

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF	)	
KENTUCKY COLONELS, INC.	)	
943 South First Street	)	
Louisville, KY 40203	)	
	)	
PLAINTIFF	)	
v.	)	CIVIL ACTION NO. _____
	)	
GLOBCAL INTERNATIONAL	)	
302 General Smith Drive	)	
Richmond, KY 40475	)	
	)	
<b>Serve: Maya-Lis A. Wright</b>	)	
<b>302 General Smith Drive</b>	)	
<b>Richmond, KY 40475</b>	)	
	)	
ECOLOGY CROSSROADS	)	
COOPERATIVE FOUNDATION, INC.	)	
302 General Smith Drive	)	
Richmond, KY 40475	)	
	)	
<b>Serve: Maya-Lis A. Wright</b>	)	
<b>302 General Smith Drive</b>	)	
<b>Richmond, KY 40475</b>	)	
	)	
DAVID J. WRIGHT, Individually and In His	)	
Capacity as President of Ecology Crossroads	)	
Cooperative Foundation, Inc.	)	
302 General Smith Drive	)	
Richmond, KY 40475	)	
	)	
UNKNOWN DEFENDANTS	)	
	)	
DEFENDANTS	)	

**VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES**

Plaintiff The Honorable Order of Kentucky Colonels, Inc. (“Plaintiff” or “the Honorable Order”), by counsel, for its Complaint against Defendants Globcal International (“Globcal”), Ecology Crossroads Cooperative Foundation, Inc. (“Ecology Crossroads”), David J. Wright,

individually and in his capacity as President of Ecology Crossroads Cooperative Foundation, Inc. (“Wright”), and Unknown Defendants (collectively referred to as “Defendants”), alleges as follows:

### **PRELIMINARY STATEMENT**

1. This is an action for civil contempt of the Agreed Permanent Injunction entered by this Court; for infringement of the Honorable Order’s famous, federally registered trademark, KENTUCKY COLONELS, under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1); for trade name infringement, unfair competition, and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); for dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c); for cyberpiracy under the Anticybersquatting Consumer Protection Act, Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(a); and for substantial and related claims under the common law of the Commonwealth of Kentucky, all arising from Defendants’ continued unauthorized use of the KENTUCKY COLONELS Mark in connection with marketing, advertising, promotion and solicitations regarding Defendants’ alleged services.

2. The Honorable Order seeks injunctive and monetary relief.

### **PARTIES**

3. The Honorable Order is a nonprofit, tax-exempt corporation organized and existing under the laws of the Commonwealth of Kentucky. Its principal place of business is 943 South First Street, Louisville, Kentucky 40203.

4. According to the records maintained by the Kentucky Secretary of State, Defendant Ecology Crossroads Cooperative Foundation, Inc. (“Ecology Crossroads”) is a corporation organized under the laws of the Commonwealth of Kentucky with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of

process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

5. According to the records maintained by the Kentucky Secretary of State, Defendant Globcal International (“Globcal”) is an assumed name of Defendant Ecology Crossroads with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

6. Upon information and belief, Defendant David J. Wright is an individual who is a citizen of the Commonwealth of Kentucky. According to the records maintained by the Kentucky Secretary of State, Wright is the President of Defendant Ecology Crossroads, whose registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

7. Upon information and belief, Unknown Defendants are individual employees, agents, owners, officers, or directors of Defendants Ecology Crossroads or Globcal who have transacted business, engaged in conduct, or otherwise participated in the activities described in this Verified Complaint.

### **JURISDICTION AND VENUE**

8. This Court has original jurisdiction over this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1338(a) and (b) inasmuch as this action arises under the Trademark Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.* This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

9. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claims below occurred in this District and because the intellectual property at issue substantially is located in this District.

10. This Court has personal jurisdiction over Wright under KRS 454.210, Kentucky’s

long-arm statute, because, among other things, he directly and personally engaged in the actions complained of herein within this District, including infringing upon the Honorable Order's trademarks by marketing and promoting services under the marks KENTUCKY COLONEL, KENTUCKY COLONEL CLUB, KENTUCKY COLONELCY, and KENTUCKY COLONEL COMPANY (collectively, the "Infringing Marks"). In addition, Wright engaged in actions within this District, intended to facilitate or allow the infringement upon the Honorable Order's trademarks described herein by creating and/or operating the entities or organizations described and identified herein, and/or personally directing those Defendants to engage in the conduct described herein.

11. This Court, and specifically Judge Rebecca Grady Jennings, retained jurisdiction over the parties' previous, and nearly identical case, Civil Action No. 3:20-CV-132-JRW, as necessary to enforce the Agreed Permanent Injunction ("Permanent Injunction"), entered on February 23, 2021, and the terms of the Settlement Agreement entered by the parties for no less than ten (10) years. *See* Agreed Permanent Injunction, attached hereto as Exhibit 1.

## **FACTS**

### **The Honorable Order and its KENTUCKY COLONELS Mark**

12. From its inspired origins in 1931 through the present day, the Honorable Order has existed as a nonpartisan nonprofit organization dedicated to supporting charitable purposes throughout the Commonwealth. Since 1951, the Honorable Order has granted \$60 million to more than 1,700 nonprofits. In 2022 alone, the Honorable Order granted \$3.1 million to 314 organizations who, together, serve more than 3.9 million people.

13. The Governor of Kentucky serves as the Commander-in-Chief of the Honorable Order, along with a board of trustees. From the beginning, the Governor's office recognized the Honorable Order's role, making the Honorable Order responsible for adopting insignia, seals, and



other indicia of the honor.

14. For nearly a century, the Honorable Order has pursued its mission to follow the objectives described by Kentucky Governor Flem D. Sampson in 1931, a significant aspect of which is promoting and protecting the goodwill of the KENTUCKY COLONELS Mark. That Mark plays a critical role in the Honorable Order's fundraising efforts.

15. The Honorable Order has federal trademark registrations for, and carefully protects and enforces, the KENTUCKY COLONELS Mark. A chart reflecting the numerous federal trademark registrations owned by the Honorable Order incorporating the KENTUCKY COLONELS Mark, as well as the official documentation reflecting those registrations and applications, is attached as Exhibit 2.

16. The Honorable Order has continuously used the KENTUCKY COLONELS Mark in connection with its philanthropic, membership, and social activities for decades, and, as a result, the KENTUCKY COLONELS Mark carries a positive connotation worldwide.

#### **Prior Litigation between the Parties**

17. On February 20, 2020, the Honorable Order filed a verified complaint against Defendants in this Court for infringement of the Honorable Order's federally registered KENTUCKY COLONELS trademark under Section 32(a) of the Lanham Act, 15 U.S.C. § 1114(1); for trade name infringement, unfair competition, and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); for dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c); for cyberpiracy under the Anticybersquatting Consumer Protection Act, Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(a); and for substantial and related claims under the common law of the Commonwealth of Kentucky, including defamation, trademark infringement, unfair competition, dilution, unjust enrichment, all arising from Defendants' unauthorized use of the KENTUCKY COLONELS Mark in connection with

marketing, advertising, promotion, and solicitations regarding Defendants' alleged services. (the "2020 Complaint").

18. A true and accurate copy of the 2020 Complaint is attached hereto as Exhibit 3 and the Honorable Order hereby incorporates by reference the factual allegations as set forth in the 2020 Complaint and its exhibits as if fully reinstated herein.

19. In the 2020 Complaint, the Honorable Order sought redress for a scheme led by Wright, under the guise of Global and a now-defunct assumed named entity of Ecology Crossroads called Kentucky Colonels International, and with the assistance of Unknown Defendants, to solicit individuals who had been commissioned as Kentucky Colonels to participate, for a fee, in Wright's newly formed "registry" or organization operating under the infringing KENTUCKY COLONELS INTERNATIONAL mark.

20. As part of Wright's scheme to infringe upon and misappropriate the Honorable Order's KENTUCKY COLONELS Mark and the goodwill associated therewith, Wright and the other Defendants used the internet and social media to confuse the public, including individuals commissioned as Kentucky Colonels, and profit from the Honorable Order's KENTUCKY COLONELS Mark.

### **Injunction and Settlement**

21. On February 21, 2020, the Honorable Order filed its Motion for Temporary Restraining Order and Preliminary Injunction, seeking to enjoin Defendants from their continued unlawful scheme to infringe upon and misappropriate the Honorable Order's KENTUCKY COLONELS Mark, as outlined in the 2020 Complaint. The Honorable Order filed its Supplement to Plaintiff's Motion for Temporary Restraining Order on February 24, 2020.

22. A true and accurate copy of the Honorable Order's 2020 Motion for Temporary Restraining Order and Preliminary Injunction, Supplement to Plaintiff's Motion for Temporary

Restraining Order, and supporting exhibits are attached hereto as Exhibit 4 and the Honorable Order hereby incorporates by reference the factual allegations as set forth in the 2020 Motion for Temporary Restraining Order and Preliminary Injunction, Supplement to Plaintiff's Motion for Temporary Restraining Order, and supporting exhibits as if fully reinstated herein.

23. On August 13, 2020, the Honorable Judge Rebecca Grady Jennings granted the Honorable Order's Motion for Temporary Restraining Order and Preliminary Injunction. A true and correct copy of the entered Temporary Restraining Order and Preliminary Injunction is attached hereto as Exhibit 5 and is incorporated herein by reference.

24. On or about February 17, 2021, the parties agreed to a Mediator's Proposal, resolving the issues in dispute in the 2020 Complaint. A true and correct copy of the Mediator's Proposal is attached hereto as Exhibit 6 and is incorporated herein by reference.

25. On February 23, 2021, the Honorable Judge Jennings so-ordered the Permanent Injunction, a true and accurate copy of which is attached hereto as Exhibit 1 and is incorporated herein by reference.

26. The Permanent Injunction including the following injunctions:

1. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION, on or in connection with the sale of any goods or service including, but not limited to, the solicitation of charitable donations and the promotion of charitable and philanthropic causes.
2. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other person in active concert or participation with Defendants, are permanently enjoined and prohibited from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the

KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONELS FOUNDATION, on any website, social media page, or blog in such a way as is likely to cause consumers to be confused, mistaken, or deceived into believing that HOKC has sponsored, sanctioned, approved, licensed, or is any way affiliated with Defendants or any organization or cause sponsored or supported by Defendants.

3. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, servants, employees, attorneys, and any other person in active concert or participation with Defendants, are permanently enjoined and prohibited from using the domain names [kycolonels.international], [kentucky.colonels.net], or any other domain name that is confusingly similar to [kycolonels.org], or *any domain name* that incorporates the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION.
4. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using Facebook or any other social media platform usernames “Kentucky Colonels International” or “Kentucky Colonel Foundation” or any other username or handle that is confusingly similar to the trademark KENTUCKY COLONELS for the purposes of forming a membership organization, a civil society association or other non-commercial activity such as an event or charitable fundraising endeavor.

