SPECIFIC EXAMPLES
RE: JCC Case Number 2013-169

I would first like to thank the committee members for giving myself and the Chandler family added time to respond to your request for specific examples. I have previously sent all correspondence and recordings of the record. Therefore, for the sake of time and brevity, I will highlight only specific examples and recordings that we feel show that the Judge has behaved inappropriately and has appeared overly bias toward Defendant's Counsel, resulting in added favor to the Defendants. I just want to make a special note to mention that the full record is available for review if necessary.

Recognizing that all committee members are busy with full time jobs outside of their respective committee duties, I am going to separate specific examples from the video recordings, from the filings.

With the assistance of counsel, Plaintiff filed his 83 paragraph complaint. The paragraphs were tailored around the badges of undue influence set out in Bye v. Mattingly, and included information to negate any defense of the will being natural due to an alleged close family relationship. Plaintiff's Will Contest was based on two grounds, "lack of mental capacity, and undue influence by the Defendants." Plaintiff is the closest living heir of the deceased. At the time of his death, the Plaintiff was shocked to learn that his brother had made a will leaving everything to a co-worker's minor son, who at the time was only 5 years old, and had just begun coming around the Chandler Family Home one year prior to the Will being made. At the time of execution, Keith was a 42 year old grown man who lived his entire life with his mother and father. Keith never handled any business affairs or finances on his own, and in fact never even had so much as a loan for an automobile. Keith depended solely on his mother to even make all of his doctor appointments. Lifelong family and friends have stated that Keith would only listen to his father Rudolph Chandler. The Defendant Randy Fish only began coming around after Rudolph Chandler passed away in the beginning of 2005. Less than a year later, Keith signed a will leaving everything he owned to the Defendant's five (5) year old minor son Peyton Fish. At the time of execution, the deceased mother was still living, and no family member had any knowledge of this secret will made by defense counsel Brucie Moore.

Prior to even answering the Complaint, Brucie Moore, the defense counsel filed a Motion to Strike, requesting the Court to strike 49 paragraphs of the Plaintiffs Complaint. On December 8, 2011, at the Hearing for the Defendant's Motion, the Judge appeared to be directly attacking the Plaintiff and making light of his Will Contest all together. [Please see attached video clippings along with the accompanied explanation paper]

Plaintiff left that hearing very distraught and in tears, due to the abuse and ridicule of the Court. I attempted to reassure the Chandler Family that I would zealously represent their interest. Furthermore, I sent an email directly to all parties informing Judge Williams, and Ms. Moore that the Plaintiff felt as if he was under direct attack by the Judge herself, for not protecting his brother or his mother.

On April 17, 2012, the Judge issued an Order striking every single paragraph that the Defendants made a Motion to Strike. But what is more telling to the non-neutral position taken from the court is the Order in of itself.

FOR EXAMPLE:

The Judge's Order including the introduction, case law, and arguments came verbatim from the two memorandums previously filed by Ms. Moore. The Judge also referenced the Plaintiff Steve Chandler

as being the "estranged brother" of the deceased, which is completely false, and absolutely no evidence had been presented or ascertained to support this statement. In addition, the Judge's Order failed to even address any of the Plaintiffs case law, or arguments.

I am not going to go through all 49 paragraphs, but instead list a few examples of the stricken Paragraphs and the reason given for such, which clearly reveals the Judge's strong position on the case.

