Entered 26-CI-002636 07/15/2026 David L. Nicholson, Jefferson Circuit Clerk

COMMONWEALTH OF KENTUCKY
JEFFERSON COUNTY CIRCUIT COURT
CIVIL BRANCH
FOURTH DIVISION

HERBERT HENEMAN	Case Number 2026-CI-02636
Plaintiff	**ORDER DENYING PLAINTIFF'S MOTION TO ALTER, AMEND, OR VACATE, GRANTING PAGE LIMITATION VIOLATION, AND TAKOING ATTORNEY FEES UNDER SUBMISSION *AND REMOVING FROM MOTION HOUR FOR JULY 20, 2026***
v.	
SYLVIA SANDERS	
Defendant	

This matter came before the Court upon Plaintiff Herbert Heneman's Motion to Alter, Amend, or Vacate pursuant to CR 59.05. The Court, having reviewed the Motion, Defendant's Response, the record herein, the applicable law, and otherwise being sufficiently advised,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

Plaintiff Has Not Satisfied the Requirements of CR 59.05.

CR 59.05 is not intended to provide a disappointed litigant with an opportunity to reargue matters previously presented or to advance legal theories that were available before entry of judgment. Plaintiff has identified no intervening change in controlling law; newly discovered evidence that was unavailable prior to entry of judgment; or manifest error of law or fact warranting relief.

Plaintiff Has Not Demonstrated Error Regarding Pertinence.

Plaintiff argues that this Court evaluated pertinence at an impermissibly high level of generality. The Court rejects that argument. Kentucky law requires evaluation of whether the challenged communications bear sufficient relation to the underlying judicial proceeding. The Court previously concluded that the challenged communications satisfied Kentucky's liberal pertinence standard, and Plaintiff identifies no controlling authority requiring a different result.

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Counts II and III Were Properly Dismissed.

Plaintiff again argues that Counts II and III alleged actionable extra-judicial defamatory statements independent of the Nelson Circuit Court Complaint. The Court remains persuaded that Plaintiff failed to identify sufficiently specific, actionable, non-privileged publications capable of avoiding dismissal under UPEPA. Plaintiff's Motion merely disagrees with the Court's prior legal conclusions and does not demonstrate manifest error under CR 59.05.

Plaintiff Received the Hearing Required by UPEPA.

Plaintiff further argues that the Court failed to provide a meaningful hearing under KRS §454.468. The Court rejects that argument. The parties fully briefed the issues presented. The Court conducted the hearing required by statute. Nothing contained in KRS Chapter 454 required additional briefing, repetitive oral argument, or successive opportunities to present matters already contained within the parties' written submissions. Plaintiff has failed to demonstrate any prejudice arising from the conduct of the hearing in directing the parties to avoid arguments previously articulated.

IT IS THEREFORE ORDERED:

1. Plaintiff Herbert Heneman's Motion to Alter, Amend, or Vacate is DENIED.
2. Plaintiff's belated request to exceed the page limitation is GRANTED, but future violations will result in the striking of pleadings.
3. This matter is REMOVED from the July 20, 2026 motion hour.
4. The issue of fees remains under submission and no other filings are necessary.

/s/ JUDGE JULIE KAELIN
electronically signed
7/14/2026 2:05:52 PM ET

Hon. Julie Kaelin
Jefferson Circuit Court, Fourth Division

CLERK: REMOVE FROM MOTION HOUR

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