*Id.*

27. The Permanent Injunction also made clear that Wright and other Kentucky Colonels, as individuals, could use “Kentucky Colonel” or “Kentucky colonels,” and/or “Kentucky colonelcy” “as words or terms to describe Kentucky colonels, as an honorary title, or for editorial, education, informative, journalistic, literary, or other non-commercial purposes so long as the use is not related to the trademark or service mark uses registered, or pending, by the HOKC with the U.S. Patent and Trademark Office.” *Id.* at ¶ 5.

28. Although the Permanent Injunction disposed of all claims of the 2020 Complaint,

the Court, and specifically the Honorable Judge Jennings, retained jurisdiction over the matter as necessary to enforce the Permanent Injunction and the terms of the Settlement Agreement for no less than ten (10) years. *Id.* at ¶ 6.

**Defendants Continue to Violate the Terms of the Permanent Injunction and Act Unlawfully**

29. Despite the Permanent Injunction, Wright, either alone or with the assistance of others, including those involved with Defendants, has created, maintained, moderated and/or is involved with various infringing online activities in clear violation of the Permanent Injunction, including the [kycolonelcy.us] domain name; the KENTUCKY COLONEL COMMUNITY Facebook group; the KENTUCKY COLONEL CLUB Facebook group; the KENTUCKY COLONEL Facebook page; the KENTUCKY COLONEL YouTube page using the @Kentucky-Colonel handle; the KENTUCKY COLONEL Twitter account using the @KyColonelcy handle; the KENTUCKY COLONEL LinkedIn page; the KENTUCKY COLONEL Pinterest account with the @kycolonelcy.us handle; and the KENTUCKY COLONEL COMPANY Crunchbase account.

30. The KENTUCKY COLONEL LinkedIn page states “Protecting the Honorable Title Mark and Office of the Kentucky Colonelcy in Old Kentucky, when the Colonels were Kings.” The most recent post from January 13, 2023, states “We have talked long enough and planned around the laws we established for the Kentucky Colonel in 2021. It is time to take action, our attorneys have given us a green light to start a collective licensing programs for the Common-Law Title Mark through our sponsors which are all colonels. If you are a colonel 21 year of age or older, join us!” and includes a photograph of Governor Andy Beshear awarding a commission of Kentucky Colonel upon a recipient. A screenshot of the KENTUCKY COLONEL LinkedIn page, taken on January 24, 2023, is attached hereto as Exhibit 7.

31. The KENTUCKY COLONEL COMMUNITY Facebook group “About this group” states that “The Kentucky Colonel Community is the ‘First’ and ‘Official’ Commonwealth of

Kentucky Facebook Group organized independently by Kentucky colonels living around the world connected via Facebook. . . . Kentucky Colonel Badges, ID Cards and Nameplates are only issued to official cooperative employees and sponsors with access to our Internet publishing platform, on January 1, 2023 the cards will become available to all cooperative capital investors and network platform users that support the cooperative as partial owners. . . . Our online group here on Facebook is a grassroots manifestation within the social media of independent Kentucky colonels to establish a cooperative company and social enterprise.” A screenshot of the KENTUCKY COLONEL COMMUNITY Facebook group “About this group” page, taken on January 24, 2023, is attached hereto as Exhibit 8.

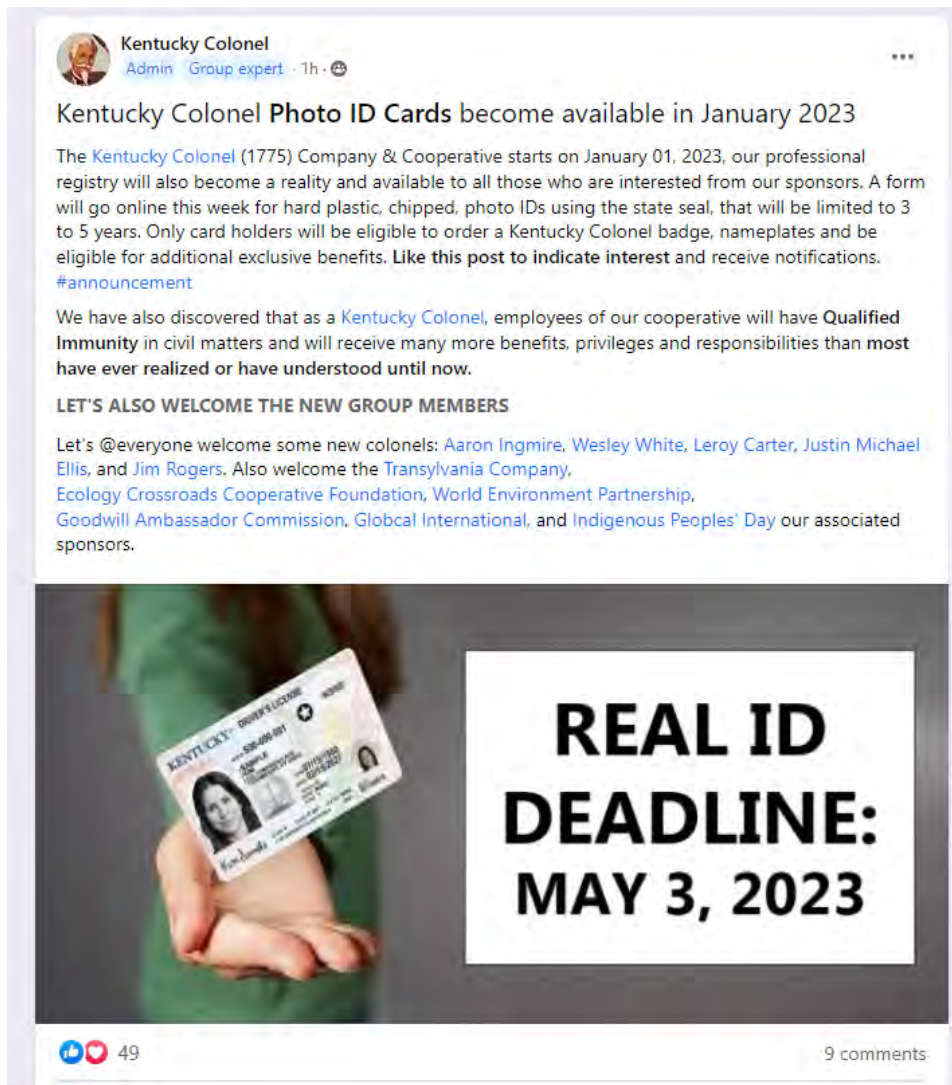
32. The KENTUCKY COLONEL CLUB Facebook group “About this group” states that “The Kentucky Colonel Club is an official online social media group of commissioned Kentucky colonels living around the world that are connected on Facebook. The 1<sup>st</sup> Kentucky Colonel Club was established in 1902, this club was developed to carry on that legacy. . . . The group discussion here centers around Old Kentucky History, customs and traditions of the First Kentucky Colonels, using the commission to exercise the rights, privileges, and responsibilities while treating the certificate as a vehicle to personal success through the office of lifetime achievement award and the honorable title.” A screenshot of the KENTUCKY COLONEL CLUB Facebook group “About this group” page, taken on January 24, 2023, is attached hereto as Exhibit 9.

33. The KENTUCKY COLONEL Facebook page includes multiple posts about persons being commissioned as Kentucky Colonels, tagging itself—the KENTUCKY COLONEL Facebook page—within the posts.



34. On or about December 12, 2022, the Honorable Order was made aware of a post on the KENTUCKY COLONEL Facebook page regarding photo ID cards and “additional exclusive benefits” for “The Kentucky Colonel (1775) Company & Cooperative.” The post has since been deleted, but a screenshot appears below:





35. Notably, on or around May 4, 2022, the KENTUCKY COLONEL Facebook page had a post offering to sell the “trademark KENTUCKY COLONEL website (w/ 4 domains).” A true and correct screenshot of the post, taken on May 4, 2020, is included herein:





36. In an effort to resolve the continued issues, on May 16, 2022, the Honorable Order, via counsel, sent a detailed letter to Wright demanding that he “cease and desist from [his] unlawful activities in violation of the Court’s [Permanent] Injunction and [the Honorable Order’s] intellectual property rights.” A true and correct copy of the cease and desist letter is attached as Exhibit 10.

37. Wright responded on May 23, 2022, denying that his or anyone else’s actions violated the Permanent Injunction by “offering my ‘trademark Kentucky Colonel [cy] website’ on Facebook to other Kentucky colonels **in a ‘private community’ that is not affiliated, associated, created, endorsed or sponsored by the [Honorable Order] . . .**”; that Wright “understand[s] the Preliminary Injunction [*sic*] was created as a solution to protect [the Honorable Order’s]

wordmarks [**KENTUCKY COLONELS**] and [**KYCOLONELS**] from confusion or damage during the trial and as implied trade names based on the [**KENTUCKY COLONELS ®**] Mark. Without the letter ‘S’ or the ® does not your registered trademark make . . . .”; that “KENTUCKY COLONEL <sup>TM</sup> is definitely not [the Honorable Order’s] trademark, nor is it a registerable mark . . . .”; and that “The America Colonels Network, Office of Civilian Colonels, and our Kentucky Colonelcy website (and social media accounts) are not responsible for comments or statements made by third parties or other Kentucky colonels that have been granted the Honorable title: **Kentucky Colonel**. . . .” A true and correct copy of the response letter is attached as Exhibit 11.

38. Upon information and belief, Defendants created or organized a page on the crowdfunding website crunchbase.com for “Kentucky Colonel <sup>TM</sup>” located at <https://www.crunchbase.com/organization/kentucky-colonel-1775>. According to the page, “Kentucky Colonel <sup>TM</sup>” has a “Total Funding Amount” of “\$7.5K.” The page further states that it is a sub-organization of Globcal International, that founders include David Wright and Godfrey Brock-Gadd, and that its website is “www.kycolonelcy.us.” A screenshot from the crunchbase page, taken on January 24, 2023, is attached as Exhibit 12.

39. The Kentucky Colonel: Honorable Title and Official website, located at [www.kycoloneley.us](http://www.kycoloneley.us) (the “Website”), “About Us” page states that “The Kentucky Colonelcy (website) is a publication of a cooperative civil rights interest group made up of Kentucky colonels promoting and supporting colonels as goodwill ambassadors for the Commonwealth at home and abroad.” The page also discusses the “International Registry of Kentucky Colonels,” specifically stating that “The registry will offer colonels a **certificate of registration, a lifetime ID card** and additional **Internet services**.” A screenshot of this page, taken on January 25, 2023, is attached as Exhibit 13.

40. The Website’s “Contact Us” page identifies Wright as “Charge d’Affaires”; Col.

Godfrey Brock-Gadd as Patron; Col. Luis Cruz Diaz as Secretary; Col. Nicholas A. Wright as Treasurer; and Col. Maria Veneke-Ylikomi as Registrar.

