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Appendix 1 – July 15, 2020

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
CIVIL DIVISION 7
CIVIL ACTION NO.:20-CI-1860

ENTERED
ATTEST, VINCENT RIGGS, CLERK
JUL 15 2020
FAYETTE CIRCUIT CLERK
BY (signature) DEPUTY

GEOFFREY M. YOUNG, PRO SE MOVANT

VS.

GARLAND “ANDY” BARR RESPONDENT

ORDER

This matter having come before the Court on
Movant Geoffrey M. Young's Motion Challenging the
Ballot Status of Andy Barr and Motion To Order a
2020 Republican Primary For the U.S. House of
Representatives in KY-6 to be Conducted Without
Andy Barr's Name on the Ballot, Movant having

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appeared, pro se, counsel for Respondent Garland
“Andy” Barr appearing on his behalf, all appearing
via video or telephonic technology, the Court having
been sufficiently advised; IT IS HEREBY ORDERED
AND ADJUDGED as follows:

1. Movant's Motion makes allegations
regarding only the conduct of the election and does
not state a proper grounds for a challenge pursuant
to KRS 118.176 to Respondent's qualifications to to
appear on the ballot. Movant's Motion is
OVERRULED and this action DISMISSED.

Entered this the 14 day of July, 2020.

(signature)

JUDGE, ERNESTO SCORSONE
FAYETTE CIRCUIT COURT, DIVISION 7

Tendered By:
/s/ D. Eric Lycan
D. Eric Lycan
Counsel for Andy Barr

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Tendered 20-CI-01860 07/10/2020
Vincent Riggs, Fayette Circuit Court

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the following was served by U.S. mail, postage prepaid, on this the _____ day of JUL 15 2020 2020, upon:

Hon. D. Eric Lycan
Hon. Samantha Tucker Nance
Hon. Stephanie Tew Campbell
Embry Merritt Shaffar Womack, PLLC
155 East Main St., Suite 260
Lexington, KY 40507
Counsel for Andy Barr

Geoffrey M. Young
454 Kimberly Place
Lexington, KY 40503
Movant, Pro Se

s/ Vincent Riggs
CLERK, FAYETTE CIRCUIT COURT

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Appendix 2 – July 31, 2020

COMMONWEALTH OF KENTUCKY

COURT OF APPEALS

NO. 2020-CA-0886-EL

GEOFFREY M. YOUNG

MOVANT

**ON MOTION FOR INTERLOCUTORY RELIEF
v. FROM FAYETTE CIRCUIT COURT
ACTION NO. 20-CI-01860**

GARLAND ANDY BARR

RESPONDENT

SHOW CAUSE ORDER

* * * * *

Geoffrey M. Young filed this motion for
interlocutory relief pursuant to KRS 118.176(4) to
challenge the July 15, 2020 order of the Jefferson
Circuit Court. The July 15 circuit court stated in
pertinent part as follows:

Movant's Motion makes allegations regarding only the conduct of the election and does not state proper grounds for a challenge pursuant to KRS 118.176 to Respondent's qualification to appear on the ballot. Movant's Motion is OVERRULED and this action [is] DISMISSED.

The Kentucky Supreme Court held in *Gibson v. Thompson*, 336 S.W.3d 81, 83 (Ky. 2011), that “the expedited appeal procedure set forth in KRS 118.176(4) applies only to orders disqualifying a candidate.” Here, the circuit court order did not disqualify Mr. Barr; therefore, it appears that this motion for interlocutory relief may be the improper procedure to invoke this Court's jurisdiction.

Within 15 days from the date of entry of this order, the movant SHALL FILE with the Clerk of this Court five copies of a response to this order that shows cause why this action should not be dismissed

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as improperly taken. Within 10 days of the date of filing the movant's response, the respondent may file a response. Upon the expiration of the time given, this matter shall be returned to the docket for consideration.

ENTERED: JULY 31 2020

(signature of)
Denise G. Clayton
CHIEF JUDGE, COURT OF APPEALS

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Appendix 3 – August 11, 2020

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
CIVIL DIVISION 7
CIVIL ACTION NO.:20-CI-1860

ENTERED
ATTEST, VINCENT RIGGS, CLERK
AUG 11 2020
FAYETTE CIRCUIT CLERK
BY _____ DEPUTY

GEOFFREY M. YOUNG, PRO SE MOVANT

VS.

