

JEFFERSON CIRCUIT COURT DIVISION 13
COMMONWEALTH OF KENTUCKY

THOMAS FOX,

Plaintiff,

NOTICE – MOTION - ORDER

vs.

Case No.: **15-CI-05869**

KIMBERLY R. RICHARDS, et al.

Defendants.

NOTICE

The parties shall take notice that the undersigned will, on Monday, September 26, 2016, at the hour of 3:45 p.m. in the courtroom of the above Court, make the Motion and tender the Order set out below.

**PLAINTIFF'S MOTION FOR AN ORDER FOR
DEFENDANTS TO SHOW CAUSE WHY THEY SHOULD NOT
BE HELD IN CONTEMPT OF COURT**

Comes now Plaintiff, Thomas Fox, and for his Motion for an Order for Defendants to Show Cause Why They Should Not Be Held in Contempt of Court states as follows:

1. On August 29, 2016, this Court granted Plaintiff's Motion for Partial Summary Judgment and entered a Judgment-Order requiring the Defendants to allow Plaintiff the opportunity to inspect and copy certain specifically identified public records.
2. By letter dated September 6, 2016, Plaintiff advised Defendant Kimberly Richards of the Court's ruling, reiterated his desire to inspect the requested public records and proposed a

reasonable non-intrusive plan whereby Plaintiff's inspection of the public records could be accomplished. Copy attached.

3. Plaintiff also telephoned West Buechel City Hall to speak to Defendant Kimberly Richards to make arrangement for inspection of the public documents. Richards was not available at City Hall on the occasion of either phone call and Plaintiff left messages with the City's receptionist requesting that Kimberly Richards return Plaintiff's calls.

4. Defendant Kimberly Richards has not replied to Plaintiff's letter of September 6, nor has she returned Plaintiff's phone calls.

5. Defendants have not made the specified public records available to Plaintiff for inspection, nor have they made any attempt to make reasonable arrangements to do so.

6. Defendants are in violation of the Court's August 29 Judgment-Order.

7. KRS 61.991(2)(b) provides:

"Any official of a public agency who fails to produce any record after entry of final judgment directing that such records shall be produced shall be guilty of contempt."

THEREFORE, Plaintiff respectfully requests the Court to set this matter for a hearing, to compel the attendance of Richard W. Richards, Mayor and Chief Executive Office of defendant City of West Buechel and named defendant Kimberly R. Richards, for each of them to show cause why they should not be held in contempt of court.

Thomas Fox, Plaintiff, pro se

NEW MAILING ADDRESS

3044 Bardstown Rd., Box 1149.
Louisville, KY 40205
Phone: 502-442-8308
Email: tomwfox@gmail.com

CERTIFICATE OF SERVICE

The undersigned, Thomas Fox, affirms under the penalties of perjury that he served a true, accurate and complete copy of this **PLAINTIFF'S MOTION FOR AN ORDER FOR DEFENDANTS TO SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT OF COURT** upon each attorney of record on September ____, 2016. The undersigned deposited such copies with the United States Postal Service in a properly addressed envelope (to the address indicated below) and with sufficient first class postage prepaid.

ALSO served by email attachment to brdlawfirm@gmail.com on September 18, 2016

Brendan R. Daugherty, Esq.
Attorney for Defendants
200 S. Seventh Street, Suite 320
Louisville, KY 40202
E-mail: brdlawfirm@gmail.com

Dated this ____ day of September, 2016

September 6, 2016

To:

Kimberly R. Richards, Clerk-Treasurer
City of West Buechel
3705 Bashford Avenue
West Buechel, Kentucky 40218

DELIVERED BY Fax to 502-456-6928
& via emailed PDF attachment to
r.richards@westbuechelky.gov,
k.richards@westbuechelky.gov
& brdlawfirm@gmail.com

Re: Open Records litigation – Court Order

Dear Ms Richards:

I assume by now that Mr. Daugherty has informed you of the Order issued by the Jefferson Circuit Court last week granting my Motion for Partial Summary Judgment in the Open Records lawsuit I filed last November. My motion was granted and the Court ordered you to make all the requested records available to me for inspection and copying.

The only requested record in need of redaction is the August, 2015 ADP Master Control payroll report. You may provide me with a photocopy of that ADP report with employee addresses redacted at the going rate of ten cents per page.

I wish to inspect the remainder of the requested records first, before determining which I want copied or scanned. My intention is to bring my personal scanner to City Hall and scan them myself. This should save you considerable time since you would then merely need to make the records available to me in a suitable location in City Hall.

The bank records are my first priority.

Some of the records, such as the FY 2014-2015 Financial Statement and the Proof of Publication records, I wish to first clearly establish and document which exist and which do not exist. Mr. Daugherty and I need to negotiate the best acceptable procedure to follow since these records are directly relevant to the civil action against you and Mr. Richards personally, now recently transferred from District to Circuit Court.

If you have any questions, please direct them to Mr. Daugherty.

Sincerely yours,

Thomas Fox

CC:

Mayor Rick Richards
Brendan R. Daugherty, Esq

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**ORDER FOR
DEFENDANTS TO SHOW CAUSE WHY THEY SHOULD NOT
BE HELD IN CONTEMPT OF COURT**

This matter having come before the Court upon Plaintiff's Motion For an Order for Defendants to Show Cause Why They Should Not Be Held In Contempt of Court, and the Court being duly advised in the premises, now GRANTS Plaintiff's Motion.

This matter is now set for hearing on _____, 2016, at _____ in the courtroom of the above Court. Richard W. Richards, Mayor of defendant City of West Buechel and defendant Kimberly R. Richards are ORDERED to attend said hearing at the time and place specified herein, to SHOW CAUSE why they should not be held in contempt of Court for failure to comply with the Court's Judgment-Order of August 29, 2016.

Date:

Judge, Jefferson Circuit Court

Copies to:

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