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DAVID L. BAIRD  
SARAH K. MCGUIRE

September 2, 2008

Mr. Donovan Blackburn  
CITY OF PIKEVILLE  
118 College Street  
Pikeville KY 41501

RE: City of Pikeville v. City of Coal Run

Dear Donovan:

Please find enclosed a copy of a Motion to Intervene and an Intervening Complaint of certain Broad Bottom residents or property owners against the City of Coal Run asking that Ordinance Number 2007-13 be declared void.

Sincerely,



Russell H. Davis, Jr.

RHD/am  
Enclosure

AUG 23 2008

COMMONWEALTH OF KENTUCKY  
PIKE CIRCUIT COURT  
DIVISION NO. I

CIVIL ACTION NO. 07-CI-01286

CITY OF PIKEVILLE

PLAINTIFF,

VS: **MOTION TO FILE INTERVENING COMPLAINT**

CITY OF COAL RUN VILLAGE

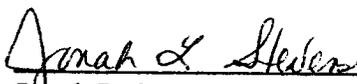
DEFENDANT.

\* \* \* \* \*

Comes the Movants, Rodney Cambell and Claude Stamper, by and through counsel, pursuant to CR 24, and herewith requests an Order of this Court allowing the filing of the attached Intervening Complaint against the incorporated Defendant, City of Coal Run Village herein.

For cause, the intervening complainants will suffer irritable harm to their real property rights from the improper annexation as well as they have in fact suffered a denial of their rights of due process and other statutory rights due violations through an improper attempt to annex their property in the Broad Bottom area of Pike County, Kentucky that their have suffered injuries as a result of the negligence of the Defendant in this action and therefore they need to assert their claims to recover.

**WHEREFORE**, the Movants, request an appropriate Order of the Court.

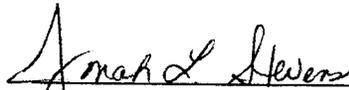
  
Jonah L. Stevens (pt)  
**HAMILTON & STEVENS, PLLC**  
P.O. Box 1286  
Pikeville, KY 41502  
(606) 437-6555  
(606) 437-4204 fax

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing pleading has been mailed this 22<sup>nd</sup> day of August, 2008, to the following:

Russell H. Davis, Jr.  
P.O. Box 351  
Pikeville, Kentucky 41502

Hon. Lawrence R. Webster  
P.O. Drawer 712  
Pikeville, Kentucky 41502

  
\_\_\_\_\_  
Jonah L. Stevens (pv)

COMMONWEALTH OF KENTUCKY  
PIKE CIRCUIT COURT  
DIVISION NO. I

CIVIL ACTION NO. 07-CI-01286

CITY OF PIKEVILLE

PLAINTIFF,

VS: **INTERVENING COMPLAINT OF BROAD BOTTOM RESIDENTS  
AND OR PROPERTY OWNERS**

CITY OF COAL RUN VILLAGE

DEFENDANT.

Serve: Mayor Laverne Dye  
Coal Run Village  
81 Church Street  
Pikeville, KY 41501

& Debra Tackett, City Clerk of Coal Run Village  
Coal Run Village  
81 Church Street  
Pikeville, KY 41501

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Now before the Court comes the Intervening Plaintiffs, of community of Broad Bottom listed below, herein submitting this intervening complaint to wit:

1. The Intervening Plaintiffs are residents and or real property owners of Broad Bottom, a locale of Pike County, Kentucky and the Intervening Plaintiffs re-allege and incorporate the allegations of the original Complaint as filed by the City of Pikeville and furthermore add:
2. That the Intervening Plaintiffs have a legal standing to join this lawsuit, since they are similarly situated with many other residents and property owners so referenced in the original complaint via the Defendant's other annexation ordinances, where the Defendant has likewise improperly annexed or has improperly attempted to annex other areas of Pike County contemporaneously with that of the Broad Bottom community, and the Pike Circuit Court has Jurisdiction of this legal action.
3. The Defendant, City of Coal Run Village, is a municipality of the Sixth Class organized and existing under the laws of the Commonwealth of Kentucky and located in Pike County, Kentucky.
4. That the harm to the Plaintiffs was rendered in Pike County, Kentucky within a time frame of less than one year of the date of the filing of this intervening complaint, from acts of the Defendant itself, or by its executive agents, or through its elected officials, so the Plaintiffs now seek a Declaration of Rights by virtue of KRS 418.040, and a Declaratory Judgment declaring that certain actions; taken by the Defendant to complete or in an attempt to complete an annexation via Ordinance Number 2002-13 of the residential area of Broad Bottom was / were/ are / is improper and void according to the Constitution of Kentucky, as well as according to the statutory laws and regulations of this Commonwealth, when the Defendant failed to give proper notices, publications, readings, certifications of records, and to preserve certain signatures delivered to the Mayor which memorialized 51 % or greater of the property owners or residents who formally protested Annexation Ordinance Number 2007- 13.

754.0095

5. Furthermore, the annexation boundary regarding Broad Bottom according to Ordinance Number 2007- 13 from the Defendant is prima facie defective, since the property sought in the annexation is not contiguous to the existing physical corporate limits of the Defendant, a violation of KRS &3A.4100(1)(a), also the Defendant has violated the Plaintiffs' due process rights under Kentucky's Constitution, by forming a pretext of establishing equal voting or protesting rights, when the Defendant tangentially considered or included Broad Bottom's formal protest with the tracts of Cowpen, Mullins, Wells Addition, Mossy Bottom, and others, though Broad Bottom is a recognized distinct tract or boundary, and such inclusion by the Defendant deprived, diluted, diminished or disenfranchised the 51 % or greater the number of residents ( which also includes the Plaintiffs) of Broad Bottom who have signed a petition in protest, contesting the annexation under Ordinance Number 2007-13, and the formally signed protest was actually delivered to the Mayor of Coal Run Village or to her agents in a timely manner.

6. That the Defendant is not seeking to enhance municipal value or to provide substantial benefits to the residents or property owners of Broad Bottom with the proposed annexation, because the Defendant through its Mayor has admitted to one of the Plaintiffs, Rodney Campbell that the sole purpose of annexing Broad Bottom is to preempt or curtail the services of and to limit the physical boundaries of the City of Pikeville, who is the original Plaintiff in this action.

**Wherefore**, the Plaintiffs demand a judgment declaring the Defendant's Annexation Ordinance 2007-13 invalid, void, and of no legal effect, along with any other relief they may be so entitled, including but not limited to legal fees, expenses, taxable costs, as well as an Order or Permanent Injunction from this Court preventing or enjoining the Defendant from any further annexation actions under Ordinance 2007-13 toward the Broad Bottom Community of Pike County.

Have Seen & Agree

Claude Stamer  
Claude Stamer

Rodney Campbell  
Rodney Campbell

Judy Campbell  
Judy Campbell

Dawn McKinney  
Dawn McKinney

Edgar McKinney  
Edgar McKinney

Kimberly Robinette  
Kimberly Robinette

Ada Gibson  
Ada Gibson

Hargis Gibson  
Hargis Gibson

Thurman Coleman Jr.  
Thurman Coleman Jr.

Tony Adams  
Tony Adams

Mable Adams  
Mable Adams

Greg Coleman  
Greg Coleman

Jeremy Gibson  
Jeremy Gibson

Amanda Gibson  
Amanda Gibson

Evelene Stamer  
Evelene Stamer

Ronnie Justice  
Ronnie Justice

Barry Wright  
Barry Wright

Mary Ann Justice  
Mary Ann Justice

John C. Howell  
John C. Howell

John C. Howell  
John C. Howell

Will Brown  
Will Brown