

COMMONWEALTH OF KENTUCKY  
FRANKLIN CIRCUIT COURT  
CASE NO. 17-CI-1348  
***FILED ELECTRONICALLY***

JEFFREY C. MAYBERRY, et al.

PLAINTIFFS

v.

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

DEFENDANTS

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF THE  
PAAMCO/PRISMA DEFENDANTS' OBJECTION TO THE OFFICE OF THE  
ATTORNEY GENERAL'S MOTION TO INTERVENE ON BEHALF OF THE  
COMMONWEALTH OF KENTUCKY**

Defendants, Prisma Capital Partners LP, Girish Reddy, PAAMCO Prisma, LLC (formerly Pacific Alternative Asset Management Company, LLC), and Jane Buchan, by and through counsel, hereby submit this notice of supplemental authority in further opposition to the Attorney General's July 20, 2020 Motion to Intervene, and more specifically, in response to comments by counsel for certain plaintiffs during the August 17 Court hearing regarding when the Court of Appeals' writ of prohibition became effective.<sup>1</sup>

In January 2019, several defendants commenced original proceedings in the Court of Appeals under CR 76.36 seeking writs of prohibition directed to the Circuit Court. On April 23, 2019, the Court of Appeals issued a decision styled as an "Order Granting Petitions for Writs of Prohibition." The Court of Appeals' Order granted the petitions for writs of prohibition and

---

<sup>1</sup> The PAAMCO/Prisma Defendants submit this objection without waiving, and expressly preserving, their argument that this Court lacks jurisdiction to act on the Motion to Intervene or take any other action beyond dismissing this case consistent with the Supreme Court's directive. The PAAMCO/Prisma Defendants reserve all rights with respect to the proposed Intervening Complaint.

vacated this Court’s November 2018 Opinion and Order denying the Defendants’ motion to dismiss for lack of standing. *See Prisma Capital Partners, LP v. Shepherd*, No. 2019-CA-00043-OA, Order at 21 (Ky. Ct. App. Apr. 23, 2019); *see also id.*, Petition Pursuant to CR 76.36, at 5 (requesting that the Court of Appeals “enter a writ prohibiting the Circuit Court from hearing this case”). CR 76.38(1) provides that, “[u]nless otherwise directed, all orders of an appellate court, including those in original proceedings under Rule 76.36, are effective upon entry and filing with the clerk.” Under this Rule, the Court of Appeals’ writ order became effective immediately when it was entered. *See Metropolitan Housing Coalition v. Shepherd*, No. 2019-SC-000195-MR, 2020 WL 2831838, at \*3 (Ky. May 28, 2020). CR 76.30 does not apply here because it is expressly limited to a “final decision of an appellate court styled an ‘Opinion.’” CR 76.30(1).

The Court of Appeals has never stayed or modified its writ of prohibition. In addition, the Supreme Court dismissed the Plaintiffs’ *appeal* of the writ order—not the writ order itself—“as moot” based on its determination in the parallel appeal by the Trustee and Officer Defendants that the Circuit Court lacked subject matter jurisdiction. Accordingly, the Court of Appeals’ writ order is in full force and effect until this Court dismisses the complaint in accordance with the Supreme Court’s mandate.

### **CONCLUSION**

For the reasons stated herein and in their July 30 opposition, the PAAMCO/Prisma Defendants respectfully request that the Court decline to hear the OAG’s Motion to Intervene, and dismiss the case pursuant to the direction of the Kentucky Supreme Court.

