

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 17-CI-01348
CIVIL ACTION NO. 20-CI-00590

JEFFREY C. MAYBERRY, et al.

PLAINTIFFS

v.

ORDER

KKR & CO. LLP, et al.

DEFENDANTS

This matter is before the Court following oral argument held on August 24, 2020 on the objection filed by Defendants to the Order entered on August 5, 2020, to the extent that Order consolidates this action with Case No. 20-CR-0590. Oral Argument was conducted using Zoom technology. Being sufficiently advised, the Court hereby **VACATES** its August 5, 2020 Order insofar as it consolidates 17-CI-01348 and 20-CI-00590; the Order remains intact regarding the transfer of 20-CI-00590 from Division II to Division I.¹ The Court currently has pending before it motions that address whether there are any issues left to decide in No. 17-CI-01348, whether the Attorney General should be allowed to intervene in that case, and whether the original plaintiffs should be allowed to file an amended complaint in that action. The Defendants all maintain that this action was terminated by the ruling of the Kentucky Supreme Court, and until the Court has addressed whether the case is over, or alternatively, whether it has jurisdiction to address the issues the Attorney General and Plaintiffs are attempting to raise in this action, it is improvident to consolidate this action with the litigation newly filed by the Attorney General. Accordingly, to

¹ The Court also hereby corrects the typographical error in the August 5, 2020 Order, which references “20-CI-00730” rather than the correct case number of case newly filed by the Attorney General, No. 20-CI-00590.

the limited extent that the August 5, 2020 Order consolidated No. 17-CI-01348 and No. 20-CI-00590, the objections of the Defendants to that Order are **SUSTAINED**.

So **ORDERED** this the 24th day of August, 2020.



PHILLIP J. SHEPHERD, JUDGE
Franklin Circuit Court, Division I

Distribution:

Victor B. Maddox (victor.maddox@ky.gov)
J. Christian Lewis (christian.lewis@ky.gov)
Justin D. Clark (justind.clark@ky.gov)
Steve Humphress (steve.humphress@ky.gov)
Aaron J. Silletto (aaron.stillette@ky.gov)
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
Counsel for the Commonwealth of Kentucky

Richard M. Guarnieri (rguar@truelawky.com)
Philip C. Lawson (plawson@truelawky.com)
True Guarnieri Ayer, LLP
Counsel for Randy Overstreet and Bobby D. Henson

Glenn A. Cohen (gcohen@derbycitylaw.com)
Lynn M. Watson (watson@derbycitylaw.com)
Seiller Waterman, LLC
Counsel for William Cook

Laurence J. Zielke (lzielke@zielkefirm.com)
John H. Dwyer, Jr. (jdwyer@zielkefirm.com)
Karen C. Jaracz (kjaracz@zielkefirm.com)
Belinda G. Brown (belindab@zielkefirm.com)
Zielke Law Firm, PLLC
Counsel for Timothy Longmeyer

Mark Guilfoyle (mguilfoyle@dbllaw.com)
Patrick Hughes (phughes@dbllaw.com)
Kent Wicker (kwicker@dbllaw.com)
Andrew D. Pellino (apellino@dbllaw.com)

Dressman, Benzinger & Lavelle, PSC
Counsel for Thomas Elliot

John W. Phillips (jphillips@ppoalaw.com)
Susan D. Phillips (sphillips@ppoalaw.com)
Sean Ragland (ragland@ppoalaw.com)
Phillips Parker Orberon & Arnett, PLC
Counsel for Jennifer Elliot

Brent L. Caldwell (bcaldwell@caldwelllawyers.com)
Noel Caldwell (noelcaldwell@gmail.com)
Counsel for Vince Lang

Michael L. Hawkins (mhawkins@mlhlawky.com)
Michael L. Hawkins & Associates, PLLC
Counsel for Brent Aldridge

Albert F. Grasch, Jr. (al.grasch@rgcmlaw.com)
J. Mel Camenisch, Jr. (mel.camenisch@rgcmlaw.com)
J. Wesley Harned (wes.harned@rgcmlaw.com)
Rose Grasch Camenisch Mains, PLLC
Counsel for T.J. Carlson

David J. Guarnieri (dguarnieri@mmlk.com)
Jason R. Hollon (jhollon@mmlk.com)
McBayer McGinnis Leslie & Kirkland, PLLC

Kenton E. Knickmeyer (kknickmeyer@thompsoncoburn.com)
Mike Bartolacci (mbartolacci@thompsoncoburn.com)
Shaun Broeker (sbroeker@thompsoncoburn.com)
Thompson Coburn LLP
Counsel for David Peden

Kevin P. Fox (kfox@lgpllc.com)
Stewart C. Burch (sburch@lgpllc.com)
Logan Burch & Fox
Counsel for William A. Thielen

Barbara B. Edelman (barbara.edelman@dinsmore.com)
Grahmn N. Morgan (grahmn.morgan@dinsmore.com)
John M. Spires (john.spires@dinsmore.com)
Dinsmore & Shohl, LLP

Abigail Noebels (anoebels@susmangodfrey.com)
Barry Barnett (bbarnett@susmangodfrey.com)
Steven Shepard (sshepard@susmangodfrey.com)

