order that, if Young files any further appeals in circuit court, to the Court of Appeals, or if Young pays the full filing fee to file an action in the Court of Appeals regarding any of the KDP Appellees, the Clerk of the Court of Appeals is directed to present the documents to a three-judge panel for review of whether the matter is frivolous and should be summarily dismissed.

4) Young's "motion to advance."

For his "motion to advance," Young argues

that Appellees' motions to dismiss have been pending since October 2019. Pursuant to CR 76.22 [footnote 6: CR 76.22 provides: "Appeals may be advanced for good cause shown."], he argues the Court should deny Appellees' motions and advance his appeal to the prehearing conference and briefing stage. Because this order decides Appellees' motions to dismiss, Young's motion is rendered moot.

CONCLUSION

In summary, having reviewed the record and all relevant pleadings, and being otherwise sufficiently advised, IT IS HEREBY ORDERED as follows:

- 1) The above-styled appeal as to Appellees, Jones and Kerber, shall be, and hereby is, DISMISSED as untimely.
- 2) The above-styled appeal as to Appellees,

KET Defendants, shall be, and hereby is,

DISMISSED as untimely.

Moreover, the August 9, 2019 order granting the KET Defendants' fees and costs is final. We conclude that Young's attempt to appeal that order is improper.

Furthermore, the KET Defendants' motion for award of damages pursuant to CR 73.02(4) is hereby GRANTED. The KET Defendants are ordered to file an affidavit in this Court, within fifteen days of the entry of this order, with an itemization of fees and costs incurred in defending this appeal. Thereafter, Young will have fifteen days following the filing of the KET Defendants' affidavit to respond.

Additionally, if Young files any further appeals in circuit court, to the Court of Appeals, or if Young pays the full filing fee to file an action in the

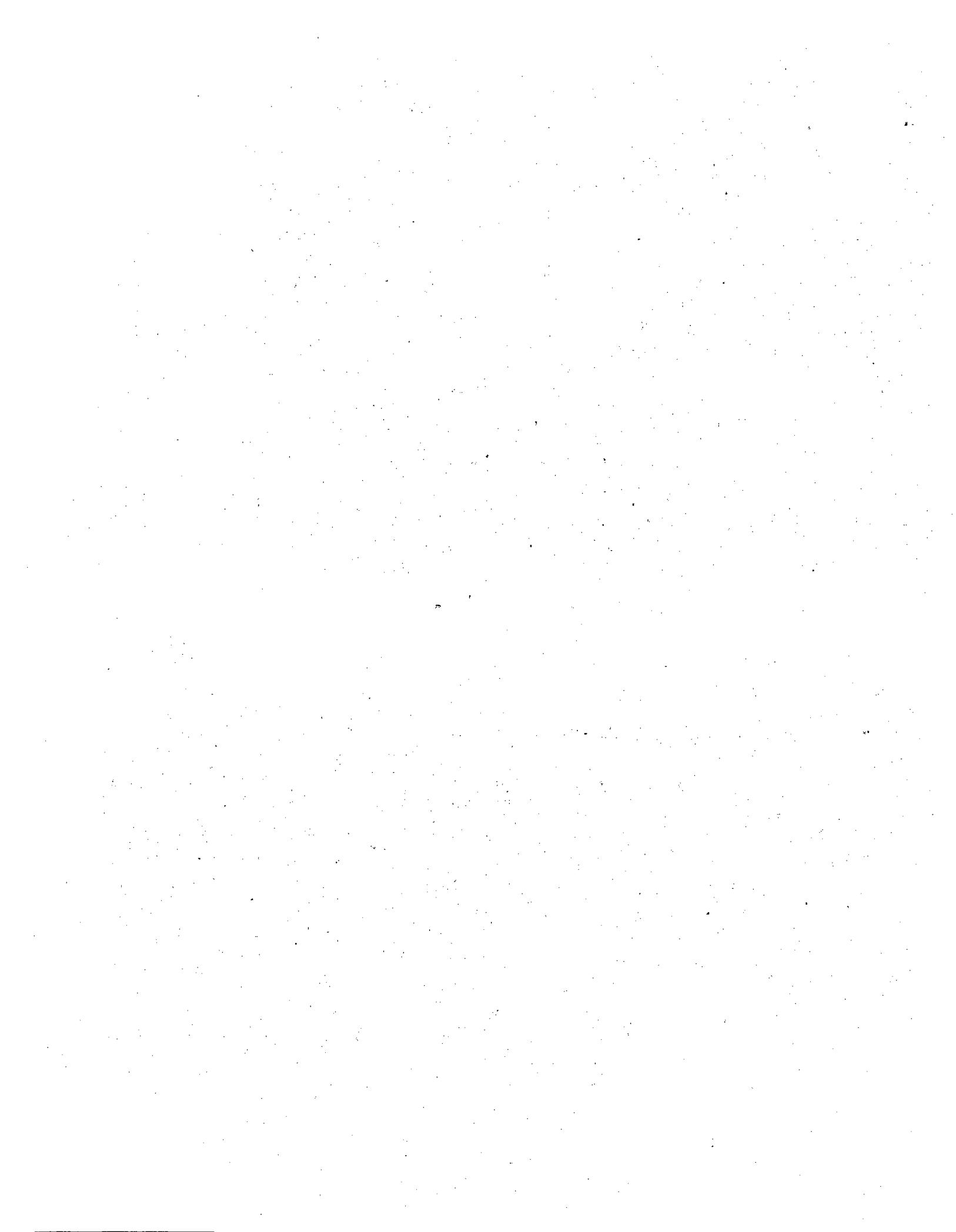
Court of Appeals regarding the KET Defendants, the Clerk of the Court of Appeals IS DIRECTED to present the documents to a three-judge panel for review of whether the matter is frivolous and should be summarily dismissed.

