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Appendix 1 – Entered October 16, 2020

ENTERED
OCT 16 2020
TINA M. FOSTER, CLERK

**COMMONWEALTH OF KENTUCKY SCOTT
CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 20-CI-00609**

GEOFFREY M. YOUNG **MOVANT**

v.

AMY MCGRATH **RESPONDENT**

**ORDER DENYING MOVANT'S MOTION FOR
FINAL DECISION BEFORE OCTOBER 9, 2020**

This matter came before the Court on October 6, 2020, upon a motion filed by Geoffrey M. Young moving the Court to enter a Final Decision on or before October 9, 2020, with or without an evidentiary hearing. Having considered the motion,

and being otherwise sufficiently advised, the Court DENIES Mr. Young's Motion for a Final Decision on or before October 9, 2020.

In support of his motion, Mr. Young cited *Stephenson v. Woodward*, 182 S.W.3d 162, 172 (Ky. 2005), *as modified* (Jan. 19, 2006). The footnote cited was from the majority opinion which stated, "While the court did postpone the hearing on Woodward's motion, a delay of less than 48 hours can hardly be considered a "worst case scenario," as characterized by Justice Roach." *Woodward*, 182 S.W.3d at 172 n.3. This footnote was inserted in the majority opinion paragraph discussing Stephenson's claim of 'evaporating jurisdiction'. *Id.* at 171. The Court determined that as long as suit was filed prior to election day, a court will retain jurisdiction. *Id.* This is to prevent recalcitrant judges from refusing to adjudicate these motions and allow the motion to sit

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until jurisdiction evaporates after election day. *Id.*

The cited footnote shows the intent of the majority,
which was to allow Courts to retain jurisdiction, even
if the case is delayed until after election day.

ORDER AND JUDGMENT

For the reasons set forth herein, **IT IS**
HEREBY ORDERED that Mr. Young's Motion for a
Final decision on or before October 9, 2020 is **DENIED**.
Entered this 15th day of October, 2020.

/s/ Jeremy Mattox
JEREMY MATTOX, JUDGE
SCOTT CIRCUIT COURT
DIVISION 1

DISTRIBUTION:

Attorneys of Record
Mr. Geoffrey Young

This matter came before the Court on November 5, 2020, upon a hearing on several pending motions before the Court, including: (1) a petition filed on September 28, 2020 by Movant, Geoffrey M. Young, *pro se*, challenging the ballot status of Respondent, Amy McGrath; (2) a Motion to

Dismiss and Response in Opposition to Motion for Final Decision ("Motion to Dismiss") filed on October 9, 2020 by Ms. McGrath, through counsel;; and (3) a Motion filed on October 27, 2020 by Mr. Young demanding Judge Mattox Recuse Himself. Having considered the motions, the response and reply thereto, and being otherwise sufficiently advised, the Court finds as follows:

FINDINGS OF FACTS

Mr. Young previously sued Ms. McGrath in Scott Circuit case number: 18-CI-00541 ("2018 case"). On April 23, 2019, after Ms. McGrath lost the election, this Court dismissed the action finding that the issues raised were moot. Mr. Young appealed to the Court of Appeals in case number: 2019-CA-000590. A panel of three judges dismissed the appeal agreeing that the action was moot because Ms.

McGrath lost the election and determined that there was no practical legal effect to the controversy; therefore, the appeal was dismissed.

On September 28, 2020, Mr. Young filed a *pro se* Motion Challenging the Ballot Status of Amy McGrath. He requested an evidentiary hearing, declaratory judgment, and injunctive relief. The motion contended that Ms. McGrath was not a bona fide candidate pursuant to Kentucky Revised Statute (“KRS”) 118.176. In support, Mr. Young claimed that Ms. McGrath acted unlawfully in gaining her nomination in violation of KRS 118.105. Mr. Young requested an order and injunction against the Kentucky Board of Elections to strike Ms. McGrath from the ballot and not count any votes for Ms. McGrath in the November general election.

In Ms. McGrath’s Motion to Dismiss, she claimed that there are four independent reasons to dismiss the

instant action, including: (1) the doctrine of *res judicata* bars the allegations by Mr. Young; (2) statute of limitations applies; (3) Mr. Young failed to state a claim upon which relief may be granted; and (4) that the Court lacks subject matter jurisdiction over this action.