Ryan Weiss (rweiss@susmangodfrey.com)
Counsel for KKR & Co., L.P.; Henry R. Kravis; and George R. Robert

Peter E. Kazanoff (pkazanoff@stblaw.com)
Paul C. Curnin (pcurnin@stblaw.com)
David Elbaum (david.elbaum@stblaw.com)
Michael J. Garvey (mgarvey@stblaw.com)
Sara A. Ricciardi (sricciardi@stblaw.com)
Michael Carnevale (michael.carnevale@stblaw.com)
Simpson Thacher & Barlett, LLP
Counsel for Prisma Capital Partners, L.P.; Pacific Alternative Asset Management Company, LLC; Girish Reddy, and Jane Buchan

Donald J. Kelly (dkelly@wyattfirm.com)
Virginia H. Snell (vsnell@wyattfirm.com)
Jordan M. White (jwhite@wyattfirm.com)
Wyatt, Tarrant & Combs, LLP

Brad S. Karp (bkarp@paulweiss.com)
Lorin L. Reisner (lreisner@paulweiss.com)
Andrew J. Ehrlich (aehrlich@paulweiss.com)
Brette Tannenbaum (btannenbaum@paulweiss.com)
Paul, Weiss, Rifkind, Wharton & Garrison LLP
Counsel for Blackstone Group, L.P.; Blackstone Alternative Asset Management Company, L.P.; Steven A. Scharzman; and J. Tomilson Hill

Philip Collier (pcollier@stites.com)
Thad M. Barnes (tbarnes@stites.com)
Jeffrey S. Moad (jmoad@stites.com)
Linda Walls (lwalls@stites.com)
Stites & Harbison PLLC
Counsel for R.V. Kuhns & Associates, Inc.; Rebecca A. Gratsinger; and Jim Voytk

Margaret A. Keeley (mkeeley@wc.com)
Ana C. Reyes (areyes@wc.com)
Alexander Zolan (azolan@wc.com)
Williams & Connolly LLP

Susan Pope (spope@ftlaw.com)
Cory Skolnick (cskolnick@ftlaw.com)
Frost Brown Todd LLC
Counsel for Ice Miller, LLP

Charles E. English, Jr. (benglish@elpolaw.com)
E. Kenly Ames (kames@elpolaw.com)
English, Lucas, Priest & Owsley

Steven G. Hall (shall@bakerdonelson.com)
Sarah-Nell H. Walsh (swalsh@bakerdonelson.com)
Kristin S. Tucker (ktucker@bakerdonelson.com)
Robert G. Brazier (rbrazier@bakerdonelson.com)
Baker Donelson Bearman Caldwell & Berkowitz, PC
Counsel for Cavanaugh MacDonald Consulting, LLC; Thomas J. Cavanaugh; Todd B. Green; and Alisa Bennett

Dustin E. Meek (dmeek@tachaulaw.com)
Tachau Meek PLC
Counsel for Government Finance Officers Association of the United States and Canada

Perry M. Bentley (perry.bentley@skofirm.com)
Connor B. Egan (connor.egan@skofirm.com)
Christopher E. Schaefer (christopher.schaefer@skofirm.com)
Chadler M. Hardin (chad.hardin@skofirm.com)
Paul C. Harnice (paul.harnice@skofirm.com)
Sarah Jackson Bishop (sarah.bishop@skofirm.com)
Matthew D. Wingate (matthew.wingate@skofirm.com)
John W. Bilby (john.bilby@skofirm.com)
Stoll Keenon Ogden PLLC
Counsel for Kentucky Retirement Systems

Michelle Ciccarelli Lerach (mлерach@bottinilaw.com)
James D. Baskin (jbaskin@bottinilaw.com)
Francis A. Bottini, Jr. (bottini@bottinilaw.com)
Albert Y. Chang (achang@bottinilaw.com)
Bottini & Bottini, Inc.

Jeffrey M. Walson (jeff@walsonlcm.com)
Walson Law-Consultancy-Mediation
Counsel for Plaintiffs Jeffrey C. Mayberry, Hon. Brandy O. Brown, Martha Michelle Miller, Steve Robers, and Teresa Stewart

Anne B. Oldfather (aoldfather@oldfather.com)
Oldfather Law Firm

Vanessa B. Cantley (vanessa@bccnlaw.com)
Patrick E. Markey (patrick@bccnlaw.com)
Bahe Cook Cantley & Nefzger, PLC

Casey L. Dobson (cdobson@scottdoug.com)
S. Abraham Kuczaj, III (akuczaj@scottdoug.com)
David D. Shank (dshank@scottdoug.com)

Sameer Hashmi (shashmi@scottdoug.com)
Paige Arnette Amstutz (pamstutz@scottdoug.com)
Jane Webre (jwebre@scottdoug.com)
Scott Douglass McConnico, LLP

Jonathan W. Cuneo (jonc@cuneolaw.com)
Monica Miller (monica@cuneolaw.com)
David Black (dblack@cuneolaw.com)
Mark Dubester (mark@cuneolaw.com)
Cuneo Gilbert & Laduca, LLP
Counsel for Plaintiffs Jason Lainhart, Don D. Commer, and Ben Wyman