

COMMONWEALTH OF KENTUCKY
NELSON CIRCUIT COURT
10TH JUDICIAL CIRCUIT
DIVISION 1
CASE NO. 21-CI-00439

HEAVEN HILL DISTILLERIES, INC.
1064 Loretto Road
Bardstown, Kentucky 40004

PLAINTIFF

v.

**ORDER
AND TEMPORARY RESTRAINING ORDER**

UNITED FOOD AND COMMERCIAL
WORKERS UNION,
LOCAL UNION NO. 23-D
1695 Boston Road
Bardstown, Kentucky 40004

DEFENDANTS

AND

MATT AUBREY
President
United Food and Commercial Workers
Union, Local Union No. 23-D
1695 Boston Road
Bardstown, Kentucky 40004

AND

LARRY NEWTON
Plant Chairman
United Food and Commercial Workers
Union, Local Union No. 23-D
1695 Boston Road
Bardstown, Kentucky 40004

AND

BRIAN WERNER
Treasurer
United Food and Commercial Workers
Union, Local Union No. 23-D
1695 Boston Road
Bardstown, Kentucky 40004

AND

UNKNOWN DEFENDANTS

Plaintiff Heaven Hill Distilleries, Inc. filed a Verified Complaint and motion for *ex parte* temporary restraining order ("TRO") and temporary injunctive relief under Kentucky Rule of Civil Procedure 65.

Counsel for the Defendants, Chelsea N. Dermody, Schulz Messex Dermody, PLLC, has accepted service on behalf of Defendants.

Plaintiff has requested class certification under Kentucky Rule of Civil Procedure 23.02(a) of the members of the United Food and Commercial Workers Union, Local Union No. 23-D ("UFCW"), an unincorporated association. Defendants have no objection to Plaintiff's request for class certification.

Accordingly, the motion to certify a class is GRANTED.

After considering the Complaint, supporting affidavit testimony and evidence, the Court finds that an emergency condition exists for which there is no other adequate remedy at law and that immediate and irreparable injury, loss, or damage will result if injunctive relief is not granted.

Accordingly, the motion for TRO is GRANTED, on the terms detailed below.

TEMPORARY RESTRAINING ORDER

IT IS ORDERED THAT:

1. The Defendants, including the UFCW, its Local 23-D, its members, officers, agents, representatives, and employees and all persons acting in concert with them, or with knowledge of this Order, are hereby restrained and enjoined, until further order of the Court, from doing or causing to be done, instigating, encouraging, aiding or abetting, any person in doing any of the following:

a. Committing any violation of the law;

b. Committing any acts of violence or threats of violence;

c. Engaging in unlawful conduct;

d. Igniting burn barrels, bonfires, or other fire or incendiary devices either within two hundred fifty (250) feet of the entrances to the Heaven Hill facilities located at 1064 Loretto Road, Bardstown, Kentucky 40004 ("Bottling Facility"), 8240 Louisville Road, Cox's Creek, KY 40013 ("Cox's Creek"), 681 Bloomfield Road, Bardstown, KY 40004 ("Schenley"), 1019 and 1010 Deatsville Road, Cox's Creek, KY 40013 ("Deatsville"), and 1492 Nazareth Road, Bardstown, KY 40004 ("Glencoe") or within two hundred fifty (250) feet of any warehouse located on those properties.

e. Blocking or impeding any vehicle exiting or entering the Bottling Facility, Cox's Creek, Schenley, Deatsville, and Glencoe locations;

f. Following, tailing, or unlawfully harassing any vehicles of the Plaintiff, its carriers, suppliers, employees, agents, officers, representatives, contractors, subcontractors, members of the public, and other persons seeking to enter, leave or service the Bottling Facility, Cox's Creek, Schenley, Deatsville, and Glencoe locations or having business with Plaintiff or doing business with or seeking to do business with Plaintiff;

g. Traveling to the home or place of business or any persons affiliated with Plaintiff to unlawfully harass, surveil, or intimidate those persons;

2. The officers and committeemen of Defendant UFCW are directed to notify all agent representatives, their members, employees, and individuals acting on their behalf or in concert with them of terms of this Order and shall direct all persons to conform to all such provisions.

IT IS FURTHER ORDERED THAT the Sheriff of Nelson County and all law enforcement

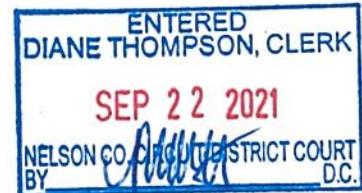
officers having jurisdiction over the highways and property concerned shall enforce the prohibitions of this Order; and shall give appropriate protection to persons seeking to enter or leave Heaven Hill's Bottling Facility, Cox's Creek, Schenley, Deatsville, and Glencoe locations. This Order is subject to modification at any time on motion of either party.

Plaintiff will furnish bond in the amount of \$ 1,000 (cash)

McC

Judge

Date: 9/21, 2021.
Time: 8:51 (~~a.m.~~/p.m.)



Tendered By:

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