3) The above-styled appeal as to Appellees, KDP Appellees, shall be, and hereby is, DISMISSED as untimely.

Furthermore, the KDP Appellees' motion for award of damages, pursuant to CR 73.02(4), is hereby GRANTED. The KDP Appellees are ordered to file an affidavit in this Court, within fifteen days of the entry of this order, with an itemization of fees and costs incurred in defending this appeal.

Thereafter, Young will have fifteen days following the filing of the KDP Appellees' affidavit to respond.

Additionally, if Young files any further



appeals in circuit court, to the Court of Appeals, or if Young pays the full filing fee to file an action in the Court of Appeals regarding any of the KDP Appellees, the Clerk of the Court of Appeals IS DIRECTED to present the documents to a three-judge motion panel for review of whether the matter is frivolous and should be summarily dismissed.

4) Appellant's "motion to advance" is hereby DENIED AS MOOT.

ENTERED: MAY 11 2021

/s/ James H. Lambert
JUDGE, COURT OF APPEALS

Appendix 34 – Entered June 25, 2021

Commonwealth of Kentucky

Court of Appeals

NO. 2021-CA-0281-MR

GEOFFREY M. YOUNG

APPELLANT

**APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE KIMBERLY BUNNELL, JUDGE
ACTION NO. 19-CI-01349**

v.

ADAM EDELEN, ANDY BESHEAR,
STEVE BESHEAR, BLUE GRASS
ACTIVIST ALLIANCE, LLP,
CAMPBELL COUNTY DEMOCRATIC
PARTY, DONNA MOORE CAMPBELL,
COLLEGE DEMOCRATS OF KENTUCKY,
JACK CONWAY, DEMOCRATIC
WOMAN'S CLUB OF KENTUCKY,
ANDREA EWEN, FAYETTE COUNTY
DEMOCRATIC PARTY, CHARLOTTE
FLANARY, TRENT GARRISON,
ALISON LUNDERGAN GRIMES, JOSH
HICKS, KATHY HINKLE, PATRICK
HUGHES, ERIK JARBOE, MATT JONES,

KENTON COUNTY DEMOCRATIC
PARTY, KENTUCKY AUTHORITY
FOR EDUCATIONAL TELEVISION,
KENTUCKY DEMOCRATIC PARTY,
KENTUCKY YOUNG DEMOCRATS,
MIKE KERBER, MY MCGRATH,
GEORGE MILLS, CLINT MORRIS,
SANNIE OVERLY, TODD PICCIRILLI,
BEN SELF, MIKE SHUGART, JARED
SMITH, THE WOMEN'S NETWORK
OF KENTUCKY APPELLEES

ORDER DISMISSING APPEAL

*** * * * * *

BEFORE: CLAYTON, CHIEF JUDGE; COMBS
AND JONES, JUDGES.

