

COMMONWEALTH OF KENTUCKY
COURT OF APPEALS
CASE NO. 2011-CA-000232

AMERICAN SADDLEBRED
HORSE ASSOCIATION, INC.

APPELLANT

v.

EDWARD BENNETT, ET AL.

APPELLEES

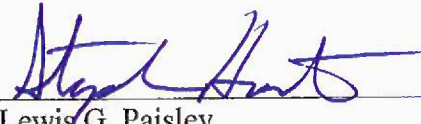
Appeal from Fayette Circuit Court
No. 09-CI-05292

**RESPONSE IN OPPOSITION TO APPELLANT'S
MOTION FOR ORAL ARGUMENT**

Appellant American Saddlebred Horse Association ("ASHA") moved this Court on March 17, 2011 to stay the Fayette Circuit Court's ruling pending appeal pursuant to CR 65.08(2). ASHA did not request oral argument in its initial motion. Appellees Edward R. Bennett, Carl T. Fischer, Jr., Kris Knight, Tom Ferrebee, Simon Fredericks, M.D., and Lynn W. Via (collectively the "Members") filed their opposition to that motion on March 25, 2011. The Members argued that the circuit court was correct in denying ASHA's request for a stay pending appeal, and ASHA has not met the high standard required to reverse that decision.

ASHA, perhaps recognizing that it has not met its burden, has now requested oral argument on its motion for a stay pending appeal. However, there is nothing unique or complicated about ASHA's motion which would justify burdening this Court or the parties with oral argument. Both parties have submitted their respective positions in writing as allowed under CR 65.08, and there is nothing new that could be added during oral argument. Accordingly, the Members respectfully request that this Court deny ASHA's motion for oral argument.

Respectfully submitted,



Lewis G. Paisley
Culver V. Halliday
Stephen A. Houston
STOLL KEENON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202

Counsel for Appellees

April 7, 2011

CERTIFICATE OF SERVICE

A copy of the foregoing document was served via First Class United States Mail, postage prepaid, to the following on the 7th day of April, 2011:

Edward H. Stopher
Jefferson K. Streepey
Earl L. Martin, III
Jeff W. Adamson
Boehl Stopher & Graves, LLP
400 West Market Street, Suite 2300
Louisville, KY 40202-3354

And via First Class United States Mail, postage prepaid, to:

James B. Cooper
Boehl Stopher & Graves LLP
444 West Second Street
Lexington, Kentucky 40507-1009



Counsel for Appellees