41. The Website has a page titled “Kentucky Colonel Cooperative” located at <https://www.kycolonelcy.us/kentucky-colonel-cooperative>. This page includes a section titled “Identification Cards, Badges and Nameplates” and states that “Kentucky Colonel Badges and Kentucky Colonel Nameplates will not be available until June of 2023.” The page further states that “To obtain an ID card a member needs to be enrolled and paying dues in the cooperative for a minimum of 30 days with a a [sic] \$100 or greater investment after signing the cooperative agreement and elaborating a work profile. . . . Kentucky Colonel Cooperative is not our name, but it is a term that describes ethically **what we are officially forming in 2023!** The cooperative service organization in formation will be empowered with the same legal ‘rights, privileges and responsibilities’ of the Kentucky Colonel under the same unwritten honorable code of ethics and moral obligations as the **First Pioneer Colonels of Old Kentucky** (descriptive origin) from 1775 – 1792 also known as “Old Kentucky.” The page includes the following image of an identification card or badge:



A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 14.

42. The “Kentucky Colonel Cooperative” page also includes the image of a PDF entitled “News for Immediate Release” from the “Office of the Kentucky Colonelcy.” A copy of the PDF is attached as Exhibit 15. Next to the image of the PDF is a statement that reads “The Office of the Kentucky Colonel is not a physical office that you can visit, it refers to the duties and responsibilities of a Kentucky Colonel that has taken an oath to serve the Commonwealth of Kentucky as a colonel professionally among other colonels. The Governor provides the opportunity through the commission. The first paragraph of the PDF states “The world’s greatest state officials and most popular goodwill ambassadors are getting their jobs back with the professional occupational title: **Kentucky Colonel** by making the Honorable Title more appealing, legal, official, recognized and better understood that it has ever been . . . .” The second paragraph goes on to state that “The cooperative social enterprise based in Richmond, Kentucky is a

decentralized remotely collaborated Internet publishing company focused on the progressive development of Creative Commons content from the public domain . . . . As a cooperative social enterprise they will issue official ID cards, badges and nameplates; the cooperative colonels will be connected to a virtual workplace, have company email, and be required to collaborate online or in the community for 50 hours per year.” The third paragraph states that “The organizer, Col. David Wright, . . . said ‘Since we won the lawsuit filed by the Honorable Order of Kentucky Colonels in 2020, we have completely debunked their fictional militia myth of 1813 with the Secretary of State . . . .’” The final paragraph of the PDF states that “The sponsor of the decentralized cooperative development, responsible for technological developments using ICT and the Internet is **Ecology Crossroads Cooperative Foundation**, established in 1994 with its registered office in Richmond, Kentucky. The nonprofit was merged in 2020 with Global International which previously sponsored the society for its Kentucky colonels (2008-2020) and others that have gathered as followers online.”

43. The Website includes a page titled “Kentucky Colonel Directory” located at <https://www.kycolonelcy.us/directory>. This page states that “This electronic directory of Kentucky colonels is a special free service provided by this WebSite in cooperation with our sister company ‘**Honorificus**’ which is part of Globcal International which is decentralized at the Birthplace of the Kentucky Colonel in Madison County near Boonesborough; only persons that are legally registered to work with the **Office of the Civilian Colonelcy** using the **Title: Kentucky Colonel internationally**, or are Kentucky residents that use the **Honorable Title: Kentucky Colonel, Col. or Colonel** in association with Kentucky . . . as individual public figures, community leaders, attorneys, journalists, bloggers, celebrities and business owners or anyone who may have been issued a **Kentucky Colonel License** <sup>TM</sup> or requested a **Kentucky Colonel** <sup>TM</sup> **ID Card** or **Goodwill Ambassador** <sup>TM</sup> **ID Card** (Official Identification Cards). This is a planned objective to

enhance the perspective and scope of Kentucky Colonelcy, the Honorable Title, the modern duties of the office and its importance as the origin and source of democratic civilian government, idealism and society throughout America.” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 16.

44. The Website includes a page titled “Kentucky Colonel Branches” located at <https://www.kycolonelcy.us/branches>. This page states that “Any cooperative colonel can create a **new branch** simply by organizing a location or a meeting with two additional colonels.” The website further states “Page Coming Soon in 2023!” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 17.

45. The Website includes a page titled “Kentucky Colonel Guide (Professional)” located at <https://www.kycolonelcy.us/guide>. The page includes a section on “Kentucky Colonel Apparel,” which states “Find out where to buy official and unofficial merchandise from third-parties recommended to impress your friends with your Kentucky colonelcy . . . . Manufacturers and suppliers of hats, string ties, jackets, sunglasses, uniforms, insignia, badges, and other items will be discussed, send your links to us at: [webmaster@colonels.net](mailto:webmaster@colonels.net); our ideal is to connect you with suppliers that support our open-source platform and creative work.” This section also states “Also see product reviews for merchandise from the Kentucky Colonels Shop produced by the Honorable Order of Kentucky Colonels in our blog” and includes a link to the Honorable Order’s online store. The “Kentucky Colonel Guide” page also includes sections titled “Get Involved” and “More To Do” with suggestions on promoting the Commonwealth and doing a community project. A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 18.

46. The Website includes a page titled “Kentucky Colonel Identification (Photo ID Cards)” located at <https://www.kycolonelcy.us/kentucky-colonel-id-card>. The page states that “Only a commissioned Kentucky Colonel can obtain a card by joining our groups on Facebook or



LinkedIn and invest in our platform as a cooperative owner.” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 19.

47. The Website includes a page titled “Kentucky Colonel Business Cards” located at <https://www.kycolonelcy.us/kentucky-colonel-business-card>. The page states “The Office of the Colonelcy recommends that Kentucky colonels make their own business, Internet and personal presentation cards based on our official guidelines.” The page further states to “Check back in 2023 when we add some standard models that can be produced by a number of printers.” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 20.

48. The Website includes a page titled “List of Kentucky Colonels” located at <https://www.kycolonelcy.us/list-of-kentucky-colonels>. The page includes directions on how to “add your name to our list,” which includes the person sending a photograph of themselves holding their commission, along with their full name on the commission, the date they were commissioned, and the name of the governor who commissioned them to the email address “kycolonelcy@gmail.com.” The page goes on to state that “A form will be developed for this in the future, but for now it is just old-fashioned email. Other links can be included in your email our webmaster will connect them to your profile record which is automatically created when your email is received.” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 21.

49. The Website includes a page titled “Kentucky Colonel Registry” located at <https://www.kycolonelcy.us/kentucky-colonel-registry>. The page states that “Those who have received a colonel’s commission may apply to be recognized in an **international title registry** . . . . The combined program is scheduled to be online by early 2023 coincident with our reformation as the Transylvania Company (the source of Kentucky Colonelcy). The **Title Registry** will be operated by the **Honorificus Foundation**, a non-state, non-political and non-governmental organization established offshore to maintain international neutrality. The registry will maintain a

database of notarized titles, original certificate photos, apostilled certifications, personal data, genealogical links, provide a username, and a membership card to registrants . . . . Registration is perhaps more difficult than becoming a Kentucky Colonel in the first place, but we believe it is a valuable tool and will provide colonels with a point of reference based on their claim to hold the Honorable Title. All titles require registration before they can be verified.” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 22.

50. The Website includes a page titled “Kentucky Colonel Club,” located at <https://www.kycolonelcy.us/kentucky-colonel-club>, which states that “Any three duly recognized persons with a Kentucky Colonel Commission can start a Kentucky Colonel Association, Club or Society to perform local activities or civil functions with all the rights, privileges and responsibilities of a Kentucky Colonel. The association, club and society structural styles are preferred among other designations.” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 23.

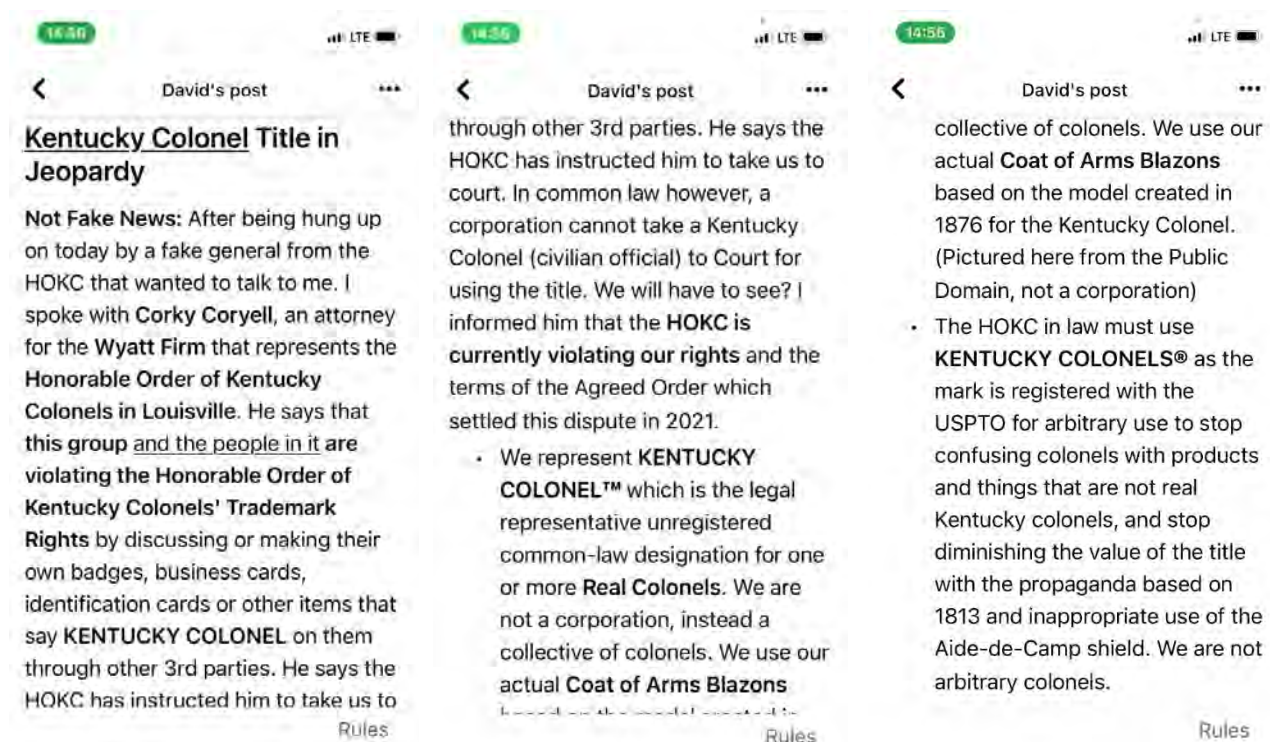
51. The Website “Disclaimer Policy,” located at <https://www.kycolonelcy.us/policies/disclaimer>, states that “We are a [sic] authorship and publishing group that provides educational information to the public, historical documentation, information compiled from the public domain and mutual benefit services to our users who are Kentucky colonels that choose to join us as authors or website developers.” A screenshot of this page, taken on January 24, 2023, is attached as Exhibit 24.

