

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

ENTERED  
BOONE CIRCUIT/DISTRICT COURT  
MAY 2 - 2005  
BY: PAT GUTZ  
*PG*

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

CASE NO. 05-CI-00356

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

ORDER

These matters came on before the Court for a Status Conference with counsel of record on April 19, 2005, at 11:30 a.m in Boone Circuit Court. Present were Honorable Angela M. Ford for Abbott, et al, Honorable William Johnson for Chesley, et al, and Honorable Robert E. Sanders and Honorable Justin Sanders for the Kentucky Fund for Healthy Living, Inc. The attorneys were advised that the undersigned would also be appointed to preside over Case No. 05-CI-00356, and that Order was entered into record on April 25, 2005.

The attorneys were asked to summarize the status of the current files. Ms. Ford has a

Motion to Dismiss pending relative to Mr. Sanders' declaration of rights (05-CI-00356) action and Mr. Sanders has pending a Motion to Consolidate. To simplify matters, the declaration of rights action will be treated as a counterclaim and the files consolidated.

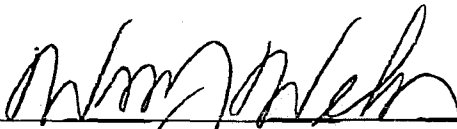
The primary substantive motion pending is a Motion for Summary Judgment in the legal malpractice claim (05-CI-00436). A briefing schedule was agreed upon whereby all briefs, including courtesy copies to the undersigned, will be filed no later than June 6, 2005, and oral argument scheduled for June 13, 2005, at 10:30 a.m.

While Plaintiffs seek open discovery during the interim, the Defendants argue for none. The transcripts from the Judge Sheila Isaac's conferences relative to that issue have been reviewed. Her thought process and questions therein are respected by the undersigned, but not controlling. Her Order transferring the case back to Boone County is. Further, a review of the "sealed" portion of the Boone Circuit Court file in question (98-CI-00795) so far by the undersigned has indicated no records to which Ms. Ford does not already have access. The Court still has to review two video tapes marked "Hearing 5-9-01". Accordingly, and since an accounting was part of the prayer for relief herein, it seems some limited paper discovery should be allowed while the summary judgment hearing schedule above is also moving forward.

Having reviewed the discovery request submitted by Plaintiffs, IT IS ORDERED as follows:

1. Plaintiffs attachment "A" to their Notice of Deposition directed to the records custodian of the Kentucky Fund for Healthy Living, Inc., shall be treated as a Request for Documents, and said Kentucky Fund shall supply documents requested in Paragraphs 1, 2, 3, 4a, 4b, and 5. All other discovery directed to the Fund is stayed until after the summary judgment is ruled on.

Plaintiffs written discovery directed to the attorney defendants is also stayed pending the summary judgment rulings except as to Interrogatories 1, 5, and 9; and Request for Admissions 2, 5, 6, and 8. Due to the briefing schedule set in place above, and the possibility the information obtained from the above discovery might be referenced in the pending summary judgment motion, IT IS ORDERED that this information be provided not later than the end of May, 2005.



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William J. Wehr, Special Judge

cc: Honorable Angela M. Ford  
836 Euclid Avenue, Suite 311  
Lexington, KY 40502

Honorable William Johnson  
326 W. Main Street  
Frankfort, KY 40601

Honorable Robert Sanders/Honorable Justin Sanders  
1017 Russell Street  
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