CONCLUSIONS OF LAW

The Court will begin by discussing Ms. McGrath's Motion to Dismiss, then Mr. Young's requests for relief. It will then address Mr. Young's Motion Demanding Recusal. Finally, the Court will discuss the disposition of the case, as the issues raised are moot.

A. DEFENDANT AMY MCGRATH'S MOTION TO DISMISS.

1. *Res Judicata.*

Ms. McGrath requested that the Court preclude claims and issues already adjudicated.

Motion to Dismiss, *pp*: 4-6. The Kentucky Supreme

Court provided guidance on when to preclude claims:

For claim preclusion to bar further litigation, certain elements must be present. First, there must be identity of the parties. Second, there must be identity of the causes of action. Third, the action must have been resolved on the merits. The rule that issues which have been once litigated cannot be the subject matter of a later action is not only salutary, but necessary to the speedy and efficient administration of justice.

Yeoman v. Com., Health Policy Bd., 983 S.W.2d 459, 465 (Ky. 1998) (citation omitted).

Here, this Court entered a final decision in the 2018 case, which involved the same parties.

However, the cause of action is not identical. There are minor distinctions that this Court finds disqualifies the cause of action being barred by claim preclusion. Since this is a different election cycle and Ms. McGrath sought a different office, claim preclusion does not apply.

The Kentucky Supreme Court also discussed when issues are to be precluded:

Issue preclusion bars the parties from relitigating any issue actually litigated and finally decided in an earlier action. The issues in the former and latter actions must be identical. The key inquiry in deciding whether the lawsuits concern the same controversy is whether they both arise from the same transactional nucleus of facts. If the two suits concern the same controversy, then the previous suit is deemed to have adjudicated every matter which was or could have been brought in support of the cause of action...

Yeoman, 983 S.W.2d at 464-65 (internal citations omitted).

Mr. Young dedicated a vast majority of his Motion to claims beginning in 2014, most against parties not named as respondents in this action. He raised these issues in the 2018 lawsuit against Ms. McGrath. Mr. Young even stated, “[b]ecause none of the following allegations have been adjudicated on

their merits by any judge or jury, I am making them again and incorporating them into this ballot challenge.” (Ballot Challenge Petition, p. 4).

As stated herein, a final decision was entered in the 2018 case. The issues regarding the 2018 election are identical in both the former and latter actions. Both lawsuits have the same transactional nucleus of facts—Mr. Young is challenging the bona fides of Ms. McGrath. Unlike claim preclusion, the distinctions discussed herein do not change the underlying controversy. Based on these facts, the Court found that the doctrine of mootness applied in the 2018 case. The decision was final and appealable, and indeed, was appealed by Mr. Young to the Court of Appeals. Since “the two suits concern the same controversy, then the previous suit is deemed to have adjudicated...” See *Yeoman*, 983 S.W.2d at 465; the issues raised by Mr. Young are

all

deemed adjudicated. Therefore, all issues pertaining to the 2018 election and lawsuit are precluded.

2. Statute of Limitations.

KRS 413.140 governs actions that must be brought within one year after the cause of action accrues. Conspiracy is among those cause of actions. *See* KRS 413.140(c). Statute of limitations for conspiracy claims begin to run when “the last overt act performed in compliance with the objectives of the conspiracy has been accomplished.” *Dist. Union Local 227, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO v. Fleischaker*, 384 S.W.2d 68, 72 (Ky. 1964).

Here, Mr. Young only has two allegations that occurred within the year prior to filing the instant case. First, he cited two website articles from June and August, 2020 to show that the DNC violated KRS 118.105 (1). (Ballot Challenge Petition, pp. 29-34).

He then stated, “[i]f the Respondent violated KRS 118.105(1) during the 2018 and 2020 Democrat primaries, then she did not seek the nomination **according to law** and is therefore not a bona fide candidate in 2020.” *Id.* at 34 (emphasis in original). Additionally, Mr. Young discussed Ms. McGrath's use of campaign contributions between January 1, 2019 and June 30, 2020. *Id.* at 34-35. Mr. Young argued that both Ms. McGrath and Senator McConnell used substantial contributions for attack ads rather than addressing substantive issues. *Id.*

All additional allegations are prior to September 28, 2019. Therefore, only these allegations are not barred by the statute of limitations.