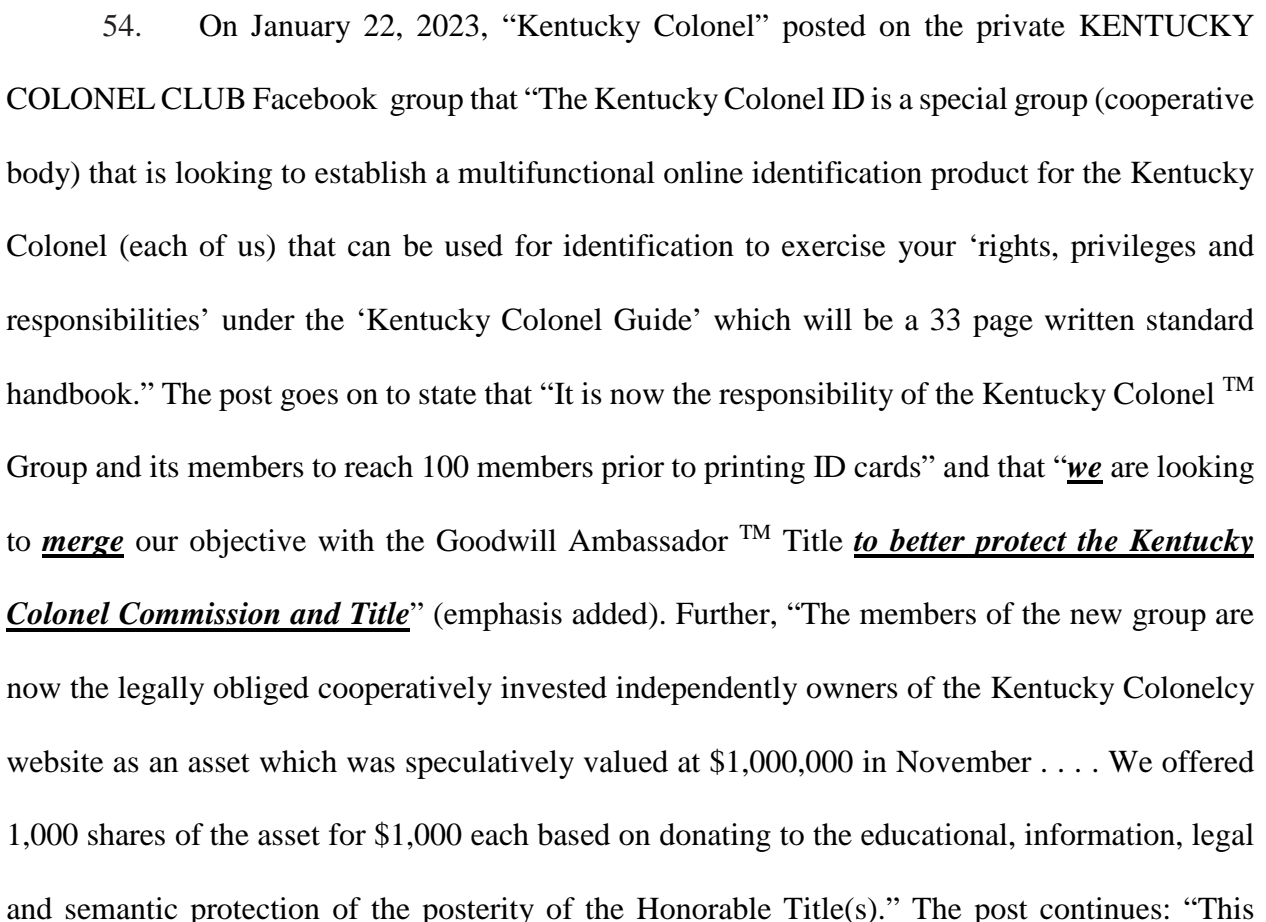
52. On January 12, 2023, counsel for the Honorable Order advised Wright that his actions, and the actions of the other Defendants, were in direct violation of the Permanent Injunction, specifically through using the Infringing Marks on the Website and various social media pages; using the Infringing Marks in the formation of an organization with a registry, business cards, photo ID cards, and badges; and use of the Infringing Marks in the solicitation of



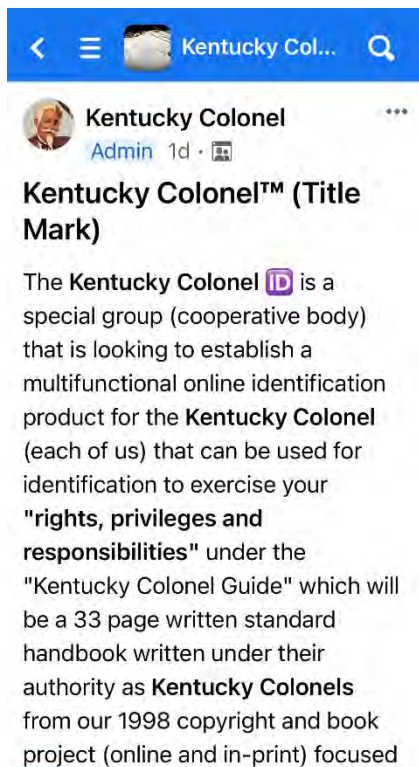
donations, all in a manner likely to cause—and in fact actually causing—consumer confusion.

53. On January 12, 2023, subsequent to the telephone call with counsel for the Honorable Order, Wright wrote on the private KENTUCKY COLONEL COMMUNITY Facebook group that “We [Defendants] represent **KENTUCKY COLONEL™** which is the legal representative unregistered common-law designation for one or more **Real Colonels**. . . . The [Honorable Order] in law must use **KENTUCKY COLONELS®** as the mark is registered with the USPTO for arbitrary use to stop confusing colonels with products and things that are not real Kentucky colonels . . . .” The full post from the private KENTUCKY COLONEL COMMUNITY Facebook group states:





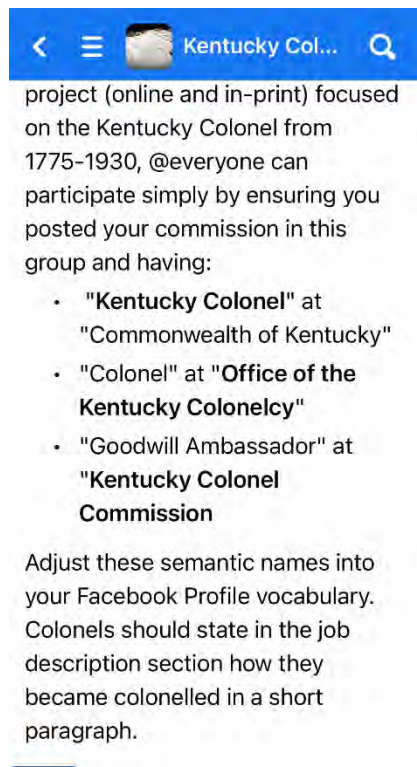
group will be charged with the keeping of the Honorable Title Registry which must involve a third-party offshore . . . members are issued IDaaS credentials using Premium Hosted Services like those offered by [colonels.net].” Finally, “joining us as a professional to get an ID Card or badge is now ‘optional’ not required, but using the screening form is essential. The members of the Kentucky Colonel ID Group will be invested in the Registry’s integrity, so it is up to them to get to 100 members first meanwhile we are working on the registry perhaps 500 colonels there will be as good as 100 colonels in the group?” The full post from the private KENTUCKY COLONEL CLUB Facebook group states:



**Kentucky Colonel**  
Admin 1d · 📷

**Kentucky Colonel™ (Title Mark)**

The **Kentucky Colonel ID** is a special group (cooperative body) that is looking to establish a multifunctional online identification product for the **Kentucky Colonel** (each of us) that can be used for identification to exercise your "rights, privileges and responsibilities" under the "Kentucky Colonel Guide" which will be a 33 page written standard handbook written under their authority as **Kentucky Colonels** from our 1998 copyright and book project (online and in-print) focused



project (online and in-print) focused on the Kentucky Colonel from 1775-1930, @everyone can participate simply by ensuring you posted your commission in this group and having:

- "Kentucky Colonel" at "Commonwealth of Kentucky"
- "Colonel" at "Office of the Kentucky Colonelcy"
- "Goodwill Ambassador" at "Kentucky Colonel Commission"

Adjust these semantic names into your Facebook Profile vocabulary. Colonels should state in the job description section how they became colonelled in a short paragraph.



It is now the responsibility of the **Kentucky Colonel™ Group** and its members to reach 100 members prior to printing ID cards otherwise there is no system to build, while we thought there would have enough members early on in November and December we did not reach 20 confirmed owners and have not yet matched the cost of development. Nonetheless, with action comes responsibility and consequence so we are looking merge our objective with the **Goodwill Ambassador™** Title to better protect the **Kentucky Colonel Commission** and Title.

**INVESTMENT OPPORTUNITY**

The members of the new group are now the legally obliged



Kentucky Col...

INVESTMENT OPPORTUNITY

The members of the new group are now the legally obliged cooperatively invested independently owners of the Kentucky Colonelcy website as an asset which was speculatively estimated to be valued at \$1,000,000 in November is consistent based on its current traffic reports and underdeveloped content as a Creative Commons information source. We offered 1,000 shares of the asset for \$1,000 each based on donating to the educational, informational, legal and semantic protection of the posterity of the **Honorable Title(s)**.

**"Hon.", "Honorable", and "Colonel"**

Kentucky Col...

**"Hon.", "Honorable", and "Colonel"** as a pronominals and "Kentucky Colonel", "Commonwealth Ambassador", "Kentucky Admiral" and other recognized American US and Commonwealth Nations UK Titles as **HONORIFIC** through a title verification service for diplomatic credence. (It is the only way to authenticate your **"rights, privileges and responsibilities"** is to know what they are, understand them and assert them.)

The group will be charged with the keeping of the Honorable Title Registry which must involve a third-party offshore [Ex-Officio Registrar] that is a non-state actor using a cloud hosted network, members are issued IDaaS credentials using

Kentucky Col...

issued IDaaS credentials using Premium Hosted services like those offered by [colonels.net].

Currently the **Colonels Network** receives a great deal of traffic also 50% of whom visit the **Office of the Kentucky Colonelcy** website.