/s/ *Barbara B. Edelman*

Barbara B. Edelman

Grahmn N. Morgan

John M. Spires

DINSMORE & SHOHL LLP  
250 W. Main Street, Suite 1400  
Lexington, Kentucky 40507  
Phone: (859) 425-1000  
Fax: (859) 425-1099  
[barbara.edelman@dinsmore.com](mailto:barbara.edelman@dinsmore.com)  
[grahmn.morgan@dinsmore.com](mailto:grahmn.morgan@dinsmore.com)  
[john.spires@dinsmore.com](mailto:john.spires@dinsmore.com)

Paul C. Curnin  
Peter E. Kazanoff  
Michael J. Garvey  
David Elbaum  
Sara A. Ricciardi  
SIMPSON THACHER & BARTLETT LLP  
425 Lexington Avenue  
New York, New York 10017  
Phone: (212) 455-2000  
Fax: (212) 455-2502  
[pcurnin@stblaw.com](mailto:pcurnin@stblaw.com)  
[mgarvey@stblaw.com](mailto:mgarvey@stblaw.com)  
[pkazanoff@stblaw.com](mailto:pkazanoff@stblaw.com)  
[david.elbaum@stblaw.com](mailto:david.elbaum@stblaw.com)  
[sricciardi@stblaw.com](mailto:sricciardi@stblaw.com)

*Attorneys for Prisma Capital Partners LP, Girish Reddy, PAAMCO Prisma, LLC, and Jane Buchan*

**CERTIFICATE OF SERVICE**

The above signature certifies that, on August 21, 2020, the foregoing was electronically filed with the Clerk of the Court using the KCOJ e-filing system and pursuant to Notices of E-Service served via email pursuant to CR 5.02(2), to the following:

Ann B. Oldfather                      aoldfather@oldfather.com  
*Counsel for Certain Plaintiffs*

Vanessa B. Cantley                vanessa@bccnlaw.com  
Patrick E. Markey                patrick@bccnlaw.com  
*Counsel for Certain Plaintiffs*

Michelle C. Lerach                michelle@bottinilaw.com  
James D. Baskin                 jbaskin@bottinilaw.com  
Francis Bottini                 fbottini@bottinilaw.com  
Albert Chang                    achang@bottinilaw.com  
*Counsel for Certain Plaintiffs*

Jeffrey M. Walson                jeff@walsonlcm.com  
*Counsel for Certain Plaintiffs*

Jonathan W. Cuneo                jonc@cuneolaw.com  
Monica Miller                    monica@cuneolaw.com  
David Black                      dblack@cuneolaw.com  
*Counsel for Certain Plaintiffs*

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  
*Counsel for Certain Plaintiffs*

Abigail Noebels                 anoebels@susmangodfrey.com  
Barry Barnett                    bbarnett@susmangodfrey.com  
Steven Shepard                 ssh Shepard@susmangodfrey.com  
Ryan Weiss                      rweiss@susmangodfrey.com  
*Counsel for Defendants KKR & Co. L.P., Henry Kravis, George Roberts*

Peter E. Kazanoff                pkazanoff@stblaw.com  
Paul C. Curnin                    pcurnin@stblaw.com  
David Elbaum                    david.elbaum@stblaw.com

Michael Garvey                      mgarvey@stblaw.com  
 Sara Ricciardi                      sricciardi@stblaw.com  
 Michael Carnevale                      michael.carnevale@styblaw.com  
*Counsel for Defendants Prisma Capital Partners LP, Girish Reddy, PAAMCO Prisma, LLC f/k/a Pacific Alternative Asset Management Company, LLC, and Jane Buchan*

Barbara B. Edelman                      barbara.edelman@dinsmore.com  
 Grahmn N. Morgan                      grahmn.morgan@dinsmore.com  
 John M. Spires                      john.spires@dinsmore.com  
*Counsel for KKR & Co. L.P., Henry Kravis, George Roberts, Prisma Capital Partners LP, Girish Reddy, PAAMCO Prisma, LLC f/k/a Pacific Alternative Asset Management Company, LLC, and Jane Buchan*

Donald J. Kelly                      dkelly@wyattfirm.com  
 Virginia H. Snell                      vsnell@wyattfirm.com  
 Jordan M. White                      jwhite@wyattfirm.com  
 Brad S. Karp                      bkarp@paulweiss.com  
 Lorin L. Reisner                      lreisner@paulweiss.com  
 Andrew J. Ehrlich                      aehrlich@paulweiss.com  
 Brette Tannenbaum                      btannenbaum@paulweiss.com  
*Counsel for Defendants Blackstone Group, L.P., Blackstone Alternative Asset Management, L.P., Steven A. Schwarzman and J. Tomilson Hill*