> Paragraph (12) "Prior to his Mother's passing Mrs. Chandler asked family members, neighbors, and friends to watch out for Keith because in her words, "he was not dealing with a full stack."
>
> "The Court finds that Paragraph 12 deals with an alleged statement that Keith's mother made in reference to his mental capacity "prior to" Mrs. Chandler's passing. The Plaintiff provides no "temporal reference;" therefore, the Court does not know whether Mrs. Chandler made this alleged statement in close proximity to the time Keith executed his will…."
>
> Paragraph (19) "Prior to his death both Rudolph Chandler, and the plaintiff voiced their concerns to Keith stating that Randy Fish was not his friend, and that Randy was only using him in order to gain permission to hunt on the Chandler Farm…."
>
> "The Court finds that the temporal reference "prior to Rudolph Chandler's death (based on his date of death, this alleged statement had to have occurred sometime in 2004 or the years prior to 2004) is too remote in time to October 23, 2006, when Keith executed his will…"
>
> The Committee will find that this narrow time frame that the Judge attempted to limit the Plaintiff to was only applicable when it benefited the Defendants.
>
> Paragraph (31) "Melinda McLandless and her mother both heard Randy speaking to an unknown gentlemen at Mary Katherine's funeral stating that now with Mary Katherine and old man Chandler out of the way, he was certain that Steve wouldn't be a problem."
>
> "The Court is concerned that the identity of the individual that Randy Fish was allegedly speaking to is unknown. The Court finds that the testimony of Melinda Mclandles or her mother as to what they overheard Randy Fish say to another individual is hearsay and therefore inadmissible. The Court also finds that said statements do not qualify as an admission of a party opponent. Further the alleged statement does not reference Keith…"
>
> Paragraph (32) "Similarly, Deena Coleman, who worked at Raylock with both Keith and Randy will testify that she overheard Randy speaking to Keith at Mary Katherine's funeral telling him what he need to do next to get things in order."
>
> "The Court finds that because this alleged statement by Randy Fish occurred after Keith executed his will, that it is immaterial as to whether Keith had the capacity to execute a will, whether he was operating under the influence of William Robinson and/or Randy Fish or whether his will contained an unnatural disposition."
>
> Paragraph (33-35) "Likewise, Robert Quertermous, was an old family friend who began working with Randy and Keith at Raylock. Robert's father was one of Rudolph Chandler's best friends, he and Robert had been hunting on the Chandler farm for many years. After Rudolph passed away, Robert asked Keith if it was still okay for them to hunt. Keith initially said yes, but also stated that he should check with Randy first…." (34) Keith later informed Robert that Randy said that he didn't want anyone hunting on

the land…" (35) Other witnesses have also stated that they were met with similar response by Keith when they inquired into just about anything. "Randy doesn't want that."

"The Court finds that while the information contained in these paragraphs may be indicate undue influence by Randy Fish over Keith there is no reference as to when these conversations occurred other than "after Rudolph Chandler's" death. Rudolph Chandler died in December 2004. The Court does not know when these conversations occurred and therefore, cannot discern whether they took place prior to October 23, 2006 or after that date. Therefore, because the Court does not know at what point in time these alleged conversations occurred it strikes Paragraph 33-35."

Paragraph (37) " Keith a lifelong Crittenden County resident who previously worked with Rebecca Johnson, a Crittenden County attorney during the probate process of his mother's will, instead went and had Brucie Moore, who has a private practice in Union County, Kentucky."

"The Court finds that this paragraph does not state that Keith sought the service of Brucie Moore. Ms. Moore admitted in court that she prepared Keith's will and that it was executed in her office before a notary. Keith had the right to use an attorney of his choice to prepare his will and it appears that he did just that. Simply because Keith chose an attorney in Union County rather than one in Crittenden County does not tend to show that Keith did not have capacity to execute his will, that he was operating under the undue influence of William Robinson and/or Randy Fish or that his will had an unnatural disposition. Therefore the Court strikes Paragraph in it's entirely."

Furthermore, the Court made a blanket sweep of any and all information which occurred after the will was executed. Said information goes directly in establishing Keith's mental weakness. The information included the fact that after his mother passed away in 2007, and the plant closed in 2008, Keith became hermit; living many months without water or electricity and only had them turned back on when his brother, the Plaintiff, was made aware of the fact that they were turned off. On multiple occasions Plaintiff went and paid the past due bills, and had all the utilities turned back on for his brother. Likewise, Steve Chandler, and their Aunt Elwanda McDowell were the only people taking Keith Chandler food and water for the past few years before he passed away. Not to mention the Plaintiff, Steve Chandler, has been paying the deceased property taxes on the Chandler family farm since his mother passed away in 2007.

The Defendants' have repeatedly referred to Steve Chandler as the estranged brother of the deceased, despite the fact at the very beginning of the proceeding the Plaintiff filed a motion to strike the use of the word "estranged brother," from the Defendants pleadings. So it was a little astonishing to see that in Court's Order granting the Defendants Motion to Strike, the Judge referred to the Plaintiff as the "estranged brother" once again. Absolutely no evidence has been produced to support this assertion, other than the testimony of the Defendants themselves. In addition, the Defendants were appointed Trustee and Executor, but neither one of them took any steps to plan the Keith Chandler's funeral, but instead relied on his brother Steve Chandler. Other than normal sibling disputes growing up, they hunted and spent time together every year up until Rudolph Chandler passed away in early 2005. The brothers had a good relationship with one another prior to Defendant Randy Fish coming into the picture. Therefore, the Judge showed extreme bias toward the Defendants by referring to the Plaintiff as the estranged brother of the deceased.