3. Failure to state a claim upon which relief may be granted.

Dismissal is appropriate when a plaintiff fails “to

state a claim upon which relief may be granted." CR 12.02(f). Dismissal for failure to state a claim is warranted where "it appears the pleading party would not be entitled to relief under any set of facts which could be proved in support of his claims." *Fox v. Grayson*, 317 S.W.3d 1, 7 (Ky. 2020). "In making this decision, the circuit court is not required to make any factual determination; rather, the question is purely a matter of law." *James v. Wilson*, 95 S.W.3d 875, 883-84 (Ky. App. 2002).

For the purposes of deciding a motion to dismiss, the Court must take all well-pled facts as true. *City of Louisville v. Stock Yards Bank & Tr. Co.*, 843 S.W.2d 327, 328 (Ky. 1992). Where "it appears the pleading party could not prove any set of facts in support of his claims that would entitle him to relief," the complaint must be dismissed. *Wood v. Wyeth-Ayerst Lab., Div. Of Am. Home Prods.*, 82

S.W.3d 849, 851 (Ky. 2002).

Mr. Young argued that pursuant to KRS 118.176, Ms. McGrath is not a bona fide candidate. “A 'bona fide' candidate means one who is seeking nomination in a primary or election in a special or regular election according to law.” KRS 118.176 (1). Further, “[i]n any action or proceeding under this section the burden of proof as to the bona fides of a candidate shall be on the person challenging the bona fides of the candidate.” *Id.* at (3). The Kentucky Supreme Court elaborated on what is meant by bona fides:

As used in KRS 118.176, bona fides refers to the good faith, genuineness, and qualifications of a candidate to hold the office to which election is sought. In context, we construe KRS 118.176's reference to “bona fides” as relating to a living candidate's legal qualifications and eligibility for the office sought.

Ky. State Bd. of Elections v. Faulkner, 591 S.W.3d

398, 403 (Ky. 2019). Legal qualifications and eligibility to be a United States Senator are found in the U.S. Constitution. It states:

No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

U.S. Const. Art. I, § 3, cl. 3.

None of the allegations for the 2020 election asserted by Mr. Young question Ms. McGrath's good faith or genuineness. His allegations mostly relate to her campaign contributions and the 2018 election. He speculated that because the DNC and related organizations violated KRS 118.105(1) during the 2018 and 2020 Democrat primaries, then she did not lawfully seek the nomination according to law and is, therefore not a bona fide candidate in 2020. (Ballot Challenge Petition, p. 34). When he detailed his

allegations of rigging the primary, Mr. Young named the Kentucky Democratic Party ("KDP"), Fayette County Democratic Party, and various other Democratic groups. Some of these allegations include: (1) the KDP omitted Mr. Young from their website article about Democrats attempting to unseat Andy Barr in 2018 election; (2) the KDP did not ask Mr. Young to speak at a Democratic event; (3) Mr. Young appealed the fact that the KDP's website article said two democrats, instead of three to the KDP; they subsequently did not hold a hearing and dismissed his appeal; (4) when Mr. Young confronted Ms. McGrath in a public setting about his exclusion from the website article, Ms. McGrath directed him to ask the KDP; (5) he did not receive the same funding as Ms. McGrath or other individuals running in the Democratic primary; etc. (Ballot Challenge Petition, pp. 10-17).

Mr. Young's argument strays from the intent of KRS 118.176 and he has not provided a scintilla of evidence that would indicate he is entitled to relief under this statute. Mr. Young does not challenge Ms. McGrath's qualifications beyond simply mentioning that she was not a bona fide candidate at any time since her ~~her~~ 2018 bid for the Sixth Congressional District. (Ballot Challenge Petition, p. 1). There was no assertion that Ms. McGrath was not qualified based on Article I, Section 3, clause 3 of the U.S. Constitution. In fact, the only surviving claim is about Ms. McGrath's campaign contributions. However, the contributions she received for the 2020 election has no effect on her bona fides. Furthermore, as the office of United States Senator is a federal office, fundraising is subject to Federal Election Commission (FEC) regulations. Any allegations of violations of FEC regulations are beyond the subject

matter jurisdiction of this Court. Therefore, Mr. Young failed to state a claim upon which relief can be granted.