**New ID Card (Kentucky Colonel Credential Requirements)**

Thanks to the forward thinking of colonels with legal experience **"There should be a legal offshore registration procedure and verification process, but no colonel should be required to become a member of anything in order to get an Official ID Card"**. So joining us as a professional to get an ID Card or badge is now 'optional' not required

Kentucky Col...

a professional to get an ID Card or badge is now 'optional' not required, but using the screening form is essential. The members of the **Kentucky Colonel ID Group** will be invested in the Registry's integrity, so it is up to them to get to 100 members first meanwhile we are working on the registry perhaps 500 colonels there will be as good as 100 colonels in the group?

It is all of our objectives to amplify and project the use of the term **Kentucky Colonel** as a Proper Title (noun) in singular form with the authority by which it was granted, that is a good start in exercising your rights and privileges which provoke responsibilities; once you understand colonelcy you will

Kentucky Col...

It is all of our objectives to amplify and project the use of the term **Kentucky Colonel** as a Proper Title (noun) in singular form with the authority by which it was granted, that is a good start in exercising your rights and privileges which provoke responsibilities; once you understand colonelcy you will understand more!

27
2 comments

Like
Comment
Send

55. The Honorable Order has experienced actual confusion as a result of Defendants' activities using the Infringing Marks. For example, four separate Kentucky Colonels contacted the Honorable Order in December 2022 regarding the validity of the KENTUCKY COLONEL Facebook page offering "Kentucky Colonel Photo ID Cards." One Kentucky Colonel contacted the Honorable Order on December 30, 2022 with concerns over Defendants' creation of badges. Another Kentucky Colonel contacted the Honorable Order on January 13, 2023 regarding obtaining a badge similar to those discussed on the Website and Defendants' various social media pages. Two Kentucky Colonels have contacted the Honorable Order regarding confusion as to the KENTUCKY COLONEL COMMUNITY Facebook group, the KENTUCKY COLONEL CLUB Facebook group, and the KENTUCKY COLONEL Facebook page, believing the accounts to be run by the Honorable Order. One of those Kentucky Colonels was particularly confused by a post in the KENTUCKY COLONEL COMMUNITY Facebook group regarding "No More Confusion in the 'Kentucky Colonel Community'" understanding the post to mean that the Honorable Order of Kentucky Colonels was restarting. The Kentucky Colonel was also confused as to why he was being ask to contribute financially again.

56. Wright and the other Defendants are using the internet and social media to confuse the public, misappropriate the goodwill of the KENTUCKY COLONELS Mark, and profit from the KENTUCKY COLONELS Mark. Unless they are ordered, once again, to cease and desist their improper and unauthorized use of the KENTUCKY COLONELS Mark, Defendants will continue their infringing activity, which is also in violation of the Permanent Injunction, thereby damaging the goodwill and reputation that the Honorable Order has built over decades.

57. Upon information and belief, the Unknown Defendants have aided, abetted, and/or participated in the conduct and activities described above. Those individuals and entities, through their affiliation with and support of Wright, Globcal, and/or Ecology Crossroads, have irreparably

harmed and damaged the Honorable Order through their facilitation of and assistance with the enjoined, unauthorized, and improper use of the KENTUCKY COLONELS Mark described above.

58. Each of the foregoing acts, as described in this Verified Complaint, represent a clear breach of the definite and specific prohibitions of the Permanent Injunction, for which Defendants were aware of and reminded of on more than one occasion, and for which sanctions against Defendants are appropriate.

**COUNT ONE**  
**Civil Contempt**

59. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated in this Count by reference.

60. The mandates of the Permanent Injunction are definite, specific, and void of any ambiguities as to what is expected of Defendants in order to comply.

61. Defendants knew about the Permanent Injunction and the prohibitions therein, as the Permanent Injunction was created as part of settlement discussions in which the parties collaborated and agreed upon the terms that were then submitted to, and entered by, the Court.

62. Wright was further advised that his actions, and the actions of the other Defendants, were in violation of the Permanent Injunction in the May 16, 2022 cease and desist letter and the January 12, 2023 phone call with counsel for the Honorable Order.

63. Defendants, through the above-described actions, have knowingly violated the specific and definite terms of the Permanent Injunction by infringing the Honorable Order's KENTUCKY COLONELS Mark on or in connection with the sale of goods or services including, but not limited to, the solicitation of charitable donations and the promotion of charitable and philanthropic causes; by infringing the Honorable Order's KENTUCKY COLONELS Mark on

any website, social media page, or blog in such a way as is likely to cause consumers to be confused, mistaken, or deceived into believing that [the Honorable Order] has sponsored, sanctioned, approved, licensed, or is any way affiliated with Defendants or any organization or cause sponsored or supported by Defendants; by using the domain names [kycoloneley.us] and [colonels.net]; and by using Facebook or any other social media platform usernames “Kentucky Colonel Community,” “Kentucky Colonel Club,” “Kentucky Colonel,” and “Kentucky Colonel Company” for the purposes of forming a membership organization, a civil society association or other non-commercial activity such as an event or charitable fundraising endeavor.

64. Upon information and belief, Defendants’ violations of the Permanent Injunction have led to, and will continue to lead to, profits and gains to which Defendants are not entitled in equity or law.

65. Defendants’ violations of the Permanent Injunction have caused and will continue to cause immediate irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless the Permanent Injunction is enforced. The Honorable Order has no adequate remedy at law.

**COUNT TWO**  
**Federal Trademark Infringement**

66. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated in this Count by reference.

67. Defendants’ continued unauthorized use in commerce of the Infringing Marks as alleged herein, and in violation of the Permanent Injunction, is likely to deceive, and already has deceived, consumers as to the origin, source, sponsorship, or affiliation of Defendants’ services, and is likely to cause consumers to believe, and already has caused consumers to believe, contrary to fact, that Defendants’ services are offered, authorized, endorsed, or sponsored by the Honorable

Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order. Defendants' conduct therefore constitutes trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

68. Upon information and belief, and in violation of the Permanent Injunction, Defendants have committed the foregoing acts of infringement with full knowledge of the Honorable Order's prior rights in the KENTUCKY COLONELS Mark and with the willful intent to cause confusion and trade on the Honorable Order's goodwill.

69. Upon information and belief, and in violation of the Permanent Injunction, Defendants have made and will continue to make profits and gains to which they are not entitled in law or equity.

70. Not only is Defendants' conduct as alleged herein in violation of the Permanent Injunction, but it is also causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT THREE**  
**Federal Trade Name Infringement**

71. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated into this Count.

72. Defendants' unauthorized use in commerce of the Infringing Marks as alleged herein is likely to deceive, and already has deceived, consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause, and already has caused, consumers to believe, contrary to fact, that Defendants' services are authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored



by the Honorable Order. Defendants' conduct therefore constitutes trade name infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

73. Upon information and belief, and in violation of the Permanent Injunction, Defendants have committed the foregoing acts of infringement with full knowledge of the Honorable Order's prior rights in the KENTUCKY COLONELS Mark and with the willful intent to cause confusion and trade on the Honorable Order's goodwill.

74. Upon information and belief, and in violation of the Permanent Injunction, Defendants have made and will continue to make profits and gains to which they are not entitled in law or equity.

75. Not only is Defendants' conduct as alleged herein in violation of the Permanent Injunction, but it is also causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT FOUR**  
**Federal Unfair Competition and False Designation of Origin**

76. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated into this Count.

77. Defendants' unauthorized use in commerce of the Infringing Marks as alleged herein is likely to deceive, and already has deceived, consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause, and already has caused, consumers to believe, contrary to fact, that Defendants' services are authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order.

78. Defendants' unauthorized use in commerce of the Infringing Marks as alleged herein constitutes use of a false designation of origin and misleading description and representation of fact.

79. Upon information and belief, Defendants' conduct as alleged herein is willful and is intended to, is likely to, and already has caused confusion, mistake, or deception as to the affiliation, connection, or association of Defendants with the Honorable Order.

80. Defendants' conduct as alleged herein constitutes unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

81. Not only is Defendants' conduct as alleged herein in violation of the Permanent Injunction, but it is also causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT FIVE**  
**Federal Trademark Dilution**

82. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

83. The KENTUCKY COLONELS Mark is a distinctive and famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

84. The KENTUCKY COLONELS Mark became distinctive and famous prior to Defendants' acts as alleged herein.

85. Defendants' acts as alleged herein have diluted by blurring and will, unless enjoined, continue to dilute by blurring, and are likely to dilute by blurring, the distinctive quality of the Honorable Order's famous KENTUCKY COLONELS Mark.

86. Defendants' acts as alleged herein have tarnished and will, unless enjoined, continue to tarnish, and are likely to tarnish, the Honorable Order's KENTUCKY COLONELS Mark by undermining and damaging the valuable goodwill associated therewith.

87. Defendants' conduct as alleged herein constitutes dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

88. Defendants' conduct as alleged herein is not only a violation of the Permanent Injunction, but also is intentional and willful in violation of Section 43(c)(1) of the Lanham Act, and has already caused the Honorable Order irreparable damage and will continue to so damage the Honorable Order unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT SIX**  
**Anticybersquatting Consumer Protection Act**

89. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

90. The KENTUCKY COLONELS Mark is a distinctive and famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

91. According to publicly available WhoIs Data, on September 29, 2000 the Honorable Order registered the domain name www.kycolonels.org, which it continues to use today. A copy of the relevant WhoIs Data is attached hereto as Exhibit 25.

92. According to publicly available WhoIs Data, on January 30, 2021 the domain name www.kycolonelcy.us registered. The WhoIs Data lists Wright as the registrant contact, administrative contact, and technical contact for the domain name, which Defendants now use. A copy of the relevant WhoIs Data is attached hereto as Exhibit 26.

93. Defendants' domain name incorporates the KENTUCKY COLONELS Mark and

is identical or confusingly similar to the Honorable Order's domain name, or dilutive of the famous KENTUCKY COLONELS Mark.

94. Defendants registered, and continue to use, the www.kycolonelcy.us domain name with a bad faith intent to profit from the KENTUCKY COLONELS Mark.

95. Defendants' conduct as alleged herein constitutes cyberpiracy in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(a).

96. Defendants' conduct as alleged herein is not only in violation of the Permanent Injunction, but is also causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT SEVEN**  
**Common Law Trademark Infringement and Unfair Competition**

97. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

98. The KENTUCKY COLONELS Mark is valid and protectable.

99. Defendants' use of the Infringing Marks is likely to cause confusion about the source or origin of the services in violation of the common law of the Commonwealth of Kentucky, in that such use of the Infringing Marks is likely to impair the goodwill of the Honorable Order's KENTUCKY COLONELS Mark and allow Defendants to unfairly profit from the use of a confusingly similar mark.

100. Defendants' use of the Infringing Marks is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are sold, authorized, endorsed, or sponsored

by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order when in fact Defendants have no connection or affiliation with the Honorable Order.

