

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION _____
CASE NO. _____

DERBECIGS, LLC
9825 Bluegrass Parkway
Jeffersontown, Kentucky 40299

PETITIONERS

723VAPE, INC
2428 Palumbo Drive
Lexington, Kentucky 40509

OP MURSE HOLDINGS, LLC
9825 Bluegrass Parkway
Jeffersontown, Kentucky 40299

SMOKIN D'S VAPOR AND LOUNGE LLC
140 Versailles Road, Suite 2
Frankfort, Kentucky 40601

KENTUCKY VAPING RETAILERS ASSOCIATION, INC.
d/b/a Kentucky Smoke Free Association
9825 Bluegrass Parkway
Jeffersontown, Kentucky 40299

- and -

KENTUCKY HEMP ASSOCIATION, INC.
400 West Market Street, Suite 1800
Louisville, Kentucky 40202

vs. **PETITION FOR DECLARATION OF RIGHTS AND
TEMPORARY AND PERMANENT INJUNCTIVE RELIEF**
(Electronically Filed)

ALLYSON TAYLOR,
in her official capacity as Commissioner of the
Kentucky Department of Alcoholic Beverage Control
500 Mero Street
Frankfort, Kentucky 40601

MICHAEL G. ADAMS,
in his official capacity as Kentucky Secretary of State
700 Capital Avenue, Suite 152
Frankfort, Kentucky 40601

E670D6E8-AD3B-4829-B116-56789A382B91 : 000001 of 000021

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

COM : 000001 of 000014

- and -

COMMONWEALTH OF KENTUCKY

RESPONDENTS

Serve: Hon. Russell Coleman
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601

* * * * *

Come the Petitioners, DerbECigs, LLC (DerbECigs), 723Vape, Inc. (723 Vapor), Smokin D’s Vapor and Lounge LLC (Smoking D’s), OP Murse Holdings, LLC (OPMH), the Kentucky Vaping Retailers Association, Inc., d/b/a Kentucky Smoke Free Association (KSFA), and the Kentucky Hemp Association, Inc. (KY Hemp), by counsel, and for their Petition for Declaration of Rights and Temporary and Permanent Injunctive Relief,¹ against the Respondents, Allyson Taylor, in her official capacity as Commissioner of the Kentucky Department of Alcoholic Beverage Control, Michael G. Adams, in his capacity as Kentucky Secretary of State, and the Commonwealth of Kentucky, state as follows:

INTRODUCTION

1. This is an action for declaratory judgment which challenges the constitutionality of 2024 House Bill 11 (HB 11), entitled “An Act relating to nicotine products.” The Petitioners premise their subject constitutional claims upon grounds that: (1) HB 11 is unconstitutional on its face in violation of Section 51 of the Kentucky Constitution as it relates to more than one subject and (2) HB 11 is unconstitutional as applied to vapeable hemp products. Petitioners seek a declaration

¹ The undersigned counsel, pursuant to KY. REV. STAT. ANN. § 452.005(3), certifies that a true and accurate photocopy hereof is being served upon the Kentucky Attorney General.

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that HB 11 is unconstitutional as alleged in Counts I and II below, and an order which grants them temporary and permanent injunctive relief which prohibits the Respondents from enforcing HB 11. DerbECigs, 723 Vapor, OPMH, KSFA and KY Hemp join this Petition with respect to Count I and DerbECigs, 723 Vapor and KY Hemp join with respect to Count II.

PARTIES

2. DerbECigs is a Kentucky limited liability company having its principal place of business in Louisville, Jefferson County, Kentucky. DerbECigs is engaged in the retail business of selling Electronic Nicotine Delivery System (ENDS) products, defined as “vapor products” in KY. REV. STAT. ANN. § 438.305(9)(a) and vapeable hemp-derived products, at its 7 retail locations in Louisville, Elizabethtown and Shelbyville, Kentucky.

3. 723 Vapor is a Kentucky corporation having its principal place of business in Lexington, Fayette County, Kentucky. 723 Vapor is engaged in the retail business of selling ENDS products and vapeable hemp-derived products at its 6 retail locations in Lexington and Louisville, Kentucky.