Additionally, Mr. Young stated that KRS 118.105(1) “prohibits the governing authority of either dominant party from rigging its own primaries in Kentucky.” (Ballot Challenge Petition, p. 29). KRS 118.105(1) provides:

“every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by a primary as provided in this chapter.”

In *Rosenberg v. Republican Party of Louisville and Jefferson County*, the Court determined that this statute does not prevent a party organization from taking part in a primary election. 270 S.W.2d

171 (Ky. 1954). [footnote 1: Annotation from former KRS 119.020.] Additionally, as stated in another lawsuit brought by Mr. Young raising this same issue, the U.S. District Court determined that KRS 118.105(1) does not provide a remedy for Mr. Young. *Young v. Overly*, No. 3:16-CV-00062-GFVT, 2017 WL 4355561, at *4 (E.D. Ky. Sept. 29, 2017) *aff'd*, No. 17-6242, 2018 WL 5311408 (6th Cir. July 2, 2018) (citing *Young v. Beshear*, No. 2015-CA-000669-MR, 2016 WL 929653, at *3 (Ky. App. Mar. 11, 2016), *review denied* (June 8, 2016)). “The statute merely directs that political parties nominate all of their candidates.” *Id.* Therefore, the claim that Ms. McGrath violated KRS 118.105(1) is without merit.

4. Lack of subject matter jurisdiction.

Ms. McGrath argued that this Court lacks subject matter jurisdiction over the proceedings because challenging a U.S. Senator's qualifications is

the only available venue to challenge the bona fides of a federal candidate. Motion to dismiss, p. 11 (citing United States Senate Standing Rule XXV(n)(1)). Circuit Courts have general jurisdiction. Ky. Const. § 112; Kentucky Revised Statutes (“KRS”) 23A.010, *et seq.* The cited Senate Standing Rules states that the Standing Committees have jurisdiction over “[c]redentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices.” Senate Standing Rule XXV(n)(1)4. However, nothing in KRS 118.176 is inconsistent or preempted with the Senate Standing Rules. This Circuit Court retains subject matter jurisdiction over the raised issues. However, Mr. Young's claims that were not barred by issue preclusion or were outside of the statute of limitations failed to state a valid claim to challenge Ms. McGrath's bona fides as a candidate.

In conclusion, Ms. McGrath's Motion to Dismiss is **GRANTED** on the grounds that: (1) issues raised by Mr. Young regarding the 2018 election are precluded; (2) a majority of the allegations occurred outside of the permitted time to bring suit; and (3) Mr. Young failed to state a claim upon which relief may be granted when relying on KRS 118.176.

B. MR. YOUNG'S REQUESTED RELIEF

Mr. Young requested declaratory relief. A court has broad discretion to grant declaratory relief. *Mammoth Med., Inc. v. Bunnell*, 265 S.W.3d 205 (Ky. 2008). However, “[t]he party seeking relief must show that an actual, justiciable controversy exists; proceedings for a declaratory judgment must not merely seek advisory answers to abstract questions.” *Id.* In addition to his failure to identify for what he wanted a declaratory judgment, Mr. Young also failed to show that an actual, justiciable controversy

exists. *See* KRS 418.040. Therefore, Mr. Young's request for Declaratory Relief is **DENIED**.

Mr. Young also requested injunctive relief.

[footnote 2: The Court made the findings of facts and conclusions of law herein pursuant to CR 65.04(5).]

Injunctive relief is an extraordinary remedy. *Oscar Ewing, Inc. v. Melton*, 309 S.W.2d 760, 761 (Ky. 1958). CR 65.02(1) states that “[e]very restraining order or injunction shall be specific in terms and shall describe in reasonable detail, and not by reference to the complaint or other document, the act restrained or enjoined.”

Mr. Young simply requests an injunction but failed to state why an injunction is necessary. He has not reasonably detailed the restrained or enjoined act. Nor has Mr. Young: (1) clearly presented a substantial question on the underlying merits of the case, (2) showed that the requested remedy will be

irreparably impaired absent the extraordinary relief, or (3) showed that an injunction will not be inequitable. *See Price v. Paintsville Tourism Com'n*, 261 S.W.3d 482 (Ky. 2008). Most of Mr. Young's allegations arose from the 2018 election, which were found to be moot. Mr. Young's allegations from 2020 are without merit and fail to specifically identify why such extraordinary relief is required. Therefore, Mr. Young's request for injunctive relief is **DENIED**.