101. Defendants, through their use of the Infringing Marks, have engaged in misrepresentation, unfairly competing with the Honorable Order in violation of Kentucky common law as well as the Permanent Injunction.

102. Defendants' actions constitute trademark infringement and unfair competition in violation of the common law of the Commonwealth of Kentucky as well as the Permanent Injunction.

103. Upon information and belief, and in violation of the Permanent Injunction, Defendants have made and will continue to make profits and gains to which they are not entitled in law or equity.

104. Defendants' conduct as alleged herein is not only in violation of the Permanent Injunction, but also is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT EIGHT**  
**Common Law Dilution**

105. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

106. The KENTUCKY COLONELS Mark is well known.

107. Defendants' use of the Infringing Marks is likely to confuse, and has actually confused, consumers as to the source or sponsorship of Defendants' services, and is in violation

of the Permanent Injunction.

108. Defendants' use of the Infringing Marks is causing harm and will, unless enjoined, continue to cause harm to the reputation and goodwill of the KENTUCKY COLONELS Mark.

**COUNT NINE**  
**Unjust Enrichment**

109. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

110. Defendants are unlawfully using the Infringing Marks to their benefit at the expense of the Honorable Order.

111. Defendants, through their unlawful use of the Infringing Marks, and in violation of the Permanent Injunction, are soliciting and collecting donations from members of the public who believe they are donating to the Honorable Order.

112. It would be unjust, and in violation of the Permanent Injunction, for Defendants to retain the donations they have received based on their unlawful use of the Infringing Marks.

**PRAYER FOR RELIEF**

**WHEREFORE**, The Honorable Order of Kentucky Colonels prays for and requests as follows:

- A. Judgment in favor of the Honorable Order on all of its claims;
- B. Judgment holding Defendants in civil contempt for violation of the Permanent Injunction;
- C. Judgment holding that Defendants violated Section 32 of the Lanham Act (15 U.S.C. § 1114(1)), Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)), Section 43(c) of the Lanham Act (15 U.S.C. § 1125(c)); and Section 43(d) of the Lanham Act, (15 U.S.C. § 1125(a));

- D. Judgment holding that Defendants violated the common law of the Commonwealth of Kentucky;
- E. Judgment granting further preliminary and permanent injunctive relief enjoining Defendants, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons and entities who receive actual notice of this Court's order by personal service or otherwise from:
- i. selling, marketing, advertising, promoting, or authorizing any third party to sell, market, advertise or promote goods or services bearing the KENTUCKY COLONELS Mark, the KENTUCKY COLONEL, KENTUCKY COLONEL CLUB, KENTUCKY COLONELCY, or KENTUCKY COLONEL COMPANY marks, or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the KENTUCKY COLONELS Mark;
  - ii. engaging in any activity that infringes the Honorable Order's rights in its KENTUCKY COLONELS Mark;
  - iii. engaging in any activity that infringes the Honorable Order's trade name;
  - iv. engaging in any activity constituting unfair competition with the Honorable Order;
  - v. engaging in any activity that is likely to dilute, by tarnishing or blurring, the famousness of the Honorable Order's KENTUCKY COLONELS Mark;
  - vi. using or registering any domain name incorporating the KENTUCKY COLONELS Mark, the KENTUCKY COLONEL, KENTUCKY COLONEL CLUB, KENTUCKY COLONELCY, or KENTUCKY

COLONEL COMPANY marks, or any other mark that infringes or is likely to be confused with the Honorable Order's KENTUCKY COLONELS Mark;

- vii. making or displaying any statement, representation, or depiction that is likely to lead the public or the trade to believe that (i) Defendants' services are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with the Honorable Order or (ii) the Honorable Order's goods and services are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with Defendants;
- viii. using or authorizing any third party to use in connection with any business, goods, or services any false description, false representation, or false designation of origin, or any marks, names, words, symbols, devices, or trade dress that falsely associate such business, goods and/or services with the Honorable Order or tend to do so;
- ix. registering or applying to register any trademark, service mark, domain name, trade name, or other source identifier or symbol of origin consisting of or incorporating the KENTUCKY COLONELS Mark, the KENTUCKY COLONEL, KENTUCKY COLONEL CLUB, KENTUCKY COLONELCY, or KENTUCKY COLONEL COMPANY marks, or any other mark that infringes or is likely to be confused with the Honorable Order's KENTUCKY COLONELS Mark, or any goods or services of the Honorable Order, or the Honorable Order as their source; and



x. aiding, assisting, or abetting any other individual or entity in doing any act prohibited by sub-paragraphs (i) through (ix).

F. Judgment granting such other and further relief as this Court may deem proper to prevent the public and trade from deriving the false impression that any goods or services manufactured, sold, distributed, licensed, marketed, advertised, promoted, or otherwise offered or circulated by Defendants are in any way approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with the Honorable Order, or constitute or are connected with the Honorable Order's goods and services;

G. Judgment directing Defendants to immediately cease all display, marketing, advertising, promotion, sale, solicitation, and/or use of anything that features or bears any designation or mark incorporating the KENTUCKY COLONEL, KENTUCKY COLONEL CLUB, KENTUCKY COLONELCY, or KENTUCKY COLONEL COMPANY marks or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the Honorable Order's KENTUCKY COLONELS Mark, and to direct all third parties or individuals wherever located in the United States that distribute, advertise, promote, sell, or offer for sale Defendants' goods or services to cease forthwith the distribution, marketing, advertising, promotion, sale, and/or offering for sale of any and all goods or services, featuring or bearing the KENTUCKY COLONEL, KENTUCKY COLONEL CLUB, KENTUCKY COLONELCY, or KENTUCKY COLONEL COMPANY marks or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the Honorable Order's KENTUCKY COLONELS Mark, and to immediately remove them from

public access and view, unless such use is by a Kentucky Colonel, as an individual, using “Kentucky Colonel,” “Kentucky colonels,” and/or “Kentucky colonelcy” as words or terms to describe Kentucky colonels, as an honorary title, or for editorial, educational, informative, journalistic, literary, or other non-commercial purposes so long as the use is not related to the trademark or service mark uses registered by the Honorable Order with the United States Patent and Trademark Office;

- H. Judgment directing, pursuant to Section 35(a) of the Lanham Act (15 U.S.C. § 1116(a)), Defendants to file with this Court and serve upon the Honorable Order’s counsel within thirty (30) days after service on Defendants of an injunction in this action, or such extended period as this Court may direct, a report in writing under oath, setting forth in detail the manner and form in which Defendants have complied therewith;
- I. Judgment awarding the Honorable Order all monetary remedies to which it is entitled, including any damages (trebled) sustained by the Honorable Order in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)) and common law;
- J. Judgment awarding the Honorable Order all monetary remedies to which it is entitled, including disgorgement of Defendants’ profits in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)) and violation of common law;
- K. Judgment awarding the Honorable Order punitive and exemplary damages as this Court finds appropriate to deter any future willful infringement;
- L. Judgment declaring that this is an exceptional case pursuant to Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)), and awarding the Honorable Order its costs and reasonable attorneys’ fees thereunder;

- M. Judgment awarding the Honorable Order interest, including prejudgment and post-judgement interest, on the foregoing sums; and
- N. Such other and further relief as this Court deems just and proper.

**VERIFICATION**

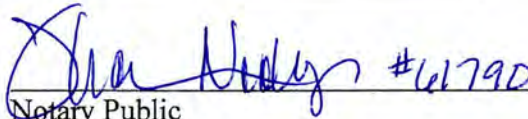
The undersigned hereby swears and affirms that she is currently the Executive Director of the Honorable Order of Kentucky Colonels, Inc., that she is authorized to sign this Verified Complaint and that the statements made herein are true and correct to the best of her knowledge.

  
\_\_\_\_\_  
Sherry Crose

COMMONWEALTH OF KENTUCKY    )  
  ) :SS  
COUNTY OF JEFFERSON         )

The foregoing instrument was acknowledged before me this 25 day of January, 2023, by Sherry Crose.

My commission expires: 11-22-26.

  
\_\_\_\_\_  
Notary Public #61790

Respectfully submitted,

/s/ Cornelius E. Coryell II

Cornelius E. Coryell II

Julie Laemmle Watts

WYATT, TARRANT & COMBS, LLP

400 West Market Street, Suite 2000

Louisville, KY 40202

(502) 589-5235

ccoryell@wyattfirm.com

jwatts@wyattfirm.com

*Counsel for Plaintiff, Honorable Order of Kentucky  
Colonels*

101031728.3

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF  
KENTUCKY COLONELS, INC.

PLAINTIFF

V.

KENTUCKY COLONELS  
INTERNATIONAL, et al.

## DEFENDANTS

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CIVIL ACTION 3:20CV-132-RGJ-RSE

### AGREED PERMANENT INJUNCTION

Plaintiff The Honorable Order of Kentucky Colonels, Inc. (“HOKC”) and Defendants David J. Wright; Kentucky Colonels International (defunct); Globcal International; and Ecology Crossroads Cooperative Foundation, Inc. (collectively “Defendants”) being in agreement and having moved the Court for entry of this Agreed Permanent Injunction, adopting and incorporating the analysis, findings, and conclusions reached in the Court’s Order dated August 13, 2020, further negotiated in a Settlement Conference on December 29, 2020 thereby converting the Preliminary Injunction reflected therein to a similar Agreed Permanent Injunction, and the Court being otherwise duly and sufficiently advised,

IT IS HEREBY AGREED, ORDERED AND ADJUDGED as follows:



1. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION, on or in connection with the sale of any goods or services including, but not limited to, the solicitation of charitable donations and the promotion of charitable and philanthropic causes.

2. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION, on any website, social media page, or blog in such a way as is likely to cause consumers to be confused, mistaken, or deceived into believing that HOKC has sponsored, sanctioned, approved, licensed, or is any way affiliated with Defendants or any organization or cause sponsored or supported by Defendants.

3. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using the domain names [kycolonels.international], [kentucky.colonels.net], or any other domain name that is

confusingly similar to [kycolonels.org] or *any domain name* that incorporates the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION.

4. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using Facebook or any other social media platform usernames “Kentucky Colonels International” or “Kentucky Colonel Foundation” or any other username or handle that is confusingly similar to the trademark KENTUCKY COLONELS for the purposes of forming a membership organization, a civil society association or other non-commercial activity such as an event or charitable fundraising endeavor.

5. Notwithstanding the aforestated prohibitive terms and conditions, this Agreed Permanent Injunction does not prohibit the Defendant, Col. David J. Wright or other Kentucky colonels (as individuals) from using “Kentucky Colonel,” “Kentucky colonels” and/or “Kentucky colonelcy” as words or terms to describe Kentucky colonels, as an honorary title, or for editorial, educational, informative, journalistic, literary or other non-commercial purposes so long as the use is not related to the trademark or service mark uses registered, or pending, by the HOKC with the U.S. Patent and Trademark Office.