4. Smokin D’s is a Kentucky limited liability company having its principal place of business in Frankfort, Franklin County, Kentucky. Smokin D’s is engaged in the retail ENDS products and vapeable hemp-derived products at its sole retail location in Frankfort, Kentucky.

5. OPMH is a Kentucky limited liability company having its principal place of business in Louisville, Jefferson County, Kentucky. OPMH is engaged in the business

of distributing ENDS products to retail stores domestically in Kentucky and other states as well as internationally.

6. KSFA is a Kentucky not-for-profit corporation having its principal place of business in Louisville, Jefferson County, Kentucky. KSFA is the trade association for Kentucky's ENDS product retailers, and, in such role, advocates for reasonable industry regulation. To that end, KSFA has appeared as *amici curiae* in 8 different federal courts of appeals and the Supreme Court of the United States in support of challenges to the regulatory decisions of the United States Food & Drug Administration (FDA) concerning its refusal to authorize the marketing of ENDS products. Accordingly, KSFA has organizational standing.

7. KY Hemp is a Kentucky not-for-profit organization having its principal place of business in Louisville, Kentucky. KY Hemp is the trade association for Kentucky's hemp products manufacturers, distributors, and retailers which advocates for reasonable industry regulation. To that end, KY Hemp was the plaintiff in *Kentucky Hemp Association v. Quarles*, Boone Circuit Court, Case No. 21-CI-00836 which upheld the legality of certain cannabinoid-derivative products. Accordingly, KY Hemp has organizational standing.

JURISDICTION AND VENUE

8. The Court has jurisdiction of the subject Petition pursuant to KY REV. STAT. ANN. § 23A.010.

9. Venue of this action in the Franklin Circuit Court is appropriate pursuant to KY. REV. STAT. ANN. § 452.005(2)(a) because Smokin D's has its principal business location in Franklin County.

10. Declaratory relief is appropriate in this action pursuant to KY. REV. STAT. CH. 418 given that an actual justiciable controversy exists between the parties concerning the constitutionality of a legislative enactment.

FACTS

11. DerbECigs, 723 Vapor and Smokin D's are all engaged in the retail business of selling both ENDS products and vapeable hemp-derived products in Kentucky. DerbECigs, 723 Vapor and Smokin D's have been in business for at least 5 years and have helped thousands of customers quit smoking.

12. OPMH is engaged in the wholesale ENDS product business. OPMH was formed in 2016 and serves a retain customer base in 45 states and 58 countries.

13. KSFA is a trade association which advocates for ENDS product retailers and industry stakeholders in Kentucky and has operated since 2015.

14. KY Hemp is a trade association which serves as the advocacy voice for Kentucky hemp product manufacturers, distributors and retailers and has operated since 2015.

15. ENDS products use a piezoelectric element to aerosolize a solution of propylene glycol, vegetable glycerin, food-grade flavorings, and in some cases, nicotine of varying concentrations which is derived either from tobacco, another plant or made synthetically.

16. KY. REV. STAT. ANN. § 438.305(9)(a) sets forth the definition of a “vapor product” as being any:

“noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine *or other substances* to users inhaling from the device.” (Emphasis added).

ENDS products fall within the definition of “vapor products.”

17. On March 28, 2024, the Kentucky Legislature passed HB 11 as an “Act relating to nicotine products.”

18. The Kentucky Governor signed HB 11 on April 5, 2024 and it becomes law effective January 1, 2025.

19. HB 11 is comprised of 12 sections which, in pertinent part: (1) amends KY. REV. STAT. ANN. § 438.305 to add 7 new definitions for use in interpreting and enforcing its new requirements and prohibitions; (2) imposes an annual retailer reporting requirement to be managed by the Kentucky Secretary of State; (3) sets forth enforcement authority by the Department of Alcoholic Beverage Control; (4) restricts manufacturers from selling vapor products other than those either authorized by the FDA or falling within a safe-harbor, and setting fines for violations; (5) restricts wholesalers from selling retailers vapor products not authorized by FDA and setting fines for violations; (6) restricts retailers from selling vapor products not authorized by FDA and setting fines for violations; and (7) sets a January 1, 2025 effective date.