Philip Collier                      pcollier@stites.com  
 Thad M. Barnes                      tbarnes@stites.com  
 Jeffrey S. Moad                      jmoad@stites.com  
*Counsel for Defendants R.V. Kuhns & Associates, Inc, Rebecca A. Gratsinger, and Jim Voytko*

Margaret A. Keeley                      mkeeley@wc.com  
 Ana C. Reyes                      areyes@wc.com  
 Susan Pope                      spope@fbtlaw.com  
 Cory Skolnick                      cskolnick@fbtlaw.com  
*Counsel for Defendant Ice Miller, LLP*

Charles E. English, Jr.                      benglish@elpolaw.com  
 E. Kenly Ames                      kames@elpolaw.com  
 Steven G. Hall                      shall@bakerdonelson.com  
 Kristin S. Tucker                      ktucker@bakerdonelson.com  
 Robert G. Brazier                      rbrazier@bakerdonelson.com  
*Counsel for Defendants Cavanaugh Macdonald Consulting, LLC, Thomas Cavanaugh, Todd Green and Alisa Bennett*

Dustin E. Meek                      dmeek@tachaulaw.com  
*Counsel for Government Finance Officers Association*

John W. Phillips                      jphillips@ppoalaw.com

Susan D. Phillips                      sphillips@ppoalaw.com  
 Sean Ragland                            sragland@ppoalaw.com  
*Counsel for Defendant Jennifer Elliott*

Mark Guilfoyle                        mguilfoyle@dbllaw.com  
 Patrick Hughes                        phughes@dbllaw.com  
 Kent Wicker                            kwicker@dbllaw.com  
 Andrew Pellino                        apellino@dbllaw.com  
*Counsel for Defendant Thomas Elliott*

Michael L. Hawkins                    mhawkins@mlhlawky.com  
*Counsel for Defendant Brent Aldridge*

Albert F. Grasch, Jr.                   mel.camenisch@rgcmlaw.com  
 J. Mel Camenisch, Jr.                al.grasch@rgcmlaw.com  
 J. Wesley Harned                      wes.harned@rgcmlaw.com  
*Counsel for Defendant T.J. Carlson*

Laurence J. Zielke                    lzielke@zielkefirm.com  
 John H. Dwyer, Jr.                    jdwyer@zielkefirm.com  
 Karen C. Jaracz                        kjaracz@zielkefirm.com  
*Counsel for Defendant Timothy Longmeyer*

David J. Guarnieri                    dguarnieri@mmlk.com  
 Jason R. Hollon                        jhollon@mmlk.com  
 Kenton E. Knickmeyer                kknickmeyer@thompsoncoburn.com  
 Mike Bartolacci                        mbartolacci@thompsoncoburn.com  
 Shaun Broeker                        sbroeker@thompsoncoburn.com  
*Counsel for Defendant David Peden*

Keven P. Fox                            kfox@lgpllc.com  
 Stewart C. Burch                       sburch@lgpllc.com  
*Counsel for Defendant William A. Thielen*

Glenn A. Cohen                        gcohen@derbycitylaw.com  
 Lynn M. Watson                        watson@derbycitylaw.com  
*Counsel for Defendant William Cook*

Richard M. Guarnieri                rguar@truelawky.com  
 Philip C. Lawson                       plawson@truelawky.com  
*Counsel for Defendants Bobbie Henson and Randy Overstreet*

Brent L. Caldwell                       bcaldwell@caldwelllawyers.com  
 Noel Caldwell                           noelcaldwell@gmail.com  
*Counsel for Defendant Vince Lang*

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  
*Counsel for Nominal Defendant Kentucky Retirement Systems*

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 Silletto                     aaron.silletto@ky.gov  
*Counsel for Proposed Intervenor Attorney General Daniel Cameron*

/s/ Barbara B. Edelman

Barbara B. Edelman, Esq.