6. The Court shall retain jurisdiction to enforce this Agreed Permanent Injunction and the terms of the Settlement Agreement entered by the parties for no less than ten (10) years.

This is a final judgment and there is no just cause for delay.

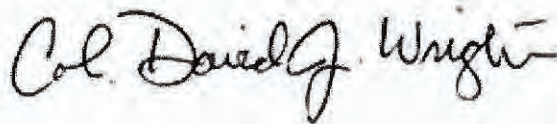
AGREED TO:



Cornelius E. Coryell II

WYATT, TARRANT & COMBS, LLP  
400 West Market Street, Suite 2000  
Louisville, Kentucky 40202  
(502) 589-5235  
ccoryell@wyattfirm.com

*Counsel for Plaintiff, The Honorable Order  
of Kentucky Colonels, Inc.*

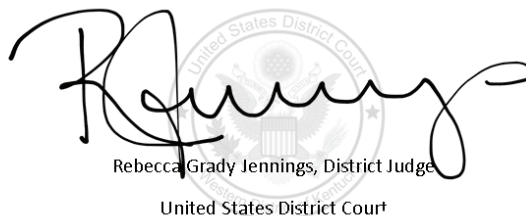


Col. David J. Wright

Defendant, Pro Se  
302 General Smith Drive  
Richmond, Kentucky 40475  
(859) 379-8277  
david.wright@colonels.net

*Executive Director and Authorized Agent for  
Kentucky Colonels International; Globcal  
International; and Ecology Crossroads  
Cooperative Foundation, Inc.*

February 23, 2021



Rebecca Grady Jennings, District Judge  
United States District Court

# EXHIBIT 2



TM/AN/RN/Disclaimer	Status/Key Dates	Brief Goods/Services
<a href="#">KENTUCKY COLONELS</a> RN: 6236898 SN: 88800035	Registered, January 5, 2021 Office Status: Registered Int'l Class: 41 First Use: 1931 Filed: February 17, 2020 Registered: January 5, 2021 Register Type: Principal Register - Sec. 2(F)	Int'l Class: 41 (Int'l Class: 41) Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members
<a href="#">KENTUCKY COLONELS</a> RN: 6292185 SN: 88800038	Registered, March 16, 2021 Office Status: Registered Int'l Class: 35 First Use: 1931 Filed: February 17, 2020 Registered: March 16, 2021 Register Type: Principal Register - Sec. 2(F)	Int'l Class: 35 (Int'l Class: 35) Association services, namely, promoting the interests of individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission; Promoting the interests of members of the Honorable Order of Kentucky Colonels organization by means of club services
<a href="#">KENTUCKY COLONELS</a> RN: 5981310 SN: 88423336 Disclaimer: "KENTUCKY"	Registered, February 11, 2020 Office Status: Registered Int'l Class: 30 First Use: December 12, 2017 Filed: May 9, 2019 Registered: February 11, 2020 Register Type: Principal Register	Int'l Class: 30 (Int'l Class: 30) Barbeque sauce; Candy; Caramel sauce; Chocolate candies; Chocolate confections, namely, bourbon infused candies; Chocolate sauce; Marinades; Salsa
<a href="#">KENTUCKY COLONELS</a> RN: 6939801 SN: 97126292 Disclaimer: "KENTUCKY"	Registered, January 3, 2023 Office Status: Registered Int'l Class: 33 First Use: July, 2019 Filed: November 15, 2021 Registered: January 3, 2023 Register Type: Principal Register	Int'l Class: 33 (Int'l Class: 33) Bourbon; Whisky; Distilled spirits
<a href="#">KENTUCKY COLONELS</a> RN: 4596450 SN: 86168292 Disclaimer: "KENTUCKY"	Registered, November 18, 2020 Office Status: Section 8-Accepted Int'l Class: 34 First Use: November 20, 2002 Filed: January 17, 2014 Registered: September 2, 2014 Register Type: Principal Register	Int'l Class: 34 (Int'l Class: 34) Cigars
<a href="#">KENTUCKY COLONELS</a> RN: 6286056 SN: 88800020	Registered, March 9, 2021 Office Status: Registered Int'l Class: 36	Int'l Class: 36 (Int'l Class: 36) Charitable fundraising services;

TM/AN/RN/Disclaimer	Status/Key Dates	Brief Goods/Services
	First Use: 1931 Filed: February 17, 2020 Registered: March 9, 2021 Register Type: Principal Register - Sec. 2(F)	Charitable fundraising services by means of organizing and conducting special events; Providing grants to non-profit organizations
<a href="#"><u>KENTUCKY COLONELS</u></a> RN: 2812681 SN: 76499062 Disclaimer: "KENTUCKY"	Renewed, February 6, 2014 Office Status: Registered and Renewed Int'l Class: 06,14,21,22,25,26 First Use: October 21, 2002 Filed: March 10, 2003 Registered: February 10, 2004 Last Renewal: February 10, 2014 Register Type: Principal Register	Int'l Class: 06, 14, 21, 22, 25, 26 (Int'l Class: 06) Metal key chains; metal money clips; commemorative metal license plates (Int'l Class: 14) Necklaces; rings being jewelry; ornamental lapel pins; cuff-links; tie-clips (Int'l Class: 21) Coffee cups; drinking glasses; shot glasses; drinking flasks (Int'l Class: 22) Multi-purpose cloth bags (Int'l Class: 25) Clothing, namely, shirts, T-shirts, sweat shirts, jackets, vests, baseball caps (Int'l Class: 26) Embroidered patches for clothing
<a href="#"><u>HONORABLE ORDER OF KENTUCKY COLONELS</u></a> RN: 1227024 SN: 73299122	Renewed, October 16, 2022 Office Status: Registered and Renewed Int'l Class: 42 First Use: May 10, 1957 Filed: March 2, 1981 Registered: February 8, 1983 Last Renewal: February 8, 2023 Register Type: Principal Register - Sec. 2(F)	Int'l Class: 42 (Int'l Class: 42) Eleemosynary Services-Namely, Founding of Scholarship, Equipping Playgrounds and the Like and to Collect Historical and Cultural Material Pertaining to Commonwealth of Kentucky
<a href="#"><u>HONORABLE ORDER OF KENTUCKY COLONELS</u></a> RN: 4939909 SN: 86690496	Registered, October 13, 2022 Office Status: Section 8 & 15-Accepted and Acknowledged Int'l Class: 36 First Use: May 10, 1957 Filed: July 12, 2015 Registered: April 19, 2016 Register Type: Principal Register - Sec. 2(F)	Int'l Class: 36 (Int'l Class: 36) charitable services, namely, providing financial assistance for programs and services of others; providing educational scholarships

**Generated on:** This page was generated by TSDR on 2023-01-25 09:45:54 EST

**Mark:** KENTUCKY COLONELS

KENTUCKY COLONELS

**US Serial Number:** 88800035

**Application Filing Date:** Feb. 17, 2020

**US Registration Number:** 6236898

**Registration Date:** Jan. 05, 2021

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jan. 05, 2021

**Publication Date:** Oct. 20, 2020

## Mark Information

**Mark Literal Elements:** KENTUCKY COLONELS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Acquired Distinctiveness Claim:** In whole

## Related Properties Information

**Claimed Ownership of US Registrations:** 2812681, 4596450

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1931

**Use in Commerce:** 1995

## Basis Information (Case Level)



**Filed Use:** Yes

**Filed ITU:** No

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** The Honorable Order of Kentucky Colonels, Inc.

**DBA, AKA, Formerly:** AKA Kentucky Colonels

**Owner Address:** 943 South 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

**Legal Entity Type:** non-profit corporation

**State or Country Where Organized:** KENTUCKY

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julie Laemmle Watts

**Attorney Primary Email Address:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Julie Laemmle Watts  
WYATT TARRANT & COMBS LLP  
400 WEST MARKET ST, SUITE 2000  
LOUISVILLE, KENTUCKY UNITED STATES 40202

**Phone:** 502-562-7130

**Fax:** 502-589-0309

**Correspondent e-mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 05, 2021	REGISTERED-PRINCIPAL REGISTER	
Oct. 20, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 20, 2020	PUBLISHED FOR OPPOSITION	
Sep. 30, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 21, 2020	ASSIGNED TO LIE	66213
Jul. 18, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 23, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 22, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 22, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 12, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 12, 2020	NON-FINAL ACTION E-MAILED	6325
May 12, 2020	NON-FINAL ACTION WRITTEN	92824
May 06, 2020	ASSIGNED TO EXAMINER	92824
Feb. 22, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Feb. 20, 2020	NEW APPLICATION ENTERED	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2021

## Proceedings

### Summary

Number of  
Proceedings: 1

### Type of Proceeding: Opposition

Proceeding  
Number: [91271070](#)

Filing Date: Aug 13, 2021

Status: Terminated

Status Date: Jul 19, 2022

Interlocutory  
Attorney: JENNIFER KRISP

### Defendant

Name: Neeley Family Distillery Inc.

Correspondent BRANDY R. REXROAT

Address: THE LAW OFFICE OF BRANDY R. REXROAT, PLLC  
PO BOX 310  
OWENTON KY UNITED STATES , 40359

Correspondent e-  
mail: [BRANDYREXROAT@YAHOO.COM](mailto:BRANDYREXROAT@YAHOO.COM)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
OLD KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">90333342</a>	

### Plaintiff(s)

Name: The Honorable Order of Kentucky Colonels, Inc.