GARLAND “ANDY” BARR RESPONDENT

ORDER

This matter having come before the Court on
Movant Geoffrey M. Young's Motion to Alter, Amend,
or Vacate the Court's Order, Movant having
appeared, pro se, counsel for Respondent Garland
“Andy” Barr appearing on his behalf, all appearing
via video or telephonic technology, the Court having

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been sufficiently advised; IT IS HEREBY ORDERED
AND ADJUDGED as follows:

1. The Court's review of Respondent's candidacy is limited to a review of Respondent's qualifications to appear on the ballot. Movant set forth allegations relating only to the conduct of the election and not to Respondent's qualifications to appear on the ballot. Therefore, Movant's Motion is OVERRULED and the Court hereby upholds the Order entered on July 4, 2020 dismissing this action.

Entered this the 10 day of Aug, 2020.

(signature)
JUDGE, ERNESTO SCORSONE
FAYETTE CIRCUIT COURT, DIVISION 7

Tendered By:
/s/ Stephanie Tew Campbell
Stephanie Tew Campbell
Counsel for Andy Barr

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Tendered 20-CI-01860 08/03/2020
Vincent Riggs, Fayette Circuit Court

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the following was served by U.S. mail, postage prepaid, on this the 11 day of AUG 25 2020 2020, upon:

Hon. D. Eric Lycan
Hon. Samantha Tucker Nance
Hon. Stephanie Tew Campbell
Embry Merritt Shaffar Womack, PLLC
155 East Main St., Suite 260
Lexington, KY 40507
Counsel for Andy Barr

Geoffrey M. Young
454 Kimberly Place
Lexington, KY 40503
Movant, Pro Se

[signature of]

Vincent Riggs
CLERK, FAYETTE CIRCUIT COURT

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Appendix 4 – August 25, 2020

**COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
22ND JUDICIAL CIRCUIT OF KENTUCKY,
DIVISION 7**

CIVIL ACTION NO. 20-CI-1860

ENTERED
ATTEST, VINCENT RIGGS, CLERK
AUG 25 2020
FAYETTE CIRCUIT CLERK
BY (signature) DEPUTY

GEOFFREY M. YOUNG, PRO SE MOVANT

vs.

GARLAND “ANDY” BARR RESPONDENT

*** * * * ***

**FINAL ORDER DENYING MOVANT'S
CR 59 MOTION**

**This matter having come before the Court on
Movant Geoffrey M. Young's Motion to Alter, Amend,
or Vacate the Court's Order, Movant having
appeared, pro se, counsel for Respondent Garland**

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“Andy” Barr appearing on his behalf, all appearing via video or telephonic technology, the Court having been sufficiently advised; IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Court's review of Respondent's candidacy is limited to a review of Respondent's qualifications to appear on the ballot. Movant set forth allegations relating only to the conduct of the election and not to Respondent's qualifications to appear on the ballot. Therefore, Movant's Motion is OVERRULED and the Court hereby upholds the Order dismissing this action.

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

Entered this 25 day of August, 2020.

(signature)
JUDGE, ERNESTO SCORSONE
FAYETTE CIRCUIT COURT, DIVISION 7

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A TRUE COPY
ATTEST: VINCENT RIGGS, CLERK
FAYETTE CIRCUIT COURT

BY (signature) DEPUTY

Tendered and signed by:

Geoffrey M. Young
Geoffrey M. Young, *pro se*

Signed by:

Counsel for Andy Barr [handwritten]
Note, 8/18/20: Mr.
Lycan refused to
sign this one. G.Y.

