

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

ENTERED  
BOONE COUNTY CIRCUIT COURT  
MAY 19 2006  
PAT GIBSON, CLERK  
BY: *PN*

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 was before the Court for hearing on various motions on April 12, 2006, during which counsel for the parties were present. Accordingly, the Court being in all ways sufficiently advised;

**IT IS ORDERED** as follows:

1. The Motion to make the Court's Order of March 8, 2006, final and appealable is overruled in light of the fact that counsel for the parties no longer unanimously agree

that it should be made final and appealable and in light of the fact that the three attorney defendants have requested private counsel relative to the damage claim.

2. Defendants' Motion to Alter, Amend, or Vacate this Court's Order of March 8, 2006, is overruled with the exception that counsel for The Fund may continue to be paid for their representation of The Fund in the continuation of discovery as discussed and Ordered *infra*.
3. Plaintiffs' Motion to File a Second Amended Complaint is sustained.
4. Plaintiffs' Motion to File a Third Amended Complaint is sustained so long as there are no objections filed within ten days of the date of entry of this Order.
5. Plaintiffs' Motion for a commission to depose an out of state witness and for issuance of a subpoena is sustained.
6. Plaintiffs' Motion to Fix Damage Amount is subject to proof and further discovery and, therefore, is overruled at this time.
7. Plaintiffs' Motion for Appointment of a Receiver is premature since there has been no showing that the funds are in financial jeopardy, and, therefore, is overruled. However, Plaintiffs' counsel shall be free to select a person of her choice to have access to all records of The Fund and seek Court intervention if and when the financial management of the funds becomes objectionable.
8. Plaintiffs' Motion for Default Judgment as to Defendant Chesley is overruled and Plaintiffs' Renewed Motion for Summary Judgment as to Defendant Chesley shall remain under submission pending the completion of discovery as to Defendant Chesley.
9. The majority of paper discovery having been completed, counsel may proceed will

all other discovery which shall be completed by the date of the Pretrial Conference in December, *infra*.

10. The parties and counsel for the parties are advised that the only sealed documents in this matter pertain to the individual settlement amounts
11. Further, **IT IS ORDERED** this matter shall be set for a STATUS CONFERENCE on September 11, 2006, at 9:30 a.m.
12. Further, **IT IS ORDERED** this matter shall be set for a PRETRIAL CONFERENCE on December 11, 2006, at 9:30 a.m.

DATED this 15 day of May, 2006.

  
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JUDGE WILLIAM J. WEHR  
Special Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order was mailed by regular U.S. Mail, postage prepaid, on this the \_\_\_\_ day of May, 2006, to ALL COUNSEL OF RECORD INCLUDING ANY NEWLY ADDED COUNSEL, including the Hon. Angela M. Ford, Attorney for Plaintiffs, Hon. William E. Johnson/Hon. Frank B. Benton, IV, Counsel for Individual Defendants, Hon. Robert E. Sanders, Counsel for The Kentucky Fund for Health Living, Inc., Hon. James E. Shuffett; Hon. Mary E. Meade-McKenzie; Hon. Calvin Fulkerson; Hon. Gilbert L. Busby; and Hon. William J. Wehr, Special Judge.