

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CASE NO. 17-CI-01348
Electronically filed

JEFFREY C. MAYBERRY, *et al.*

Plaintiffs

and

COMMONWEALTH OF KENTUCKY

Intervening Plaintiff

v.

KKR & CO. LLP, *et al.*

Defendants

MOTION FOR EXTENSION OF TIME

NOTICE

The following motion shall come on for a hearing before the Franklin Circuit Court on February 8, 2021, at 9:00 a.m., or as soon thereafter as counsel may be heard.

MOTION

The Intervening Plaintiff, Commonwealth of Kentucky, by and through its Attorney General, respectfully moves the Court for an extension of time in which to file an Amended Complaint in this action. In support of this motion, the Commonwealth of Kentucky states as follows:

By order entered January 12, 2021, the Court directed the Commonwealth of Kentucky to file its Amended Complaint in this matter by February 1, 2021. Since then, counsel for the Commonwealth have worked diligently to conform its intervening complaint in this action to the facts and law and to craft an appropriate Amended Complaint. As well, counsel have engaged in discussions with counsel for various Defendants regarding the merits of the claims, and in some cases regarding the potential resolution of the claims against them. Further, counsel for the Commonwealth have engaged in discussions with counsel for the non-party “Tier 3 Group” regarding issues raised by their proposed intervention in this action. Most importantly, however, counsel for the Commonwealth have been engaged in a review and analysis of the facts and the law underlying this action to prepare and support the Commonwealth’s forthcoming Amended Complaint. That review is not yet complete.

Counsel for the Commonwealth understand as well that Kentucky Retirement Systems has entered into a contract with independent outside counsel to “investigate specific investment activities conducted by the Kentucky Retirement Systems to determine if there are any improper or illegal activities on the part of the parties involved and produce a detailed report documenting their investigation and findings.”

Because of the ongoing discussions mentioned above, and because of the ongoing investigation by Kentucky Retirement Systems, the Commonwealth respectfully submits that it would be to the benefit of all parties for the Court to allow additional time for the Commonwealth to file its Amended Complaint.

Accordingly, the Commonwealth of Kentucky respectfully requests an extension of time, to and including 10 days after the Kentucky Retirement Systems makes public any part of the investigation for which it has contracted, or April 16, 2021, whichever is earlier, in which to file its Amended Complaint in this action. The Commonwealth further respectfully suggests that: (1) the “Tier 3 Group” also be given an extension to and including fourteen days after the Commonwealth files its amended complaint, or April 26, 2021, whichever is earlier, in which to file their motion to intervene in this action; and (2) the February 22, 2021 status conference be rescheduled to occur after the deadline for the “Tier 3 Group” to file their motion to intervene.

Respectfully submitted,

/s/ Aaron J. Silletto

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CERTIFICATE OF SERVICE

I certify that on January 29, 2021, a copy of the above was filed electronically with the Court and served through the Court's electronic filing system upon the following:

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