

ENTERED
 BOONE CIRCUIT/DISTRICT COURT
 NOV 01 2007
 DIANNE MURRAY, CLERK
 BY gsg DC

COMMONWEALTH OF KENTUCKY
 BOONE COUNTY CIRCUIT COURT
 54th JUDICIAL DISTRICT
 CASE NO. 05-CI-00436

MILDRED ABBOT, et al)
 Plaintiffs)
)
)
 -vs-)
)
)
 STANLEY M. CHESLEY, et al)
 Defendants)

ORDER

CASE NO. 05-CI-00356

KENTUCKY FUND FOR HEALTHY)
 LIVING, INC.)
)
 Plaintiff)
)
 -vs-)
)
 MILDRED ABBOTT, et al)
)
 Defendants)

This matter came on before the Court for a Status Conference and hearing on various motions on October 31, 2007. Present for Plaintiffs were Hon. Angela Ford and Hon. William Ramsey. Present for Defendant Chesley was Hon. Frank Benton, IV, and Hon. C. Alex Rose. Present for Defendant Mills were Hon. James Shuffett and Hon. Calvin Fulkerson. Present for Defendants Cunningham and Gallion were Hon. Jeffrey Harmon and Hon. Mary E. Meade-McKenzie. Having heard arguments and update from counsel, and having reviewed all

memorandum filed herein and being otherwise sufficiently advised;

IT IS ORDERED as follows:

1. Having been advised that Co-Defendant Chesley is now a party to Plaintiffs' cross-appeal, all motions pending as to him shall remain pending until the trial Court once again has jurisdiction.
2. Defendants Cunningham, Gallion, and Mills motions for a stay of enforcement of judgment is **OVERRULED**, no supersedeas bond per CR 73.04 having been posted. The previous stay Order of this Court was not intended to stay all discovery related to the judgment debtors, but only that which might impact their Fifth Amendment rights. The Court has carefully considered CR 62.04 but does not find it to be applicable herein, nor have movants suggested any other alternative conditions which would secure Plaintiffs' judgment.
3. Likewise, pursuant to the ruling in the previous paragraph, the motions to quash subpoenas to third parties by Defendants Gallion and Cunningham is **DENIED**. For the reasons stated in the response of Defendants Gallion and Cunningham and the separate response of Defendant Mills, Plaintiffs' motion to compel the signing of IRS Form 8821 is **OVERRULED**.
4. Finally, Plaintiffs' motion for the entry of a charging Order for those LLCs in which those Defendants Gallion and Cunningham have been identified through discovery as having an interest therein is **SUSTAINED**. Per KRS 275.260 said charging Order confers the right of an assignee only.
 - A. As to Judgment Debtor Shirley A. Cunningham, Jr., this includes the following limited liability companies: Shirley Allen Cunningham, PLLC;

Tandy, LLC d/b/a/ Midnight Cry Stables; Hillcrest Farm I, LLC; Hillcrest Farm II, LLC; Kentucky Vineyard and Winery, LLC; Kentucky Basketball Academy, LLC; and Jet Law, LLC.

B. As to Judgment Debtor William J. Gallion, it includes the following limited liability companies: Tandy, LLC d/b/a Midnight Cry Stables; Onyx One, LLC; Jet Law, LLC; WJG Holdings, LLC; and WJG Investments, LLC.

5. The judgment debt owed to Plaintiffs collectively in this matter is in the amount of Forty Two Million Dollars, with interest at the legal rate thereon from date of judgment until paid.

Dated: 11/1/07


JUDGE WILLIAM WEHR

cc: Hon. Angela M. Ford
Hon. William T. Ramsey
Hon. Luther C. Conner, Jr.
Hon. Frank B. Benton, IV
Hon. Elizabeth R. Seif
Kentucky Fund for Healthy Living
Hon. James E. Shuffett
Hon. Mary E. Meade-McKenzie
Hon. Calvin Fulkerson/Hon. Gilbert L. Busby
Hon. C. Alex Rose
Hon. Richard Clay
Hon. Gary Sargent
Hon. Michael O'Hara
Hon. Theodore Cowen
Hon. Byron E. Leet
Hon. Michael L. Gay
Hon. Robert J. Hollingsworth
Hon. David Barth
Hon. Jeffrey Harmon
Hon. William J. Wehr, Special Judge

CERTIFICATE

I, DIANNE MURRAY, clerk of the Boone District/Circuit Court, hereby certify that I have mailed a copy of the foregoing order and notice to all parties hereto at their last known addresses, or their counsel of record. This 1st day of November, 2007

DIANNE MURRAY
BOONE DISTRICT/CIRCUIT COURT
 D.C.