**C. MOTION DEMANDING JUDGE
MATTOX RECUSE.**

Mr. Young boldly demands in his October 27, 2020 motion that this Judge recuse himself “and immediately transfer this case to a judge who respects the law.” After Mr. Young filed this lawsuit, he requested an evidentiary hearing and final ruling before Ms. McGrath and her counsel were properly served. Mr. Young failed to grasp the basic legal

concept that the Court sets deadlines and hearing dates. Instead, Mr. Young attempts to arbitrarily set deadlines and hearing dates in contrast with this Court's rules and procedures. He cited the Court's refusal follow to his arbitrary demands as a basis for recusal. Mr. Young failed to state grounds that would warrant a recusal pursuant to KRS 26A.015(2) or applicable Judicial Cannon. Therefore, Mr. Young's Motion is **DENIED**.

**D. THE RAISED ISSUES IN THE
BALLOT CHALLENGE ARE MOOT.**

The election has come and gone. Senator McConnell won reelection to the United States Senate, making Young's allegations moot. Similar to this Court's order in the 2018 case, there is no legal remedy available to Mr. Young. The Supreme Court in *Morgan v. Getter* stated:

As our courts have long recognized, “[a]

‘moot case’ is one which seeks to get a judgment... upon some matter which, when rendered, for any reason, cannot have any practical legal effect upon a *then* existing controversy... The general rule is, and has long been, that where, pending an appeal, an event occurs which makes a determination of the question unnecessary or which would render the judgment that might be pronounced ineffectual, the appeal should be dismissed. The concern underlying this rule as to mootness is ultimately the role of the courts within our system of separated powers, a role that does not extend to the issuance of merely advisory opinions.

441 S.W.3d 94, 98-99 (Ky. 2014) (citation and internal quotation marks omitted; emphasis in original). The Court of Appeals, which affirmed this Court's ruling in Scott Circuit case-number 18-CI-00541, stated, “[i]n the case *sub judice*, because McGrath lost the general election, the circuit court could not take any action which would have had ‘any practical legal effect upon a *then* existing controversy.’” Geoffrey Young v. Amy McGrath,

2019-CA-0590, Order Dismissing Appeal, p. 4 (Jul. 11, 2019) (citing *Morgan*, 441 S.W.3d at 99). The same issues apply in the case at hand and no such exceptions to the mootness doctrine apply. *Morgan*, 441 S.W.3d at 99.

ORDER AND JUDGMENT

For the reasons set forth herein, the Court finds as follows:

1. **IT IS HEREBY ORDERED** that Amy McGrath's Motion to Dismiss is **GRANTED**.
Geoffrey M. Young's Petition is **DISMISSED** in its entirety, with prejudice.
2. **IT IS FURTHER ORDERED** that Mr. Young's Motion Challenging the Ballot Status of Amy McGrath is **DENIED**.
3. **IT IS FURTHER ORDERED** that Mr. Young's Motion Demanding Recusal is **DENIED**.
4. **IT IS FURTHER ORDERED** that the issues

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raised in the ballot challenge are **MOOT**.

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

Entered this 17th day of December, 2020.

/s/ Jeremy Mattox
JEREMY MATTOX, JUDGE
SCOTT CIRCUIT COURT
DIVISION 1

DISTRIBUTION:

Attorneys of Record
Mr. Geoffrey Young

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Appendix 3 – Entered December 17, 2020

ENTERED
DEC 17 2020
TINA M. FOSTER, CLERK
BY: /s/ D.C.

COMMONWEALTH OF KENTUCKY SCOTT
CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 20-CI-00609

GEOFFREY M. YOUNG

V.

AMY MCGRATH RESPONDENT

ORDER

This matter came before the Court on November 5, 2020, upon a hearing on motions for sanctions pursuant to Kentucky Rules of Civil Procedure (“CR”) filed by both movant, Geoffrey M. Young, *pro se*, and Respondent, Amy McGrath, through counsel.

