

COMMONWEALTH OF KENTUCKY
COUNTY OF FRANKLIN CIRCUIT COURT
DIVISION ONE
CASE NO. 17-CI-1348

JEFFREY C. MAYBERRY, *et al.*

PLAINTIFFS

vs.

**The Tier 3 Plaintiffs’ Notice of Motion and Motion
for Entry of an Order Requiring That Documents
Regarding the Calcaterra Pollack “Investigation”
Be Preserved and That the Calcaterra Report
Be Provided to the Tier 3 Plaintiffs’ Counsel**

KKR & CO., L.P., *et al.*

DEFENDANTS

ELECTRONICALLY FILED

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PLEASE TAKE NOTICE that, on May 10, 2021, at the conclusion of the motion hour docket (9:00 a.m. Eastern Time), or as soon thereafter as counsel may be heard, Ashley Hall-Nagy, Tia Taylor and Bobby Estes (the “Tier 3 Plaintiffs”) will, and hereby do, move the Court, before the Honorable Phillip J. Shepherd, at the Franklin County Courthouse, located at 222 St. Clair Street, Frankfort, Kentucky 40601, for entry of an order:

- directing KRS,¹ its Trustees and Officers, and the Office of the Attorney General (“OAG”), and their respective employees, agents and attorneys, including the law firms of Calcaterra Pollack LLP (the “CALCATERRA FIRM”) and Stoll Keenon Ogden PLLC, to preserve all documents² — including drafts and communications — relating to the investigation contracted by and between the

¹ “KRS” means and includes Kentucky Retirement Systems, Kentucky Public Pensions Authority, CERS, KERS and SPRS.

² The term “documents” has the same broad meaning as in CR 34.01, and specifically includes, without limitation, emails and other electronically stored information (ESI).

Commonwealth of Kentucky and KRS on the one side, and the CALCATERRA FIRM on the other;

- directing that KRS turn over to the Tier 3 Plaintiffs whatever report(s) are turned over to the OAG, at the same time; and
- granting such other and further relief as the Court deems just and proper.

The Tier 3 Plaintiffs expect that the hearing time will exceed ten minutes.

In support of this motion, the Tier 3 Plaintiffs submit the accompanying memorandum, together with Exhibits 1 through 25, and the accompanying proposed order, and rely on all papers and proceedings in this action.

Dated: May 3, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

The above signature certifies that, on May 3, 2021, the foregoing was served via email in accordance with any notice of electronic service or, in the absence of an electronic notification address, via email or mail as indicated below, to:

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