> Paragraph (5) "That on July 5, 2011, the deceased Harold (Keith) Chandler, Forty-Seven (47) years of age, was found completely nude in the basement of his residence located at 187 Rudolph Chandler Road. Exact cause of death is unknown at this time."

The Court struck the information pertaining to the condition of the deceased body stating that it was irrelevant and immaterial. The cause of death was undetermined due to the fact that the deceased body had been embalmed excessively with fluid and embalming powder. The deceased body was taken to Whitsell Funeral Home in Union County, Kentucky. Ironically, Randy Fish was trained and worked part time as a Deputy Coroner for Whitsell Funeral Home. Since the deceased was only 47 years old, and no known prior medical ailments, the family has expressed concerns of foul play. The Defendant has repeatedly lied concerning his actions on the day the body was discovered. For example, Randy Fish claimed that he continuously called Keith before arriving at the house and after getting there. But on the deceased phone records, it reveals that no such phone calls were ever made.

After the Judge's Order striking paragraphs from my complaint for various reasons which included, failure to state a "temporal reference," "hearsay," "relevancy," "immaterial information," in April 2012, I filed an Objection for the record in accordance with KRE 103 in order to preserve the matter for appeal. Said filing did not ask the court to alter amend or vacate previous order. However, under Kentucky Rule of Civil Procedure 12.06 a Motion to Strike, specifically states, "Upon a motion by a party before responding to a pleading, or, if not responsive pleading is permitted by these rules, upon a motion made by a party within 20 days after the service of the pleading upon him, or upon the Court's own initiative at any time, the court may order stricken from any pleading any insufficient defense or any sham, redundant, immaterial, impertinent or scandalous matter." The Court obviously attempted to illegally make evidentiary rulings, excluding evidence and witness statements through the use of a Motion to Strike, instead of properly conducting an evidentiary hearing after a properly filed Motion in Limine.

Prior to my filing my Objections in accordance to KRE 103, both the Judge and Ms. Moore were focused on bullying and intimidating my client, Steve Chandler. After I filed my objection to the attempted improper exclusion of evidence, the Ms. Moore and ultimately the Judge turned their attention on intimidating and harassing me personally. The Defendants included a Counterclaim within their Answer to the Plaintiff's remaining Complaint. The Defendants Counterclaim was filled with falsehoods and lies and attack against both the Plaintiff, and myself as their bases and cause for their Abuse of Process action. Please note that Defense Counsel Brucie Moore, directly threatened the Plaintiff with this cause of action at the initial probate hearing, and telling him that he had a lot to lose if he filed a will contest complaint.

The Defendants asserted that the Plaintiff filed a baseless will contest complaint as a form of extortion attempting to force the Defendants into offering him a settlement in exchange for Plaintiff's dismissing the lawsuit, that Plaintiff is using action as a financial club, filing unnecessary responses, objections, briefs and motions, all in effort to continue beating money out of the Defendants until they concede to his wishes. Furthermore, Plaintiff engaged in willful, improper conduct not proper in the regular course of proceeding by opposing probate in District Court, by serving the attorney of record for the Estate with complaint instead of the Defendants personally, and by filing a Will contest action in which 49 allegations, more than half of the Complaint were redundant, immaterial, impertinent, or scandalous.

The Abuse of Process cause of action failed to state a cause of action upon which relief could be granted. The complaint contained no damages, but merely a statement of potential damages caused by

delay filing of inheritance taxes. I filed a Motion to Dismiss pointing out the failure to state a cause of action. The Judge in turn asked both sides to brief the issue. The memorandum produced by Ms. Moore contained more false assertions not only of facts, but directly misquoted case law to the Court.

In my Memorandum in Support of my Motion to Dismiss, I subsequently responded to the Defendants Memorandum, pointing out to the Court Ms. Moore's many false assertions and lies, and her never ending attempt to intimidate and bully me, all the while showing a great deal of respect to the Judge and the judicial system [Please see attached Exhibit A]. In Plaintiff's prayer for relief, I requested that the Defendants fraudulent claim be dismiss in its entirety, and that any necessary action to prevent future filings containing such flagrant falsehoods be taken.

