

COURT OF APPEALS OF KENTUCKY
Case No. 2011-CA-000232

AMERICAN SADDLEBRED
HORSE ASSOCIATION, INC.

APPELLANT

**APPELLANT'S MOTION FOR LEAVE TO FILE A
REPLY BRIEF IN FURTHER SUPPORT OF ITS
MOTION FOR STAY PENDING APPEAL AND FOR
ORAL ARGUMENT**

v.

EDWARD BENNETT, ET AL.

APPELLEES

Appeal from Fayette Circuit Court
No. 09-CI-05292

MAY IT PLEASE THE COURT:

Pursuant to CR 76.34, Appellant, American Saddlebred Horse Association, Inc. ("ASHA"), by counsel, hereby respectfully requests the Court to: (1) grant ASHA leave to file a reply in further support of its Motion for Stay Pending Appeal tendered herewith and (2) set oral argument on the pending Motion for Stay. In support of this Motion, ASHA states that the Appellees' Response to Appellant's Motion for Stay Pending Appeal misrepresents and mischaracterizes facts and testimony of record in this case. Therefore, ASHA requests leave to file a reply to ensure this Court has a complete and accurate record to review in considering ASHA's motion for stay pending appeal. Counsel states that this motion is not made for the purpose of harassment or delay, but merely for the purpose of permitting counsel for ASHA to more properly respond to Appellees' opposition.

ASHA further requests that this Court set a hearing date for oral argument on ASHA's Motion for Stay Pending Appeal. ASHA believes oral argument is necessary to

fully advise the Court on the facts and legal arguments raised in the respective briefs and to provide the Court with a more complete and accurate record before it renders a ruling on the motion.

WHEREFORE, Appellant, American Saddlebred Horse Association, Inc., respectfully requests this Court to enter an Order (1) granting ASHA leave to file a reply in further support of its Motion for Stay Pending Appeal tendered herewith and (2) setting a hearing date on the pending motion.

Respectfully submitted by:

BOEHL STOPHER & GRAVES, LLP

 by Just

Edward H. Stopher

Jefferson K. Streepey

Earl L. Martin, III

Jeff W. Adamson

AEGON Center, Suite 2300

400 West Market Street

Louisville, KY 40202

Phone: (502) 589-5980

Fax: (502) 561-9400

and

James B. Cooper

Boehl Stopher & Graves LLP

444 West Second Street

Lexington, Kentucky 40507-1009

Phone: (859) 252-6721

Fax: (859) 253-1445

COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

It is hereby certified this 1st day April, 2011, that a copy of the foregoing was served via First Class Mail, postage prepaid, to the following:

Hon. Lewis G. Paisley
Stoll Keenon Ogden PLLC
300 W. Vine Street, Suite 2100
Lexington, KY 40507

-and-

Culver V. Halliday
Stephen A. Houston
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202

Counsel for Appellees

Clerk, Fayette Circuit Court
120 N. Limestone Street
Lexington, KY 40507

Edward H. Stohr by JWA
COUNSEL FOR APPELLANT