20. HB 11's various restrictions and prohibitions are all predicated upon the existing statutory definition of "vapor product." HB 11 applies such definition to determine whether vapor products are an "authorized vapor product" for which marketing and sales are permitted in Kentucky or an "unauthorized vapor product" for which marketing and sales are prohibited in Kentucky.

21. Vapor products which contain nicotine derived from any source are subject to regulation by the FDA pursuant to the Family Smoking Prevention and Tobacco Control Act of 2009 (TCA), codified as 21 U.S.C. § 387, *et seq.* Among the TCA's various compliance requirements is that manufacturers are required to submit a Pre-Market Tobacco Product Application (PMTA) prior to marketing a new tobacco product. *See* 21 U.S.C. § 387j.

22. HB 11 predicates the sale of "vapor products" to only those for which either FDA has granted market authorization or fall within a safe-harbor (*i.e.* the manufacturer's PMTA is still in the FDA review process, is subject to a court stay, or is subject to an FDA rescission of a prior marketing denial). HB 11 thus prohibits the sale of any "vapor product" which has not obtained FDA market authorization or does not fall within one of the aforementioned safe-harbors.

23. The phrase "or other substances" used in both the pre-HB 11 and post-HB 11 statutory definitions of "vapor products" set forth in KY. REV. STAT. ANN. § 438.305 also includes vapeable hemp-derived products like those sold by DerbECigs, 723 Vapor and Smokin D's. The phrase "or other substances" will also apply to vapeable marijuana products which will be available pursuant to Kentucky's medical

marijuana program authorized by 2023 Senate Bill 47, codified in KY. REV. STAT. ANN. CH. § 218A.

24. FDA, however, does not presently regulate hemp-derived products unless a manufacturer asserts therapeutic claims (*i.e.* the product is intended to diagnose, prevent or cure a disease), and thus no regulatory pathway, like the PMTA applicable to nicotine-derived tobacco products referenced in HB 11, exists for hemp-derived products.

25. The phrase “or other substances” used in KY. REV. STAT. ANN. § 438.305, as it presently exists and as amended by HB 11, also includes vapeable products which contain substances like *amanita muscaria* and nicotine-mimicking substances, neither of which FDA presently regulates and for which no regulatory pathway exists. The sale of such products, however, would be banned under HB 11 absent satisfaction of a non-existent regulatory pathway.

26. The Kentucky Department of Revenue has heretofore interpreted, for purposes of the Kentucky vapor products tax adopted in 2021 by the Kentucky Legislature in House Bill 249, 2021 KY. ACTS. CH. 156, SEC. 3, codified in KY. REV. STAT. ANN. § 138.140(2)(a)(4), and currently interprets, the “or other substances” phrase set forth in KY. REV. STAT. ANN. § 438.305(9)(a) to include any self-contained device, defined as a “closed system” device, which delivers vaporized or aerosolized nicotine, non-nicotine substances, or other materials to users who are inhaling from such products.²

²<https://revenue.ky.gov/Business/TobaccoAndVaporProductsTaxes/Pages/default.aspx>

27. The type of vapeable hemp-derived products sold by DerbECigs, 723 Vapor and Smokin D's are included within the scope of "closed system" products for which the Kentucky Department of Revenue imposes the Kentucky vapor products tax; thus evidencing that vapeable hemp-derived products are covered by the "vapor product" definition and will, by extension, be subject to the prohibitions imposed by HB 11.

COUNT I

28. The Petitioners restate the allegations contained in numerical paragraphs 1 through 27 above.

29. Section 51 of the Kentucky Constitution provides that "[n]o law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title." Section 51 of the Kentucky Constitution further provides that any legislative amendment of an existing portion of a statute constitutes a reenactment thereof.

30. HB 11 is titled as an "Act relating to nicotine products" and thus narrowly relates solely to "nicotine products." The Kentucky Legislature, however, predicated the operative provisions of HB 11 upon the existing (and reenacted) definition of "vapor product" set forth in KY. REV. STAT. ANN. § 438.305. The operative provisions of HB 11 are thus not narrowly related solely to "nicotine products" as they also encompass a regulatory structure for products which can allow the inhalation of vaporized substances other than nicotine, like the type of hemp-derived products sold by DerbECigs, 723 Vapor and Smokin D's.