On May 11, 2021, the Court entered an order
directing Appellant, Geoffrey M. Young, *pro se*, to
show cause why the above-styled appeal should not
be dismissed as improperly taken and frivolous. As
stated in that order, Young filed this appeal from a
February 18, 2021 order denying his motion for

injunctive relief and Kentucky Rule of Civil Procedure (CR) 11 sanctions against Appellees, Ben Self, Steve Beshear, Sannie Overly, Alison Lundergan Grimes, Jack Conway, Patrick Hughes, George Mills, Clint Morris, Andrea Ewen, Josh Hicks, Charlotte Flanary, Kathy Hinkle, Amy McGrath, Kentucky Democratic Party, Fayette County Democratic Party, Campbell County Democratic Party, Kenton County Democratic Party, Democratic Women's Club of Kentucky, College Democrats of Kentucky, and Kentucky Young Democrats (collectively, "KDP Defendants"). Because an appeal of the underlying action was pending before this Court in No. 2019-CA-001443, the Court ordered Young to show cause why this appeal should not be dismissed as improperly taken from a null order and frivolous. *See Young v. Richardson*, 267

S.W.3d 690 (Ky. App. 2008), *as modified on denial of reh'g* (Oct. 3, 2008) (holding, in general, the filing of a notice of appeal divests the circuit court of jurisdiction to rule on matters involved in the appeal while the appeal is pending); *see also* CR 73.02(4).

Also, on May 11, 2021, Appellee, Amy McGrath, filed a motion to dismiss the appeal and moved for CR 73.02(4) damages incurred in defending this appeal. McGrath argued this appeal is untimely, pursuant to CR 73.02 and CR 77.04, because Young's claims were dismissed on July 25, 2019. In addition, McGrath argued this appeal is frivolous because Young's claims are the same as those in his other appeal, No. 2019-CA-001443, and are only meant to harass the parties and their counsel.

Subsequently, Young filed a response to

McGrath's motion and a cross-motion for sanctions against McGrath and her attorneys. Young argued this appeal is timely because it was filed within thirty days of the circuit court's February 18, 2021 order. Further, Young restated many of his arguments on what he believes are the merits of his case. Finally, Young argued McGrath should be sanctioned for filing a frivolous motion to dismiss.

Thereafter, McGrath filed a response to Young's cross-motion and requested the Court to consider sanctions and additional damages against Young for fees and costs incurred in responding to Young's cross-motion. McGrath argued that Young will not be deterred by dismissals of his actions and requested the Court to enjoin him from filing further frivolous motions and appeals without prior court approval.

Finally, on May 24, 2021, Young filed a response to the Court's show cause order in which he argued that the circuit court's orders are nullities because the court dismissed his lawsuit without addressing the merits of his complaint. Young further argued that this Court's show cause order is an "irrelevant waste of time" because the Court did not analyze his complaint.

Having reviewed the record, and being otherwise sufficiently advised; **IT IS HEREBY ORDERED** that Young has FAILED to show sufficient cause why this appeal should not be dismissed as improperly taken and frivolous. The above-styled appeal shall be, and hereby is, **DISMISSED**.

IT IS HEREBY FURTHER ORDERED that McGrath's motion to dismiss is **DENIED AS MOOT**

and McGrath's motions for CR 73.02(4) sanctions are DENIED IN PART and GRANTED IN PART. The Court will not award McGrath monetary damages in this matter because it already entered an order for Young to show cause why the appeal should not be dismissed. However, because Young persists in filing frivolous motions and appeals, even after being warned by the Kentucky Supreme Court, we shall, once again, GRANT McGrath's request to enjoin Young from filing any cases in this Court without prior court approval. *See Cardwell v. Commonwealth*, 354 S.W.3d 582, 585 (Ky. App. 2011) (holding that "where a *pro se* litigant files repetitious and frivolous claims, a court may bar prospective filings to prevent the deleterious effect of such filings on scarce judicial resources."). The Court ORDERS that, if Young files any further appeals in circuit

court, to the Court of Appeals, or if Young pays the full filing fee to file an action in the Court of Appeals against McGrath, the Clerk of the Court of Appeals IS DIRECTED to present the documents to a three-judge motion panel for review of whether the matter is frivolous and should be summarily dismissed.