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of
the following was served by U.S. mail, postage
prepaid, on this the _____ day of AUG 25 2020 2020,
upon:

Hon. D. Eric Lycan
Hon. Samantha T. Nance
Hon. Stephanie T. Campbell
Embry Merritt Shaffar Womack, PLLC

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155 East Main St., Suite 260
Lexington, KY 40507
Counsel for Andy Barr

Geoffrey M. Young, *pro se*
454 Kimberly Place
Lexington, KY 40503

s/ Vincent Riggs
CLERK, FAYETTE CIRCUIT COURT

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Appendix 5 – October 28, 2020

COMMONWEALTH OF KENTUCKY

COURT OF APPEALS

NO. 2020-CA-0886-I

GEOFFREY M. YOUNG

MOVANT

ON MOTION FOR INTERLOCUTORY RELIEF
v. FROM FAYETTE CIRCUIT COURT
HONORABLE ERNESTO M. SCORSONE, JUDGE
ACTION NO. 20-CI-01860

GARLAND ANDY BARR

RESPONDENT

ORDER

**** ** ***

BEFORE: CLAYTON, CHIEF JUDGE; TAYLOR
AND K. THOMPSON, JUDGES

This cause comes before the Court on
Movant Geoffrey M. Young's, *pro se*, motion to set
aside the Fayette Circuit Court's July 15, 2020 order

denying him relief pursuant to Kentucky Revised Statutes (KRS) 118.176(4). The circuit court found that Mr. Young's "Motion Challenging the Ballot Status of Andy Barr and Motion to Order a 2020 Republican Primary for the U.S. House of Representatives in [Kentucky's Sixth Congressional District] to Be Conducted Without Andy Barr's Name on the Ballot," which was filed on June 22, 2020, [footnote 1: The Court notes that this year's primary election was held the following day on June 23, 2020.] "[made] allegations regarding only the conduct of the election and [did] not state a proper grounds for a challenge pursuant to KRS 118.176 to [Barr's] qualifications to appear on the ballot." Consequently, the circuit court denied the motion and dismissed Mr. Young's action.

Mr. Barr has moved for additional time

to respond to the motion to set aside and has
tendered a response. Mr. Young opposes the motion.
Having considered the motion and response, the
Court ORDERS the motion be, and is hereby,
GRANTED. Mr. Barr's tendered response shall be
FILED this date.

On July 31, 2020, this Court entered a
show cause order directing Mr. Young to show cause
why this action should not be dismissed as
improperly taken. As grounds for the order, the
Court referenced *Gibson v. Thompson*, 336 S.W.3d 81
(Ky. 2011), in which the Supreme Court of Kentucky
held that “the expedited appeal procedure set forth
in KRS 118.176(4) applies only to orders
disqualifying a candidate[.]” *Id.* at 83. Here, the
circuit court order at issue did not disqualify Mr.
Barr as a candidate; therefore, it appears that this

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motion for interlocutory relief was the improper procedure to invoke the Court's jurisdiction. Mr. Young subsequently filed a timely response to the show cause order. The matter now stands before the Court for consideration.

Having reviewed Mr. Young's motion to set aside, his response to the Court's show cause order, and the response to the motion to set aside filed by Mr. Barr, the Court hereby ORDERS that the subject action shall be DISMISSED as improperly taken.

Analysis

“The courts of this Commonwealth have long recognized that the judicial branch has no inherent power to pass on the the validity of elections or the eligibility of candidates, but only has such power as given by the General Assembly or

possessed at common law through a *quo warranto* proceeding.” *Stephenson v. Woodward*, 182 S.W.3d 162, 167 (Ky. 2005), *as modified* (Jan. 19, 2006) (citation omitted). By enacting KRS 118.176, the General Assembly “has delegated to the courts the sole authority to judge the qualifications of candidates if a challenge is filed prior to an election.” *Id.* However, this statute, like other “statutes governing election procedures[,] must be strictly complied with because compliance with certain statutory steps are jurisdictional requirements.” *Id.* at 169 (internal quotation marks and citations omitted). This requirement of strict compliance dictates the outcome of the subject action.

KRS 118.176 provides, in pertinent part:

(2) The bona fides of any candidate seeking nomination or election in a

primary or in a special or regular election may be questioned by any qualified voter entitled to vote for the candidate or by an opposing candidate by summary proceedings consisting of a motion before the Circuit Court of the judicial circuit in which the candidate whose bona fides is questioned resides. An action regarding the bona fides of any candidate seeking nomination or election in a primary or in a special or regular election may be commenced at any time prior to the regular election. The motion shall be tried summarily and without delay. Proof may be heard orally, and upon motion of either party shall be officially reported. If the Circuit Judge of the circuit in which the proceeding is filed is disqualified or absent from the county or is herself or is himself or himself a candidate, the proceeding may be presented to, heard and determined by the Circuit Judge of any adjoining judicial circuit.