31. The Legislature’s narrow restriction of the scope of the title to HB 11 solely to “nicotine products” but its application thereof to a broader scope of “vapor products” which are not limited to those containing nicotine results in HB 11 relating to more than a single subject. HB 11 thus violates Section 51 of the Kentucky Constitution on its face because of such application and is therefore unconstitutional.

32. Given the above circumstances, the Court should enter a final judgment which declares that HB 11 violates Section 51 of the Kentucky Constitution and is therefore void and unenforceable by the Respondents. The Court should grant a preliminary and permanent injunction against the Respondents which prohibit them from enforcing HB 11.

33. DerbECigs, 723 Vapor, OPMH, Smokin D’s, KSFA, KY Hemp reserve the right to amend this Count I as additional facts become known during the course of discovery.

COUNT II

34. The Petitioners restate the allegations contained in numerical paragraphs 1 through 27 above.

35. Section 1 of HB 11 adds a new definition of “authorized vapor product” to KY. REV. STAT. ANN. § 438.305 as being a vapor product containing nicotine for which the manufacturer has: (a) obtained a marketing authorization order from the FDA; or (b) provided a safe-harbor certification. Such safe-harbor certification constitutes a manufacturer’s certification that its particular ENDS products were: (1) timely on the market before the TCA’s predicate dates; (2) the subject of a timely filed PMTA;

and (3) subject to a PMTA either then in review with FDA, subject to a court stay of a marketing denial, or for which FDA has rescinded a prior marketing denial order. HB 11 thus restricts the sale in Kentucky of only authorized vapor products.

36. Section 1 of HB 11 also adds a new definition of “unauthorized vapor product” to KY. REV. STAT. ANN. § 438.305 to capture vapor products for which the “authorized vapor product” definition does not apply, and for which a marketing prohibition applies.

37. Hemp-derived products, including vapeable hemp products, are not subject to regulation by FDA. As such, there does not exist a regulatory market authorization pathway like that to which tobacco products, including vapeable nicotine products, are subjected under the TCA, absent a manufacturer asserting a therapeutic claim as described above.

38. The Kentucky Legislature, in utilizing the existing statutory definition of “vapor product” in HB 11 when specifying a marketing allowance for authorized vapor products and a marketing prohibition as to unauthorized vapor products, has predicated the legal authority to sell vapeable hemp-derived products in Kentucky effective January 1, 2025 upon a compliance with a non-existent FDA marketing review process.

39. The provisions of HB 11 will subject retailers like DerbECigs, 723 Vapor, Smokin D’s, and other similarly situated Kentucky retailers of vapeable hemp-derived products to fines and penalties for selling such products beginning on January 1, 2025.

40. Section 2 of the Kentucky Constitution prohibits laws which are arbitrary. A legislative action is arbitrary if it conditions a grant of marketing authority upon compliance with an impossibility. In this instance, the plain language of HB 11 predicates the marketing authorization of vapeable hemp-derived products upon the satisfaction of a non-existent federal regulatory pathway, and such fact renders HB 11 arbitrary in violation of Section 2 of the Kentucky Constitution, as applied to DerbECigs, 723 Vapor, Smokin D's and KY Hemp.

41. The prohibitions and protections set forth in Section 2 of the Kentucky Constitution are co-terminus with the rights protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

42. 42 U.S.C. § 1983 provides a right of action to any party with standing which is aggrieved from a state violation of any rights, privileges, or immunities secured by the United States Constitution; with an aggrieved party having the option to seek redress in either federal or state court.³ 42 U.S.C. § 1983 applies to alleged violations of the Fourteenth Amendment's Due Process Clause.

43. Aside from the violation of Section 2 of the Kentucky Constitution, HB 11 also violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution as applied to vapeable hemp-derived products based upon the impossibility of a manufacturer obtaining market authorization arising from the absence of a regulatory pathway set forth therein.

³ See *Martinez v. California*, 444 U.S. 277, 283 n.7 (1980); *Sowers v. Atkins*, 646 S.W.2d 344, 347 (Ky. 1983).