IT IS HEREBY FURTHER ORDERED that Young's cross-motion for sanctions is DENIED for Young's failure to set forth an adequate basis for imposition of sanctions.

ENTERED: JUN 25, 2021

s/ Denise G. Clayton

CHIEF JUDGE, COURT OF APPEALS

Appendix 35 – Entered June 25, 2021

Commonwealth of Kentucky

Court of Appeals

NO. 2021-CA-0400-MR

GEOFFREY M. YOUNG APPELLANT

APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE KIMBERLY BUNNELL, JUDGE
ACTION NO. 19-C1-01349

V.

ADAM EDELEN, ANDY BESHEAR,
STEVE BESHEAR, BLUE GRASS ACTIVIST
ALLIANCE, LLP, CAMPBELL COUNTY
DEMOCRATIC PARTY, DONNA MOORE
CAMPBELL, COLLEGE DEMOCRATS OF
KENTUCKY, JACK CONWAY,
DEMOCRATIC WOMAN'S CLUB OF
KENTUCKY, ANDREA EWEN, FAYETTE
COUNTY DEMOCRATIC PARTY,
CHARLOTTE FLANARY, TRENT
GARRISON, ALISON UNDERGARAN
GRIMES, JOSH HICKS, KATHY HINKLE,
PATRICK HUGHES, ERIK JARBOE,
MATT JONES, KENTON COUNTY

DEMOCRATIC PARTY, KENTUCKY
AUTHORITY FOR EDUCATIONAL
TELEVISION, KENTUCKY DEMOCRATIC
PARTY, KENTUCKY YOUNG DEMOCRATS,
MIKE KERBER, AMY MCGRATH, GEORGE
MILLS, CLINT MORRIS, SANNIE OVERLY,
TODD PICCIRILLI, BEN SELF, MIKE K.
SHUGART, JARED SMITH, AND THE
WOMEN'S NETWORK OF KENTUCKY

APPELLEES

ORDER

*** * * * *

BEFORE: CLAYTON, CHIEF JUDGE; COMBS
AND JONES, JUDGES.

This cause comes before the Court on the
following matters: (1) motion for sanctions by
Appellant, Geoffrey M. Young, *pro se*, against
Appellees, Andy Beshear; (2) Young's motion for
sanctions against Appellees, Matt Jones and Mike
Kerber; (3) Appellee, Amy McGrath's motion to
dismiss and motion for sanctions; (4) Young's motion

for sanctions against McGrath; (5) motion to dismiss and motion for sanctions filed by Appellees, Ben Self, Steve Beshear, Sannie Overly, Alison Lundergan Grimes, Jack Conway, Patrick Hughes, George Mills, Clint Morris, Andrea Ewen, Josh Hicks, Charlotte Flanary, Kathy Hinkle, Amy McGrath, Kentucky Democratic Party, Fayette County Democratic Party, Campbell County Democratic Party, Kenton County Democratic Party, Democratic Women's Club of Kentucky, College Democrats of Kentucky, and Kentucky Young Democrats (collectively, "KDP Defendants"); (6) affidavit for fees and costs in response to the Court's May 11, 2021 Order filed by Appellees, Kentucky Authority for Educational Television (KET), Todd Piccirilli, and Donna Moore Campbell (collectively, "KET Defendants"); (7) Young's cross-motion for

sanctions against KET Defendants; (8) Young's motion for sanctions against KDP Defendants; and (9) KET Defendants' motion for additional fees and costs for responding to Young's cross-motion for sanctions.

As an initial matter, the Court notes that it dismissed this appeal on May 11, 2021. In that Order, the Court held that Young's appeal was untimely, improper, and frivolous because Young already filed an appeal of the underlying action (19-CI-01349) on September 23, 2019, which is docketed in this Court as No. 2019-CA-001443-MR. The Court also granted KET Defendants' motion for Kentucky Rule of Civil Procedure (CR) 73.02(4) damages and ordered them to file an affidavit and itemization of fees and costs incurred in defending this appeal.