It should also be interesting to note, that the Judge's order Denying the Plaintiffs Motion to Dismiss, also came verbatim from Brucie's counterclaim and Memorandum. Despite the fact, that I made a point to inform the Judge of Ms. Moore's deliberate and not so subtle attempt to mischaracterize controlling case law.

In an attempt to bring additional attention to the Judge concerning Ms. Moore's falsehoods and fraudulent filings, including her never ending attempt to harass and bully me, I sent an email to both the Judge and Ms. Moore stating my concerns. Furthermore, I specifically stated that it was intention to raise my concerns by use of email, to avoid any negative public perception in open court, and to avoid embarrassing Mr. Moore [Please find the attached emails labeled Exhibit B]. Neither the Judge nor Ms. Moore responded to the said email, but both have attempted to mischaracterize the content of the email. Despite the fact that neither one of them wished to make the Email part of the record.

The Judge ultimately sided with Ms. Moore denying my Motion to Dismiss, and once again her entire Order came verbatim from Ms. Moore's Counterclaim and Memorandum. Both the Judge and Ms. Moore used the only case law in the entire state of Kentucky with the name K-A-Y-C-E, in the title as citing to the standard of review for a Motion to Dismiss. Said case is about a girl being shot and killed at a school shooting back in 1998. The case is out of Paducah. I knew the case well, because I was friends with Kayce Siegler's cousin at the time of the shooting. Although, I don't believe that the Judge or Ms. Moore are making a threat to shoot me, I do feel that it is just another added attempt to bully intimidate me, and letting me know who is in charge. With millions of cases out there which site to standard of review for Motion to Dismiss, I in no way feel it was just a coincidence, that they use the ONLY case in the state of Kentucky with KAYCE in the title.

In August of 2012, along with the Order denying Plaintiff's Motion to Dismiss, the Judge followed that up with a second unsolicited Order overruling the Plaintiff's KRE 103 Objection that was filed nearly 5 months earlier; therefore, yet another added attempt to improperly exclude all of Plaintiff's evidence, and witnesses.

Two months later at a Judicial Conference, Judge Williams went out of her way to strike up a conversation about me with my local Chief Circuit Judge, whom she had no prior relationship with. As it has been relayed to me, she asked Hon. John Atkins whether he was familiar with me. He told her that he was, she then proceeded to tell him that I was strange and peculiar, and that he really needed to watch out for me because I was something else. The timing of this conversation cannot be overlooked either. I had just served Brucie Moore with a Federal 1983 cause of action for a separate distinct case in a different county all together. Although not related to present action, that particular case raises more questions regarding Ms. Moore's ethical behavior and her ability to practice law, *Case No. 4:12-cv-00114-JHM-HBB* Butts v. Deibler et al. After learning of said conversation, I made a motion to make all emails and

correspondence between the parties' part of the record, strictly in effort to protect myself and my client's interest. Judge Williams in open Court admitted to initiating a conversation about me at the hearing in December 2012. [Please see the accompanied video clips and the included explanation paper.]

The Judge ultimately denied my request to include all emails and correspondence as part of the record. In my opinion this decision was made in part, because it would be clear to anyone that reviewed the record that on more than one occasions I informed the Judge of Ms. Moore's antics, and requested that she takes steps to address them accordingly. Instead of addressing my concerns in any manner, she failed to address them all together, and chose to speak negatively about me to another Judge.

With my client's permission, I sought the advice of other judges and attorneys, and after careful review of the record, all of them independently advised me to file a Motion to Recuse Judge Rene' Williams. I filed said motion on May of 2013. Ms. Moore filed a Response to my Motion, once again trying to pad the record with blatantly obvious false assertions. To be specific, the Defendants response stated that the email that was sent by me on July 23, 2012, was in response to the Court overruling my Motion to Dismiss counterclaim. Ms. Moore alleges that I was trying to re-argue the Court's ruling on my Motion to Dismiss; however, this logic falls flat on its face when you consider the fact that the Order was not even issued by the Court until August 9, 2012. At the hearing on my Motion to Recuse, I once again pointed out to Judge Williams, Ms. Moore's false assertions and mischaracterizations of the record, and informed her that if Ms. Moore was going to keep mischaracterizing the email, then it should most certainly be made part of the record. As the video clipping reveals, she clearly knew and acknowledged what I was referencing, but once again, did nothing about it [Please see video clipping along with explanation paper].