44. Given the above circumstances, the Court should enter a final judgment which declares that HB 11 violates both Section 2 of the Kentucky Constitution and the Due Process Clause of the Fourteenth Amendment to the United States Constitution and is therefore void and unenforceable by the Respondents. The Court should likely grant a preliminary and permanent injunction against the Respondents which prohibit them from enforcing HB 11.

45. DerbECigs, 723 Vapor, OPMH, Smokin D's, KSFA, KY Hemp reserve the right to amend this Count II as additional facts become known during the course of discovery.

WHEREFORE, the Petitioners demand as follows:

1. That the Court enter a judgment which declares HB 11 unconstitutional on its face in violation of Section 51 of the Kentucky Constitution;
2. That the Court enter a judgment which declares HB 11 unconstitutional as applied in violation of Section 2 of the Kentucky Constitution and the Fourteenth Amendment to the United States Constitution;
3. That the Court enter an Order granting both temporary and permanent injunctive relief which prohibits the Respondents from enforcing HB 11;
4. An award of their costs incurred herein, including reasonable attorney's fees pursuant to 42 U.S.C. § 1988; and
5. All further relief to which they may appear entitled.

Respectfully submitted,

/s/ J. Gregory Troutman

J. GREGORY TROUTMAN (84473)
CHRISTINE M. MILLER
TROUTMAN LAW OFFICE, PLLC
4205 Springhurst Boulevard, Suite 201
Louisville, KY 40241
(502) 412-9179

Co-counsel for Petitioners

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

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AOC-104 Doc. Code: CCCS
Rev. 1-24
Page 1 of 1
Commonwealth of Kentucky
Court of Justice www.kycourts.gov



Case No.:
Court: Circuit
County: Franklin
Division:

CIVIL CASE COVER SHEET

PLAINTIFF/PETITIONER OR IN RE/IN THE INTEREST OF:
DerbECigs, LLC, et al.

DEFENDANT/RESPONDENT, if applicable:
Allyson Taylor, in her official capacity as Commissioner, Kentucky Department of Alcoholic Beverage Control, et al.

Check here if YOU DO NOT HAVE AN ATTORNEY and are REPRESENTING YOURSELF
(a Self-Represented Pro Se Litigant)

Nature of the Case: Place a "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE. If you are making more than one type of claim, check the one that you consider most important.

- DOMESTIC RELATIONS *eFile Only
Dissolution/Divorce with Children (DISSOC)
Dissolution/Divorce without Children (DISSO)
Paternity (PA)
Custody (CUSTO)
Child Support IV-D (SUPIV)
Child Support Private Non IV-D (SUPPRI)
URESА/UIFSA (UR)
Visitation/Parenting Time (VISIT)
Voluntary Termination of Parental Rights (VTPR)
Involuntary Termination of Parental Rights (ITPR)
Adoption (ADPT)
Other: (DFOTH) *eFile not required

- TORT (Injury) *eFile Only
Automobile (AUTO)
Intentional (INTENT)
Malpractice-Medical (MDML)
Malpractice-Other (MLOTH)
Premises Liability (PREM)
Product Liability (PROD)
Property Damage (PD)
Slander/Libel/Defamation (SLAND)
Other: (PIOTH)

- CONSUMER *eFile Only
Seller Consumer Goods (DEBTG)
Seller Consumer Services (DEBTS)
Buyer Consumer Goods (BUYERG)
Buyer Consumer Services (BUYERS)
Credit Card Debt (CREDIT)
Fraud (FRAUD)
Other: (COOTH)

- APPEALS
Appeal from Administrative Agency (AB)
Appeal from District Court (XI)
Other: (OTH)

- PROBATE / ESTATE *eFile Only
Guardianship-Adult (GCADLT) *eFile not required
Guardianship-Juvenile (GCJUV)
Adult Conservatorship - Trusteeship (CONSVА)
Juvenile Conservatorship - Trusteeship (CONSVJ)
Probate-Testate (with a will) (PBTEST)
Probate-Intestate (without a will) (PBINT)
Petition to Dispense with Administration (PBDIS)
Name Change (NC)
Will Contest (WC)
Other: (PБOTH) *eFile not required

- REAL PROPERTY
Abandoned and Blighted Property Conservatorship (PC) *eFile Only
Property Rights (PR) *eFile Only
Condemnation (DOMAIN)
Forcible Detainer - Eviction (FD) *eFile Only
Forcible Entry (FENTRY)
Foreclosure (FCL) *eFile Only
Other: (COOTH) *eFile Only