The day before the Court entered its May 11,

2021 Order, McGrath filed a motion to dismiss and motion for damages. McGrath's motion asserted similar arguments to those of KET Defendants. Over a week *after* the Court entered its Order, on May 19, 2021, KDP Defendants filed a motion to dismiss and motion for damages. Because several pleadings were filed around the time of the Court's May 11, 2021 Order and in response to that Order, the Court will now address those outstanding motions.

First, we address KET Defendants' request for CR damages. In response to the Court's May 11, 2021 Order, KET Defendants submitted an affidavit and itemization of fees and costs incurred in defending this appeal in the amount of \$3,978.00. The Court also received Young's response and cross-motion for sanctions against KET Defendants, as well as KET Defendants' response to Young's cross-

motion and motion for \$225.00 in additional fees and costs. Having reviewed the foregoing, the Court hereby awards KET Defendants' fees and costs in the amount of \$3,978.00, plus \$225.00 in additional fees and costs, incurred in defending this appeal, for a total award of \$4,203.00. Young's cross-motion for sanctions against KET Defendants contains little more than restatements of his substantive arguments on what he believes are the merits of his case and does not set forth an adequate basis for imposition of sanctions. Thus, Young's cross-motion for sanctions against KET Defendants is DENIED.

Second, we address McGrath's motion to dismiss and motion for sanctions, which was filed on May 10, 2021. Because the Court dismissed this appeal on May 11, 2021, McGrath's motion to dismiss is hereby DENIED AS MOOT. However,

McGrath also moved for CR 73.02(4) damages incurred in defending this appeal before the Court entered its dismissal order. Obviously, McGrath incurred fees and costs in defending this appeal before receiving the Court's May 11, 2021 Order of dismissal. Accordingly, McGrath's motion for CR 73.02(4) damages is GRANTED. The Court ORDERS McGrath to file an affidavit in this Court within ten days of the entry of this Order with an itemization of fees and costs incurred in defending this appeal. Thereafter, Young will have ten days to respond.

Third, in responding to McGrath's motion to dismiss and motion for damages, Young moved for CR 73.02(4) damages against McGrath and her attorneys in the amount of \$60,000,000.00. Young's cross-motion for sanctions against McGrath fails to

set forth an adequate basis for imposition of sanctions. Thus, Young's cross-motion for sanctions against McGrath is DENIED.

Fourth, KDP Defendants filed a motion to dismiss and motion for sanctions on May 19, 2021. Because the Court dismissed this appeal on May 11, 2021, KDP Defendants' motion to dismiss is hereby DENIED AS MOOT. As for KDP Defendants' motion for CR 73.02(4) damages, the Court understands that they incurred fees and costs in defending this appeal. However, some of those fees and costs may have incurred after the Court entered its May 11, 2021 Order of dismissal. Accordingly, KDP Defendants' motion for CR 73.02(4) damages is GRANTED IN PART. The Court ORDERS KDP Defendants to file an affidavit in this Court within ten days of the entry of this Order with an

itemization of fees and costs incurred in defending this appeal up to the day of the Court's May 11, 2021 Order. No fees and costs incurred after that date will be considered. Young will have ten days after KDP Defendants file their affidavit to respond.

Fifth, in responding to KDP Defendants' motion to dismiss and motion for damages, Young moved for CR 73.02(4) damages against KDP Defendants and their attorneys for over \$100 million dollars. Young's cross-motion for sanctions against KDP Defendants fails to set forth an adequate basis for imposition of sanctions. Thus, Young's cross-motion for sanctions against KDP Defendants is DENIED.

Sixth, Young moved for sanctions against Andy Beshear and his attorneys in the amount of \$48 million dollars. Because he fails to set forth an

adequate basis for imposition of sanctions, Young's motion for sanctions against Beshear is DENIED.

Seventh, Young moved for sanctions against Jones and Kerber and their attorneys in the amount of \$48 million dollars. Because he fails to set forth an adequate basis for imposition of sanctions, Young's motion for sanctions against Jones and Kerber is DENIED.