On October 28, 2020, Mr. Young filed a Motion for Sanctions and Response to Ms. McGrath's Motion to Dismiss ("Movant's Motion for Sanctions"). He went through Ms. McGrath's Motion to Dismiss and stated that she made material, false statements. Mr. Young stated that Ms. McGrath filed the Motion to Dismiss with the objective to defraud the Court and violate KRS 118.176. Movant's Motion for Sanctions, p. 19. He demanded sanctions for a combined \$36 million to be paid by Ms. McGrath and her counsel. *Id.* He concluded that "[n]othing but penalties of this magnitude will be able to stop the Respondent's crime spree and the crime sprees of her four attorneys of record in this ballot challenge." *Id.*

On November 4, 2020, Ms. McGrath responded in opposition to Mr. Young's Motion for Sanctions. She correctly noted that Mr. Young provided no legal basis for such exorbitant sanctions. Ms. McGrath

filed a contemporaneous Motion for Sanctions against Mr. Young. She requested sanctions in the form of attorney's fees and costs and an injunction enjoining Mr. Young from filing lawsuits against Ms. McGrath in the future.

LEGAL STANDARD

Kentucky Rule of Civil Procedure (CR), Rule

11 provides:

Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other paper and state his address. Except when otherwise specifically provided by Rule or statute, pleadings need not be verified or accompanied by affidavit. The rule in equity that the averments of an answer under oath must be overcome by the testimony of two witnesses or of one witness sustained by corroborating circumstances is abolished. The signature of an attorney or party constitutes a certification by him that he has read the pleading, motion or

other paper; 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. If a pleading, motion or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, *including a reasonable attorney's fee* (emphasis added). The Court shall postpone ruling on any Rule 11 motions filed in the litigation until after entry of a final judgment.

The trial court must look at whether an attorney or a party, "at the time he or she signed the allegedly

offending pleading or motion, was reasonable under the circumstances.” *Lexington Inv. Co. v. Willeroy*, 396 S.W.3d 309, 312-13 (Ky. App. 2013), *as modified* (Mar. 22, 2013). “CR 11 does not provide substantive rights to litigants but is a procedural rule designed to curb abusive conduct in the litigation process.” *Id.* at 312 (citing *Clark Equipment Co., Inc. v. Bowman*, 762 S.W.2d 417, 420 (Ky. App. 1988)).

DISCUSSION

Mr. Young's Motion for Sanctions fails to state grounds upon which sanctions may be granted. He makes serious allegations not grounded in law or fact and provides no support to justify why sanctions are warranted or how he determined his demand for \$36 million. For this reason, Mr. Young's Motion for Sanctions is **OVERRULED**.

Ms. McGrath, through counsel, also requested sanctions against Mr. Young. She claimed that they

were entitled to sanctions because the lawsuit was frivolous and without merit. Mr. Young makes severe allegations with no proof or facts that apply to cited case law and statutes. He even identified that his requested sanctions would put an end to the “crime spree” of Ms. McGrath and her counsel. Movent's Motion for Sanctions, p. 19. There is sufficient evidence that Mr. Young did not base his pleadings on a reasonable inquiry or ground his arguments in fact. It is apparent that Mr. Young, at the time he signed his pleadings, was unreasonable under the circumstances, particularly in light of this Court having adjudicated a nearly identical action in 2018 involving these same parties in Ms. McGrath's favor.

Ms. McGrath requested sanctions in the form of reasonable attorney's fees, as well as a sanction to enjoin Mr. Young from filing future lawsuits without leave from the Court, pursuant to *Lattanzio v. Joyce*,

308 S.W.3d 723 (Ky. App. 2010). In *Lattanzio*, the Court noted that “[i]n extreme cases where litigants have insisted on repeatedly abusing the legal process despite warnings from the court that such conduct will result in progressively harsher sanctions, courts have resorted to enjoining litigants from future filings.” *Id.* at 727. Although Mr. Young has been given ample warnings about his abuse of the legal process, the Court does not feel that such an extraordinary remedy applies in this case, especially since Mr. Young is a *pro se* litigant. However, this refusal to apply a sanction enjoining Mr. Young is not permission to attempt to relitigate the claims already adjudicated in future lawsuits.

Pursuant to CR 11, Ms. McGrath's Motion for Sanctions for reasonable attorney's fees against Mt. Young is GRANTED. Ms. McGrath's counsel submitted an affidavit in support of costs, fees and

expenses totaling a sum of \$25,550.93. The Court finds that nothing but penalties of this magnitude will stop the Plaintiff's spree of frivolous lawsuits and abuse of the legal system.