- MISC CIVIL
Constitutional Challenge (CCHAL)
Habeas Corpus (HABEAS)
Non-Domestic Relations Restraining Order (IP)
Tax (TAX)
Writs (WRITS)
Other: (OTH)

- EMPLOYMENT *eFile Only
Employment-Discrimination (DSCR)
Employment-Other (DISPU)

- BUSINESS/COMMERCIAL *eFile Only
Business Tort (BCPI)
Statutory Action (BCSA)
Business Contract Dispute (BCCO)
Other: (BCOTH)



CIVIL SUMMONS

Plaintiff, DERBECIGS, LLC ET AL VS. TAYLOR, ALLYSON ET AL, Defendant

**TO: ALLYSON TAYLOR
IN HER OFFICIAL CAPACITY
500 MERO STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Franklin Circuit Clerk
Date: **4/12/2024**

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____

Served By

Title



E670D6E8-AD3B-4829-B116-56789A382B91 : 000016 of 000021
Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)
CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DERBECIGS, LLC ET AL VS. TAYLOR, ALLYSON ET AL, Defendant

**TO: MICHAEL G. ADAMS
IN HIS OFFICIAL CAPACITY
700 CAPITAL AVENUE, SUITE 152
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Franklin Circuit Clerk
Date: **4/12/2024**

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____

Served By

Title



E670D6E8-AD3B-4829-B116-56789A382B91 : 000017 of 000021
Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)
CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DERBECIGS, LLC ET AL VS. TAYLOR, ALLYSON ET AL, Defendant

**TO: COMMONWEALTH OF KENTUCKY
C/O HON. RUSSELL COLEMAN
700 CAPITAL AVENUE, SUITE 118
FRANKFORT, KY 40601**

Memo: Registered Agent of Service exists.

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Katlynn Marshall

Franklin Circuit Clerk
Date: **4/12/2024**

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

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E670D6E8-AD3B-4829-B116-56789A382B91 : 000018 of 000021
Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)
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CIVIL SUMMONS

Plaintiff, DERBECIGS, LLC ET AL VS. TAYLOR, ALLYSON ET AL, Defendant

**TO: RUSSELL COLEMAN
KENTUCKY ATTORNEY GENERAL
700 CAPITAL AVENUE, SUITE 118
FRANKFORT, KY 40601**

Memo: Related party is COMMONWEALTH OF KENTUCKY

The Commonwealth of Kentucky to Defendant:
COMMONWEALTH OF KENTUCKY

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Franklin Circuit Clerk
Date: **4/12/2024**

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____

_____ Served By

_____ Title



E670D6E8-AD3B-4829-B116-56769A382B91 : 000019 of 000021
Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)
CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, **DERBECIGS, LLC ET AL VS. TAYLOR, ALLYSON ET AL**, *Defendant*

**TO: RUSSELL COLEMAN
IN HIS OFFICIAL CAPACITY
700 CAPITAL AVENUE, SUITE 118
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Franklin Circuit Clerk
Date: **4/12/2024**

Proof of Service

This Summons was:

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)
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Commonwealth of Kentucky
Kathryn Marshall, Franklin Circuit Clerk

Case #: 24-CI-00374

Envelope #: 7733783

Received From: J. GREGORY TROUTMAN

Account Of: J. GREGORY TROUTMAN

Case Title: DERBECIGS, LLC ET AL VS. TAYLOR, ALLYSO **Confirmation Number:** 179797756

ET AL
Filed On 4/12/2024 2:19:37PM

#	<u>Item Description</u>	<u>Amount</u>
1	Court Facilities Fee	\$25.00
2	Access To Justice Fee	\$20.00
3	Money Collected For Others(Court Tech. Fee)	\$20.00
4	Money Collected For Others(Postage)	\$87.05
5	Money Collected For Others(Attorney Tax Fee)	\$5.00
6	Library Fee	\$3.00
7	Civil Filing Fee	\$150.00
8	Charges For Services(Copy - Photocopy)	\$8.50
TOTAL:		<u>\$318.55</u>

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