Finally, because Young persists in filing frivolous motions and appeals, even after being warned by the Kentucky Supreme Court, we shall GRANT McGrath's and KDP Defendants' request to enjoin Young from filing any cases in this Court without prior court approval. *See Cardwell v. Commonwealth*, 354 S.W.3d 582, 585 (Ky. App. 2011)

(holding that "where a *pro se* litigant files repetitious and frivolous claims, a court may bar prospective

filings to prevent the deleterious effect of such filings on scarce judicial resources.”). The Court ORDERS that, if Young files any further appeals in circuit court, to the Court of Appeals, or if Young pays the full filing fee to file an action in the Court of Appeals against McGrath or KDP Defendants, the Clerk of the Court of Appeals IS DIRECTED to present the documents to a three-judge motion panel for review of whether the matter is frivolous and should be summarily dismissed.

ENTERED: JUN 25 2021

/s/ Denise G. Clayton
CHIEF JUDGE, COURT OF APPEALS

a207

Appendix 36 – The fourth of eight opinions sought to be reviewed

Entered October 20, 2021

Supreme Court of Kentucky

2021-SC-0179-D
(2019-CA-1443)

FAYETTE CIRCUIT COURT
V. 19-CI-01349

ORDER DENYING DISCRETIONARY REVIEW

The motion for review of the decision of the Court of Appeals is denied.

ENTERED: October 20, 2021.

s/ John D. Minton Jr.

CHIEF JUSTICE

Appendix 37 – The fifth of eight opinions sought to be reviewed

Entered October 20, 2021

Supreme Court of Kentucky

2021-SC-0182-D
(2021-CA-0400)

GEOFFREY M. YOUNG MOVANT

FAYETTE CIRCUIT COURT
19-CI-01349

ORDER DENYING DISCRETIONARY REVIEW

The motion for review of the decision of the Court of Appeals is denied.

ENTERED: October 20, 2021.

s/ John D. Minton Jr.

CHIEF JUSTICE

Appendix 38 – The sixth of eight opinions sought to be reviewed

Entered October 20, 2021

Supreme Court of Kentucky

2021-SC-0186-D
(2020-CA-1059)

FAYETTE CIRCUIT COURT
V. 19-CI-01349

ORDER DENYING DISCRETIONARY REVIEW

The motion for review of the decision of the Court of Appeals is denied.

The motion to advance is denied as moot.

ENTERED: October 20, 2021.

s/ John D. Minton, Jr.

CHIEF JUSTICE

a210

Appendix 39 – The seventh of eight opinions sought to be reviewed

Entered October 20, 2021

Supreme Court of Kentucky

2021-SC-0249-D
(2021-CA-0400)

FAYETTE CIRCUIT COURT

V. 19-CI-01349

ORDER DENYING DISCRETIONARY REVIEW

The motion for review of the decision of the Court of Appeals is denied.

ENTERED: October 20, 2021.

s/ John D. Minton Jr.

CHIEF JUSTICE

a211

Appendix 40 – The eighth of eight opinions sought to be reviewed

Entered October 20, 2021

Supreme Court of Kentucky

2021-SC-0253-D
(2020-CA-0281)

FAYETTE CIRCUIT COURT
19-CI-01349

ORDER DENYING DISCRETIONARY REVIEW

The motion for review of the decision of the Court of Appeals is denied.

ENTERED: October 20, 2021.

s/ John D. Minton Jr.

CHIEF JUSTICE

a212

Appendix 41 – Entered October 27, 2021

Commonwealth of Kentucky

Court of Appeals

NO. 2019-CA-1443-MR

GEOFFREY M. YOUNG APPELLANT

APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE KIMBERLY BUNNELL, JUDGE
ACTION NO. 19-C1-01349

V.