ORDER

Based on the foregoing IT IS HEREBY ORDERED that Movant Geoffrey M. Young's Motion for Sanctions is OVERRULED. IT IS FURTHER ORDERED that Respondent Amy McGrath's Motion for Sanctions for reasonable legal fees and costs pursuant to CR 11 against Geoffrey M. Young is GRANTED. Geoffrey M. Young shall pay legal fees and costs incurred in this matter in the amount of \$25,550.93. IT IS FURTHER ORDERED that Amy McGrath's Motion for Sanctions enjoining Geoffrey M. Young from filing future lawsuits without leave from the Court is OVERRULED. This is a final and appealable order with no just cause for delay.

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Entered this 17th day of December, 2020.

/s/ Jeremy Mattox
JEREMY MATTOX, JUDGE
SCOTT CIRCUIT COURT
DIVISION 1

DISTRIBUTION:

Attorneys of Record
Mr. Geoffrey Young

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Appendix 4 – Entered February 18, 2021

ENTERED
FEB 18 2021
TINA M. FOSTER, CLERK
BY: /s/ D.C.

COMMONWEALTH OF KENTUCKY SCOTT
CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 20-CI-00609

GEOFFREY M. YOUNG MOVANT

V.

AMY MCGRATH RESPONDENT

ORDER

This matter came before the Court on December 23, 2020, upon a motion filed by Geoffrey M. Young, *pro se*, moving the Court to grant a new trial and to vacate the two orders entered on December 17, 2020.

On December 23, 2020, Mr. Young filed a motion requesting a new trial. As this case did not have a trial, Mr. Young's Motion for a New Trial is **DENIED.**

On December 23, 2020, Mr. Young also moved the court to vacate the two orders entered on December 17, 2020. The Court should grant relief to alter, amend or vacate a judgment pursuant to Kentucky Rules of Civil Procedure, Rule 59.05, on two grounds: (1) "the movant may demonstrate that the motion is necessary to correct manifest errors of law or fact upon which the judgment is based..." and (2) "the motion will be granted if necessary to prevent manifest injustice." *Gullion v. Gullion*, 163 S.W.3d 888, 893 (Ky. 2005).

In his motion, Mr. Young only realleged his original claims in ballot challenge. Mr. Young is dissatisfied with the Court's ruling; however, this

Court made its decision only after it thoroughly reviewed all the raised claims and based its decision on existing legal precedent. Mr. Young failed to identify a cognizable reason that it would be necessary to correct a manifest error, which is apparent by his repeated claims that these perceived injustices were reversible errors. Further, the Court maintains that Mr. Young is improperly expanding KRS 118.105 (1) and KRS 118.176 beyond the General Assembly's intended use. Mr. Young's dissatisfaction is insufficient grounds to warrant the Court to vacate or amend its orders. Therefore, Mr. Young's Motion to Vacate is **DENIED**.

On February 15, 2021, Defendant Amy McGrath moved the Court to grant additional sanctions due to Mr. Young's "repetitive abuse of the judicial system." Defendant's Motion for Sanctions (Feb. 15, 2021). However, Mr. Young is entitled to

request relief to alter, amend or vacate a judgment.

Therefore, Ms. McGrath's Motion for Sanctions beyond its December 17, 2020 Order Granting Sanctions is **DENIED**.

Mr. Young has fully exhausted all legal remedies available from this Court. The Court shall not accept any further filings in this matter, with the exception of anything related to an appeal, nor will the Court re-docket the case unless it is related to the enforcement of the previous sanctions.

ORDER

Based on the foregoing **IT IS HEREBY ORDERED** that Movant Geoffrey M. Young's Motion for a New Trial and to Vacate the Two Orders entered on December 17, 2020 is **DENIED**. Furthermore, Ms. McGrath's Motion for Sanctions is **DENIED**. This is a final and appealable order with

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no just cause for delay.

Entered this 18th day of February, 2021.