...

(4) If the court finds the candidate is not a bona fide candidate it shall so order, and certify the fact to the board of elections, and the candidate's name shall be stricken from the written designation of election officers filed with

the board of elections or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the Circuit Court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion shall be made before the court or judge within five (5) days after the entry of the order in the Circuit Court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.

In *Gibson v. Thompson*, 336 S.W.3d 81, three registered Democrats moved for relief under Kentucky Rules of Civil Procedure (CR) 65.09 from an order of this Court refusing to invalidate the candidacy of Thompson, a Republican candidate for Knott County Judge-Executive. The movants argued Thompson was not qualified as a candidate due to certain federal criminal convictions. *Gibson*, 336

S.W.3d at 81-82. The circuit court did not reach the movants' arguments, but instead dismissed the action without prejudice, "concluding that the Movants, all registered Democrats, lacked standing to challenge Thompson's qualifications in the primary election." *Id.* at 82.

The movants then moved to set aside the circuit court's order pursuant to KRS 118.176(4). This Court denied the motion to set aside, and the Supreme Court of Kentucky denied the movants' CR 65.09 motion, holding that "[t]he motion must be denied because the Movants were not entitled to move the Court of Appeals for relief pursuant to KRS 118.176. *Id.* In particular, the Supreme Court noted:

Here, the trial court made no finding that Thompson was not a *bona fide* candidate. Its order dismissing is based

solely on the Movants' lack of standing. ... Because the expedited appeal procedure set forth in KRS 118.176(4) applies only to orders disqualifying a candidate, the Movants were not entitled to move the Court of Appeals to set aside the order. For this reason, the Movants' motion for interlocutory relief pursuant to CR 65.09 must be denied.

Gibson, 336 S.W.3d at 83 (emphasis added).

In the case *sub judice*, the circuit court did not reach the issue of whether Mr. Barr was a bona fide candidate. KRS 118.176(4). Therefore, Mr. Young may not invoke this Court's jurisdiction through the expedited appeal procedure set forth in KRS 118.176(4). *Gibson*, 336 S.W.3d at 82-83.

We note that earlier this year, the Kentucky Supreme Court stated in an unpublished opinion that “Young has wasted more than his fair share of judicial resources filing numerous complaints with no legal basis over the last five

years.” *Young v. Edelen et al.*, No. 2019-SC-000625-I, 2020 WL 1291421, at *4 (Ky. Feb. 20, 2020) [footnote 2:

The Court notes that the Supreme Court imposed sanctions against Mr. Young in that action in an order entered on April 30, 2020. A motion to reconsider the order was filed on May 12, 2020 and remains pending.]

The only distinction with the current action is that Mr. Young has now focused his claims of conspiracy on a different political party.

Mr. Young's response to the Court's show cause order – like similar responses before it – once again complains about the continued viability and applicability of *Gibson v. Thompson*. His response also includes a “Motion to Urge the Supreme Court to Revisit *Gibson v. Thompson*.” We decline to do so and shall not consider this motion.

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The Court of Appeals is duty bound to follow precedents established by the Supreme Court. *Univ. of Kentucky v. Lexington H-L Servs., Inc.*, 579 S.W.3d 858, 862-63 (Ky. App. 2018); Supreme Court Rule 1.030(8)(a). Since *Gibson* is controlling, we are compelled to follow.

Therefore, the Court ORDERS that the motion to set aside pursuant to KRS 118.176(4) be DISMISSED as improperly taken.