Many months went by without a ruling on the Plaintiff's Motion of Recusal. As previously noted on page 6 of my initial JCC complaint, Brucie Moore's relentless efforts and false filings did not cease there. She went onto add countless false assertions to the record in the form of motions, trial brief, and most recently a request for summary judgment. Her summary judgment is based on all lies, mischaracterizations, and false assertions. Ordinarily, I would not fear motions full of easily discredited assertions; however, present case gives me great pause, since Judge Williams have failed and continues to fail to address Ms. Moore's lies and attempts to harass and bully my client and myself. Ms. Moore has scheduled and taken depositions of my witnesses even after sending confirmation to me that she recognized my unavailability and need to reschedule. Judge Williams and Ms. Moore have both been condescending and demeaning toward me and my client.

I would like for the committee to note, that I in no way have any personal vendetta against Judge Williams or Ms. Moore. When I was contacted by my clients concerning present case, and federal case against Ms. Moore, I was living and practicing in a completely different state. I have never solicited clients or business from Judge Williams and Ms. Moore's jurisdiction. I was not even familiar with Mr. Moore or Judge Williams. Both cases have come to me in a strange unique way that I refer to them as my God Wink cases, and I know that my purpose is to see both cases through to the fullest extent of my ability and fight for what is right.

This Committee further requested from the Plaintiff additional proof of the close friendship between Ms. Moore and Judge Williams. The Chandler family has stated that they were willing to hire someone to look through the Court's records at the civil cases where Brucie Moore appeared in front of Judge Williams, but first would like guidance on what the committee would find relevant and helpful.

The relationship between Judge Williams and Ms. Moore is no secret among attorneys in this region. I can personally attest to speaking with several well respected attorneys in my area who have told me that they avoid taking any cases in that area, because in their words, "there is too much home cooking going on." The majority of the time, I can only assume that the Judge always ruled in Ms. Moore's favor on discretionary matters, and therefore not worth taking up on appeal. However, that is not what has taken place in the present situation. They both have engaged in reprehensible conduct directed at me and my client.

There is a reason why there are so many workplace anti-bullying laws on the books now days. Most attorneys would never do the things that Ms. Moore has done, nor would they behave the way she has, for fear of repercussion from the Judge. However, Judge Williams has ignored, and in fact, condoned and at times even participated in Ms. Moore's attempt to bully and intimidate the Plaintiff and I.

Most recently I have been informed by email that the Chief of Supreme Court of Kentucky, Overruled the Plaintiffs affidavit pursuant to KRS 26A.020. The Judge's Order did not contain any explanation as to the reasons why the court overruled the Plaintiff's affidavit. In no way should these overly bias acts by the Judge be ignored simply because she was appointed and serves as the Regional Chief Circuit Judge. If anything, her actions should be scrutinized closer because she holds a role model position. That being said, after the Chandler family was made aware of Chief John D. Minton's order, they became reluctant to pay someone to comb through years of Court files, if in fact their Complaint is not going to be taken seriously.

If I am sadly mistaken, and the Committee finds that the Judge's actions were completely neutral and appropriate, then I respectfully request some sort of explanation, controlling case law, or statute that justifies the acts to which I personally consider to be a complete insult to our judicial system. The law requires a Judge to Recuse themselves under KRS 26A.015 (2)(a)"where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding, or has expressed an opinion concerning the merits of the proceedings. After viewing the video clips from December 8, 2011, with the accompanied explanation sheet, it should be clear that the Judge has repeatedly expressed her opinion concerning the merits of the Plaintiff's case. Likewise, with the Judge going out of her way to slander me personally shows a clear unfounded prejudice against me. Not to mention the Judge repeatedly failing to address the multiple complaints made against Ms. Moore's unethical behavior throughout the proceedings.

I have enclosed 6 copies of the DVD for each Committee member, containing small video clips of the hearing, where we feel the Judge has not maintained neutrality concerning the Plaintiff's case. I would be happy to provide additional information to the Committee if requested, or would be more than happy to discuss the allegations set out in my complaint with anyone who wishes to do so. Again, on behalf of the Chandler Family and myself, thank you to all those who have taken the time to review this complaint.

Sincerely,

Kayce R. Powell