/s/ Jeremy Mattox
JEREMY MATTOX, JUDGE
SCOTT CIRCUIT COURT
DIVISION 1

DISTRIBUTION:

Attorneys of Record
Mr. Geoffrey Young

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Appendix 5 – Entered June 25, 2021

Commonwealth of Kentucky

Court of Appeals

NO. 2021-CA-0228-MR

GEOFFREY M. YOUNG

APPELLANT

APPEAL FROM SCOTT CIRCUIT COURT
HONORABLE JEREMY MICHAEL MATTOX,
JUDGE, ACTION NO. 20-CI-00609

v.

AMY MCGRATH

APPELLEE

ORDER DISMISSING APPEAL

** **

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

This cause comes before the Court on
several motions, including: (1) *pro se* Appellant,

Geoffrey M. Young's "motion to set aside"; (2) Young's motion for sanctions filed on March 11, 2021; (3) Appellee, Amy McGrath's motion to dismiss this appeal/response to Young's "motion to set aside" and request for sanctions/damages; (4) Young's motion for sanctions filed on May 10, 2021; and (5) Young's motion to advance this appeal.

This appeal stems from Young's challenge to the ballot status of McGrath, filed in Scott Circuit Court on September 28, 2020. Young alleged that McGrath was not qualified to appear on the ballot as the Democratic nominee for the United States Senate in the 2020 General Election. In response, McGrath filed a motion to dismiss and a motion for sanctions, which were both granted by the circuit court on December 17, 2020. Young filed a Kentucky Rules of Civil Procedure (CR) 59 motion to vacate, which the circuit court denied on February 18, 2021.

This appeal followed.

As an initial matter, we note that Young previously sued McGrath in 2018 when she was the Democratic nominee for Kentucky's Sixth Congressional District. After McGrath lost to Republican Andy Barr, the Scott Circuit Court dismissed the action finding the issues raised were moot. Young appealed that case (No. 2019-CA-000590) and a panel of this Court dismissed the appeal as moot because McGrath lost the election and, thus, there was no practical legal effect to the controversy. *See Young v. McGrath*, 2019-CA-000590-MR, Order Dismissing Appeal, dated July 11, 2019.

Here, when the circuit court dismissed Young's case on December 17, 2020, part of its basis for dismissal was that Young's claims in the ballot challenge were moot because McGrath lost the 2020

election to Senator McConnell. After the circuit court denied Young's motion to vacate, Young filed this appeal on February 24, 2021. Subsequently, Young also filed a "motion to set aside" the circuit court's February 18, 2021 order, which the Court docketed in this appeal.

In response, McGrath moved to dismiss the appeal, claiming that Young's appeal is moot and untimely. McGrath also requests damages and sanctions, claiming Young's appeal is frivolous.

On May 10, 2021, Young filed a motion for sanctions against McGrath and her attorneys. Young requested the Court to award him \$60,000,000.00 in damages pursuant to CR 73.02(4).

McGrath responded to Young's motion and requested her attorney fees and costs in defending this appeal. McGrath also requested the Court to enjoin Young from filing further appeals.

In Young's most recent filing in this appeal, he moved the Court to advance this appeal. Young claims his appeal has been pending since February 2021 and this Court is delaying him justice by not moving quickly enough. McGrath responded, reiterating her argument that this appeal should be dismissed as moot.

Having reviewed the record, and being otherwise sufficiently advised; IT IS HEREBY ORDERED that this appeal is DISMISSED AS MOOT. McGrath lost the general election in 2020. See *Morgan v. Getter*, 441 S.W.3d 94, 98-99 (Ky. 2014); see also *Louisville Transit Co. v. Dept. of Motor Transp.*, 286 S.W.2d 536, 538 (Ky. 1956) ("It is the universal rule that courts will not consume their time in deciding moot cases, and have no jurisdiction to do so."). IT IS HEREBY FURTHER ORDERED that Young's motion to set aside and his motion to

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advance are DENIED. All motions for sanctions are
DENIED.

ENTERED: JUN 25 2021

/s/ Denise G. Clayton

CHIEF JUDGE, COURT OF APPEALS

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Appendix 6 – The order sought to be reviewed

Entered October 20, 2021

Supreme Court of Kentucky

2021-SC-0242-D
(2021-CA-0228)

GEOFFREY M. YOUNG

MOVANT

V. SCOTT CIRCUIT COURT
20-CI-00609

AMY MCGRATH

RESPONDENT

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