ENTERED: OCT 28 2020

s/ Jeff S. Taylor
JUDGE, COURT OF APPEALS

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Appendix 6 – December 29, 2020

COMMONWEALTH OF KENTUCKY

KENTUCKY COURT OF APPEALS

NO. 2020-CA-0886-I

GEOFFREY M. YOUNG

MOVANT

ON MOTION FOR INTERLOCUTORY RELIEF
v. FROM FAYETTE CIRCUIT COURT
HONORABLE ERNESTO M. SCORSONE, JUDGE
ACTION NO. 20-CI-01860

GARLAND ANDY BARR

RESPONDENT

ORDER

**** ** ***

BEFORE: CLAYTON, CHIEF JUDGE; TAYLOR
AND K. THOMPSON, JUDGES

Movant Geoffrey M. Young moved to set
aside a July 15, 2020 order of the Fayette Circuit
Court denying his motion for relief under KRS

(footnote 1: Kentucky Revised Statutes) 118.176(4)
with respect to the candidacy of Respondent Garland
Andy Barr.

On July 31, 2020, this Court entered an
order directing Mr. Young to show cause why the
above-styled action should not be dismissed as
improperly taken because the circuit court did not
reach the issue of whether Mr. Barr was a *bona fide*
candidate under KRS 118.176(8). On October 28,
2020, following Mr. Young's response to the show
cause order, the Court dismissed the above-styled
matter. Mr. Young moved for reconsideration of the
October 28, 2020 order.

A motion to set aside a circuit court
order under KRS 118.176 "shall be heard by the
Court of Appeals ... in the manner provided for
dissolving of granting injunctions[.]" KRS 118.176(4).

See also Gibson v. Thompson, 336 S.W.3d 81, 83 (Ky. 2011) (denying motion for interlocutory relief under CR (footnote 2: Kentucky Rules of Civil Procedure) 65.09 where movants sought relief from trial court order dismissing for lack of standing their action challenging respondent's qualifications as a candidate for County Judge-Executive). Under the Civil Rules, “[a] ruling granting or denying interlocutory relief under Rule 65.07 will not be reconsidered.” CR 65.07(8).

Having reviewed the record, and being otherwise sufficiently advised; IT IS HEREBY ORDERED that the motion for reconsideration shall be, and hereby is, DENIED.

ENTERED: Dec 29 2020

s/ Jeff S. Taylor

JUDGE, COURT OF APPEALS

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Appendix 7 – May 11, 2021

Commonwealth of Kentucky

Court of Appeals

NO. 2020-CA-001059-MR

GEOFFREY M. YOUNG

APPELLANT

APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE ERNESTO SCORSONE, JUDGE
ACTION NO. 20-CI-01860

v.

GARLAND “ANDY” BARR

APPELLEE

ORDER
DISMISSING APPEAL

** ** *

BEFORE: CALDWELL, DIXON, AND LAMBERT,
JUDGES

This cause comes before the Court on
Appellee's motion to dismiss this appeal or, in the
alternative, for leave to file a brief out of time.

BACKGROUND

Appellee is Garland “Andy” Barr, who is a United States House Representative from Kentucky’s Sixth Congressional District. Appellant is Geoffrey M. Young, *pro se*, who was a candidate in the June 23, 2020 Republican primary against Barr. Barr won the primary election and then won the general election on November 3, 2020.

The day before the primary, Young sued Barr in Fayette Circuit Court, requesting the Republican Primary be conducted without Barr’s name on the ballot. On July 15, 2020, the circuit court dismissed the action because Young only made allegations regarding the conduct of the election and did not state proper grounds for a challenge, pursuant to KRS [footnote 1: Kentucky Revised Statutes] 118.176, regarding Barr’s qualifications to appear on

the ballot.

Young filed a motion to alter, amend, or vacate that order, which the circuit court denied on August 11, 2020. In that order, the circuit court again stated that its review of Barr's "candidacy is limited to a review of [his] qualifications to appear on the ballot" and Young only set forth allegations relating to the conduct of the election. Then, on August 25, 2020, the circuit court issued a "final order" denying Young's motion to alter, amend, or vacate, which included the finality language. Subsequently, Young filed a notice of appeal with this Court on August 28, 2020 and filed his Appellant's brief on November 17, 2020.