ADAM EDELEN, ANDY BESHEAR,
STEVE BESHEAR, BLUE GRASS ACTIVIST
ALLIANCE, LLP, CAMPBELL COUNTY
DEMOCRATIC PARTY, DONNA MOORE
CAMPBELL, COLLEGE DEMOCRATS OF
KENTUCKY, JACK CONWAY,
DEMOCRATIC WOMAN'S CLUB OF
KENTUCKY, ANDREA EWEN, FAYETTE
COUNTY DEMOCRATIC PARTY,
CHARLOTTE FLANARY, TRENT
GARRISON, ALISON UNDERGARAN
GRIMES, JOSH HICKS, KATHY HINKLE,
PATRICK HUGHES, ERIK JARBOE,
MATT JONES, KENTON COUNTY

DEMOCRATIC PARTY, KENTUCKY
AUTHORITY FOR EDUCATIONAL
TELEVISION, KENTUCKY DEMOCRATIC
PARTY, KENTUCKY YOUNG DEMOCRATS,
MIKE KERBER, AMY MCGRATH, GEORGE
MILLS, CLINT MORRIS, SANNIE OVERLY,
TODD PICCIRILLI, BEN SELF, MIKE
SHUGART, JARED SMITH, AND THE
WOMEN'S NETWORK OF KENTUCKY

APPELLEES

ORDER

** * * * *

BEFORE: CALDWELL, GOODWINE, AND MAZE,
JUDGES.

This cause is before the Court on the following
matters:

(1) affidavit for fees and costs of Appellees,
Kentucky Authority for Educational Television
(KET), Todd Piccirilli, and Donna Moore Campbell
(collectively, “KET Defendants”) in response to the
Court’s May 11, 2021 Order;

(2) affidavit for fees and costs of Appellees,
Ben Self, Steve Beshear, Sannie Overly, Alison
Lundergan Grimes, Jack Conway, Patrick Hughes,
George Mills, Clint Morris, Andrea Ewen, Josh
Hicks, Charlotte Flanary, Kathy Hinkle, Amy
McGrath, Kentucky Democratic Party, Fayette
County Democratic Party, Campbell County
Democratic Party, Kenton County Democratic Party,
Democratic Women's Club of Kentucky, College
Democrats of Kentucky, and Kentucky Young
Democrats (collectively, "KDP Defendants") in
response to the Court's May 11, 2021 Order; and

(3) response and cross-motion for sanctions by
Appellant, Geoffrey M. Young, *pro se*.

On May 11, 2021, the Court dismissed this
appeal as to several Appellees, including the KET
Defendants and the KDP Defendants. The Court's

May 11, 2021 Order also found Young's appeal to be frivolous and granted the KET Defendants and the KDP Defendants' respective motions for damages, pursuant to Kentucky Rule of Civil Procedure (CR) 73.02(4). The Court requested the parties to submit affidavits of fees and costs for the Court's consideration and allowed Young time to respond.

Subsequently, Young moved the Kentucky Supreme Court for discretionary review. The Kentucky Supreme Court denied Young's motion on October 20, 2021 and, thus, our Court has jurisdiction once again to determine the matters before it in this case.

Having reviewed the record, all relevant pleadings, and being otherwise sufficiently advised, IT IS HEREBY ORDERED as follows:

The Court received the affidavit of Christopher

W. Brooker, counsel for the KET Defendants, along with an itemization of fees and costs in the amount of \$8,237.70 incurred in defending this appeal. The KET Defendants' motion for award of damages, pursuant to CR 73.02(4), is hereby GRANTED. The amount awarded shall total \$8,237.70.

The Court received the affidavit of Christie A. Moore, counsel for the KDP Defendants, along with an itemization of fees and costs in the amount of \$7,492.52 incurred in defending this appeal. However, a portion of the invoice, which is attached as Exhibit 1 to Moore's affidavit, is redacted without explanation. The redacted portion totals \$418.00. Because those fees are unsubstantiated, the Court will reduce the requested fees and costs by \$418.00. According, the KDP Defendants' motion for award of damages, pursuant to CR 73.02(4), is hereby

GRANTED IN PART and DENIED IN PART. The amount awarded shall total \$7,074.54.

Finally, the Court received Young's response to these filings, coupled with his cross-motion for sanctions against the KDP Defendants. Young's cross-motion for sanctions contains little more than restatements of Young's substantive arguments on what he believes are the merits of his case and does not set forth an adequate basis for imposition of sanctions. Thus, Young's cross-motion for sanctions is DENIED.

ENTERED: OCT 27 2021

/s/ Jacqueline M. Caldwell
JUDGE, COURT OF APPEALS