Notably, on July 21, 2020, six days after the circuit court initially dismissed Young's action, Young filed a CR [footnote 2: Kentucky Rules of Civil

Procedure] 65.07 appeal with this Court in No. 2020-CA-0886-EL. This Court issued an order on July 31, 2020 requesting Young to show cause why that appeal should not be dismissed as improperly taken. As grounds for that order, the Court referenced *Gibson v. Thompson*, 336 S.W.3d 81 (Ky. 2011), in which the Kentucky Supreme Court held that “the expedited appeal procedure set forth in KRS 118.176(4) applies only to orders disqualifying a candidate[.]” *Id.* at 83. On October 28, 2020, after reviewing Young's response to the show cause order, the Court dismissed Young's motion as improperly taken. The Court held that the appeal procedure set forth in KRS 118.176(4) applies only to orders disqualifying a candidate and, here, the circuit court did not disqualify Barr as a candidate. Thus, Young's appeal was improper. The Court further

denied Young's motion to reconsider on December 29, 2020.

On February 2, 2020, Barr filed the subject motion to dismiss or, in the alternative, for leave to file a brief out of time. Barr claims this appeal is moot because, since the filing of Young's appeal, he won the general election on November 3, 2020, the Kentucky Secretary of State certified the results, and he has been seated in the U.S. House. Barr contends that the U.S. House has the sole power to determine the qualifications of its members and it has determined that he is qualified to serve, so a challenge to his bona fides and this appeal is moot. In the alternative, Barr requests leave to file his Appellee's brief out of time. In his motion, Barr's attorney claims that he thought this action was dismissed and no responsive brief was required

because the Court had dismissed Young's other case against him (No. 2020-CA-0886-EL), which stemmed from the same underlying action. Plus, Barr's attorney claims he thought this appeal was moot given the fact that Barr was seated in the U.S. House after this appeal was filed.

In response, Young claims Barr was unqualified to have his name on the ballot in the general election because Barr did not seek the nomination in the 2020 Republican Primary. Young argues that "a frivolous dismissal order entered by the Fayette Circuit Court" could not make the question of whether the Republican party "rig[ged] an entire primary election," as well as other issues, moot. Also, Young opposes Barr's request for leave to file an untimely responsive brief, noting Barr's brief was due on January 19, 2021. Additionally,

Young argues this Court should deny Barr's request because this Court "has been recalcitrant by letting [his] motion sit until after the general election" and giving Barr more time "would convert [this Court] from a recalcitrant court into an extremely recalcitrant court."

ANALYSIS

"The courts of this Commonwealth have long recognized that the judicial branch has no inherent power to pass on the validity of elections or the eligibility of candidates, but only has such power as given by the General Assembly or possessed at common law through a *quo warranto* proceeding." *Stephenson v. Woodward*, 182 S.W.3d 162, 167 (Ky. 2005), *as modified* (Jan. 19, 2006) (citation omitted). By enacting KRS 118.176, the General Assembly "has delegated to the courts the sole authority to

judge the qualifications of candidates if a challenge is filed prior to an election.” *Id.* This statute, like other “statutes governing election procedures[,] must be strictly complied with because compliance with certain statutory steps are jurisdictional requirements.” *Id.* at 169 (internal quotation marks and citations omitted).

KRS 118.176 provides the method for challenging a candidate before an election. The relevant portion of this statute reads:

- (1) A "bona fide" candidate means one who is seeking nomination in a primary or election in a special or regular election according to law.
- (2) The bona fides of any candidate seeking nomination in a primary or in a special or regular election may be questioned by any qualified voter entitled to vote for the candidate or by an opposing candidate by summary proceedings consisting of a motion before the Circuit Court of the judicial circuit in which the candidate whose

bona fides is questioned resides. An action regarding the bona fides of any candidate seeking nomination or election in a primary or in a special or regular election may be commenced at any time prior to the regular election. The motion shall be tried summarily and without delay. Proof may be heard orally, and upon motion of either party shall be officially reported. ...

(3) In 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 a candidate.

(4) **If the court finds the candidate is not a bona fide candidate it shall so order, and certify the fact to the board of elections, and the candidate's name shall be stricken from the written designation of election officers filed with the board of elections or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the Circuit Court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion shall be made before the court or judge within five (5)**

days after the entry of the order in the Circuit Court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.

(emphasis added).

Here, Young challenged Barr's bona fides in circuit court before the election and the circuit court dismissed that action because Young did not state proper grounds for a challenge, pursuant to KRS 118.176, to Barr's qualifications to appear on the ballot. Then, Young moved this Court to set aside the circuit court's order in July 2020. This Court denied Young's motion as improperly taken because the appeal procedure in KRS 118.176(4) only applies "[i]f the court finds the candidate is not a bona fide candidate." But, here, the circuit court order did *not* make such a finding and, thus, that order was *not* "subject to a motion to set aside in the Court of

Appeals.” KRS 118.176(4).

The case *sub judice* is the same as Young's appeal in No. 2020-CA-0886-EL. Although this appeal is from the circuit court's August 25, 2020 “final order” denying his CR 59 motion to alter, amend, or vacate, that does not change the fact that Young is still seeking an improper appeal of the circuit court's decision. The circuit court's orders of July 15, 2020, August 11, 2020, and August 25, 2020 all state that Young did not state proper grounds for a challenge to Barr's qualifications. Because the circuit court did not disqualify Barr as a candidate in any of these orders, Young may not invoke this Court's jurisdiction through the appeal procedure set forth in KRS 118.176(4) – by way of a motion to set aside or by a direct appeal in the instant action. Thus, this appeal must be dismissed as improperly

taken.

Furthermore, as noted in our October 28, 2020 order in No. 2020-CA-0886-EL, we must again emphasize that the Kentucky Supreme Court stated in *Young v. Edelen*, 2020 WL 1291421, at *4 (Ky. Feb. 20, 2020), reconsideration denied on October 29, 2020), [footnote 3: Young filed a petition for a writ of certiorari in the United States Supreme Court on December 1, 2020. That petition was denied on April 5, 2021.] that “Young has wasted more than his fair share of judicial resources filing numerous complaints with no legal basis over the last five years.” The only distinction between that case and the current one is that Young focused his claims of conspiracy on a different political party. [footnote 4:

Further, in addressing Young's repetitive and frivolous claims, the Kentucky Supreme Court held it would

“be well within [its] 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.” *Id.* at *4. Later, the Court ordered Young to pay the KET Defendants' attorney's fees as a sanction. *See* April 30, 2020 Order from Kentucky Supreme Court in No. 2019-SC-000625.]

Although Young is a *pro se* litigant, he should be mindful of filing repetitive and frivolous claims.

Having reviewed the record, and being otherwise sufficiently advised, the above-styled appeal shall be, and hereby is, DISMISSED as improperly taken.

ENTERED: May 11, 2021

s/ James H. Lambert
JUDGE, COURT OF APPEALS

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Appendix 8 – July 16, 2021

Fayette Circuit Court, Division 7
Civil Action No. 20-CI-01860

GEOFFREY M. YOUNG, PRO SE MOVANT
VS.

GARLAND “ANDY” BARR RESPONDENT

ORDER

This matter having come before the Court on
Movant Geoffrey M. Young's Motions to Vacate
Three Orders and For Sanctions, Movant having
appeared, pro se, counsel for Respondent Garland
“Andy” Barr appearing on his behalf, all appearing
via video or telephonic technology, the Court having
been sufficiently advised; IT IS HEREBY ORDERED
AND ADJUDGED as follows:

1. Movant's Motion To Vacate Three
Orders is OVERRULED as Movant failed to state

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sufficient grounds to vacate any of the subject orders
pursuant to CR 60.02 or CR 59.01.

2. Movant's Motion For Sanctions is
OVERRULED.

Entered this the 15 day of July, 2021.

s/ JUDGE, ERNESTO SCORSONE
FAYETTE CIRCUIT COURT, DIVISION 7

Tendered By:
/s/ D. Eric Lycan
D. Eric Lycan
Counsel for Garland "Andy" Barr

Tendered 20-CI-01860 07/08/2021
Vincent Riggs, Fayette Circuit Clerk

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of
the following was served by U.S. mail, postage
prepaid, on this the _____ day of JUL 16 2021 2021,
upon:

CHIEF JUSTICE