Correspondent JULIE LAEMMLE WATTS

Address: WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET, SUITE 2000  
LOUISVILLE KY UNITED STATES , 40202

Correspondent e-  
mail: [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) , [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) , [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com) , [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com) , [aelder@wyattfirm.com](mailto:aelder@wyattfirm.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
KENTUCKY COLONELS	Registered	<a href="#">88800035</a>	<a href="#">6236898</a>
KENTUCKY COLONELS	Registered	<a href="#">88800020</a>	<a href="#">6286056</a>
KENTUCKY COLONELS	Registered	<a href="#">88800038</a>	<a href="#">6292185</a>
HONORABLE ORDER OF KENTUCKY COLONELS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">86690496</a>	<a href="#">4939909</a>
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	Section 8 - Accepted	<a href="#">86168292</a>	<a href="#">4596450</a>
KENTUCKY COLONELS	Registered	<a href="#">88423336</a>	<a href="#">5981310</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
16	TERMINATED	Jul 19, 2022	
15	BD DECISION: OPP SUSTAINED	Jul 19, 2022	
14	NOTICE OF DEFAULT	Jun 07, 2022	
13	AMENDED ANSWER DUE (DUE DATE)	Feb 25, 2022	Mar 27, 2022
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 18, 2022	
11	TRIAL DATES RESET	Dec 22, 2021	

10	D RESP TO BD ORDER/INQUIRY	Dec 18, 2021	
9	D CHANGE OF CORRESP ADDRESS	Dec 18, 2021	
8	ORDER-RESP DUE; SUSPENDED	Nov 18, 2021	
7	ORDER-RESP DUE; DATES RESET	Oct 22, 2021	
6	P MOT FOR DEFAULT JUDGMENT	Oct 21, 2021	
5	ORDER-BAR INFO DUE; DATES REMAIN AS SET	Sep 28, 2021	
4	ANSWER	Sep 23, 2021	
3	INSTITUTED	Aug 14, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2021	Sep 23, 2021
1	FILED AND FEE	Aug 13, 2021	

# United States of America

United States Patent and Trademark Office

## KENTUCKY COLONELS

**Reg. No. 6,236,898**

**Registered Jan. 05, 2021**

**Int. Cl.: 41**

**Service Mark**

**Principal Register**

The Honorable Order of Kentucky Colonels, Inc. (KENTUCKY non-profit corporation ), AKA Kentucky Colonels  
943 South 1st Street  
Louisville, KENTUCKY 40203

CLASS 41: Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members

FIRST USE 00-00-1931; IN COMMERCE 00-00-1995

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4596450, 2812681

SEC.2(F)

SER. NO. 88-800,035, FILED 02-17-2020



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**Generated on:** This page was generated by TSDR on 2023-01-25 09:46:36 EST

**Mark:** KENTUCKY COLONELS

KENTUCKY COLONELS

**US Serial Number:** 88800038

**Application Filing Date:** Feb. 17, 2020

**US Registration Number:** 6292185

**Registration Date:** Mar. 16, 2021

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Mar. 16, 2021

**Publication Date:** Dec. 29, 2020

## Mark Information

**Mark Literal Elements:** KENTUCKY COLONELS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Acquired Distinctiveness Claim:** In whole

## Related Properties Information

**Claimed Ownership of US Registrations:** 2812681, 4596450

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Association services, namely, promoting the interests of individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission; Promoting the interests of members of the Honorable Order of Kentucky Colonels organization by means of club services

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1931

**Use in Commerce:** 1951

## Basis Information (Case Level)

Filed Use: Yes

Filed ITU: No

Filed 44D: No

Filed 44E: No

Filed 66A: No

Filed No Basis: No

Currently Use: Yes

Currently ITU: No

Currently 44E: No

Currently 66A: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: The Honorable Order of Kentucky Colonels, Inc.

DBA, AKA, Formerly: AKA Kentucky Colonels

Owner Address: 943 South 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

Legal Entity Type: non-profit corporation

State or Country Where Organized: KENTUCKY

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Julie Laemmle Watts

Attorney Primary Email Address: [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Julie Laemmle Watts  
WYATT TARRANT & COMBS LLP  
400 WEST MARKET ST, SUITE 2000  
LOUISVILLE, KENTUCKY UNITED STATES 40202

Phone: 502-562-7130

Fax: 502-589-0309

Correspondent e-mail: [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 16, 2021	REGISTERED-PRINCIPAL REGISTER	
Dec. 29, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 29, 2020	PUBLISHED FOR OPPOSITION	
Dec. 09, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
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May 12, 2020	NON-FINAL ACTION E-MAILED	6325
May 12, 2020	NON-FINAL ACTION WRITTEN	92824
May 06, 2020	ASSIGNED TO EXAMINER	92824
Feb. 22, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 16, 2021

## Proceedings

### Summary

Number of 1  
Proceedings:

### Type of Proceeding: Opposition

Proceeding [91271070](#)  
Number:

Filing Date: Aug 13, 2021

Status: Terminated

Status Date: Jul 19, 2022

Interlocutory JENNIFER KRISP  
Attorney:

### Defendant

Name: Neeley Family Distillery Inc.

Correspondent BRANDY R. REXROAT  
Address: THE LAW OFFICE OF BRANDY R. REXROAT, PLLC  
PO BOX 310  
OWENTON KY UNITED STATES , 40359

Correspondent e-mail: [BRANDYREXROAT@YAHOO.COM](mailto:BRANDYREXROAT@YAHOO.COM)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
OLD KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">90333342</a>	

### Plaintiff(s)

Name: The Honorable Order of Kentucky Colonels, Inc.

Correspondent JULIE LAEMMLE WATTS  
Address: WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET, SUITE 2000  
LOUISVILLE KY UNITED STATES , 40202

Correspondent e-mail: [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) , [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) , [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com) , [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com) , [aelder@wyattfirm.com](mailto:aelder@wyattfirm.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
KENTUCKY COLONELS	Registered	<a href="#">88800035</a>	<a href="#">6236898</a>
KENTUCKY COLONELS	Registered	<a href="#">88800020</a>	<a href="#">6286056</a>
KENTUCKY COLONELS	Registered	<a href="#">88800038</a>	<a href="#">6292185</a>
HONORABLE ORDER OF KENTUCKY COLONELS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">86690496</a>	<a href="#">4939909</a>
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	Section 8 - Accepted	<a href="#">86168292</a>	<a href="#">4596450</a>
KENTUCKY COLONELS	Registered	<a href="#">88423336</a>	<a href="#">5981310</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
16	TERMINATED	Jul 19, 2022	
15	BD DECISION: OPP SUSTAINED	Jul 19, 2022	
14	NOTICE OF DEFAULT	Jun 07, 2022	
13	AMENDED ANSWER DUE (DUE DATE)	Feb 25, 2022	Mar 27, 2022
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 18, 2022	



11	TRIAL DATES RESET	Dec 22, 2021	
10	D RESP TO BD ORDER/INQUIRY	Dec 18, 2021	
9	D CHANGE OF CORRESP ADDRESS	Dec 18, 2021	
8	ORDER-RESP DUE; SUSPENDED	Nov 18, 2021	
7	ORDER-RESP DUE; DATES RESET	Oct 22, 2021	
6	P MOT FOR DEFAULT JUDGMENT	Oct 21, 2021	
5	ORDER-BAR INFO DUE; DATES REMAIN AS SET	Sep 28, 2021	
4	ANSWER	Sep 23, 2021	
3	INSTITUTED	Aug 14, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2021	Sep 23, 2021
1	FILED AND FEE	Aug 13, 2021	

# United States of America

## United States Patent and Trademark Office

### KENTUCKY COLONELS

**Reg. No. 6,292,185**

**Registered Mar. 16, 2021**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

The Honorable Order of Kentucky Colonels, Inc. (KENTUCKY non-profit corporation ), AKA Kentucky Colonels  
943 South 1st Street  
Louisville, KENTUCKY 40203

CLASS 35: Association services, namely, promoting the interests of individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission; Promoting the interests of members of the Honorable Order of Kentucky Colonels organization by means of club services

FIRST USE 00-00-1931; IN COMMERCE 00-00-1951

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4596450, 2812681

SEC.2(F)

SER. NO. 88-800,038, FILED 02-17-2020



*Donna H. Hufsch*

Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



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**Mark:** KENTUCKY COLONELS

KENTUCKY COLONELS

**US Serial Number:** 88423336

**Application Filing Date:** May 09, 2019

**US Registration Number:** 5981310

**Registration Date:** Feb. 11, 2020

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Feb. 11, 2020

**Publication Date:** Nov. 26, 2019

## Mark Information

**Mark Literal Elements:** KENTUCKY COLONELS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Disclaimer:** "KENTUCKY"

## Related Properties Information

**Claimed Ownership of US Registrations:** 1227024, 2812681, 4596450

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Barbeque sauce; Candy; Caramel sauce; Chocolate candies; Chocolate confections, namely, bourbon infused candies; Chocolate sauce; Marinades; Salsa

**International Class(es):** 030 - Primary Class

**U.S Class(es):** 046

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 12, 2017

**Use in Commerce:** Dec. 12, 2017

## Basis Information (Case Level)

**Filed Use:** Yes

**Filed ITU:** No

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** The Honorable Order of Kentucky Colonels, Inc.

**Owner Address:** 943 S. 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

**Legal Entity Type:** CORPORATION

**State or Country** KENTUCKY  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julie Laemmle Watts

**Attorney Primary** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Julie Laemmle Watts  
**Name/Address:** WYATT TARRANT & COMBS LLP  
400 West Market Street, Suite 2000  
Louisville, KENTUCKY UNITED STATES 40202

**Phone:** 502.562.7130

**Fax:** 502.589.0309

**Correspondent e-** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com)  
**mail:** [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com)

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 24, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 24, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 24, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 24, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 24, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 11, 2020	REGISTERED-PRINCIPAL REGISTER	
Nov. 26, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 26, 2019	PUBLISHED FOR OPPOSITION	
Nov. 06, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 23, 2019	ASSIGNED TO LIE	68123
Oct. 16, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 14, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 13, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 13, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 01, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2019	NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2019	NON-FINAL ACTION WRITTEN	82091

Jul. 24, 2019 ASSIGNED TO EXAMINER  
May 24, 2019 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED  
May 13, 2019 NEW APPLICATION ENTERED

82091

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 11, 2020

## Proceedings

### Summary

**Number of** 1  
**Proceedings:**

### Type of Proceeding: Opposition

**Proceeding Number:** [91271070](#)

**Filing Date:** Aug 13, 2021

**Status:** Terminated

**Status Date:** Jul 19, 2022

**Interlocutory Attorney:** JENNIFER KRISP

### Defendant

**Name:** Neeley Family Distillery Inc.

**Correspondent** BRANDY R. REXROAT

**Address:** THE LAW OFFICE OF BRANDY R. REXROAT, PLLC  
PO BOX 310  
OWENTON KY UNITED STATES , 40359

**Correspondent e-mail:** [BRANDYREXROAT@YAHOO.COM](mailto:BRANDYREXROAT@YAHOO.COM)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
OLD KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">90333342</a>	

### Plaintiff(s)

**Name:** The Honorable Order of Kentucky Colonels, Inc.

**Correspondent** JULIE LAEMMLE WATTS

**Address:** WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET, SUITE 2000  
LOUISVILLE KY UNITED STATES , 40202

**Correspondent e-mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) , [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) , [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com) , [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com) , [aelder@wyattfirm.com](mailto:aelder@wyattfirm.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
KENTUCKY COLONELS	Registered	<a href="#">88800035</a>	<a href="#">6236898</a>
KENTUCKY COLONELS	Registered	<a href="#">88800020</a>	<a href="#">6286056</a>
KENTUCKY COLONELS	Registered	<a href="#">88800038</a>	<a href="#">6292185</a>
HONORABLE ORDER OF KENTUCKY COLONELS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">86690496</a>	<a href="#">4939909</a>
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	Section 8 - Accepted	<a href="#">86168292</a>	<a href="#">4596450</a>
KENTUCKY COLONELS	Registered	<a href="#">88423336</a>	<a href="#">5981310</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
16	TERMINATED	Jul 19, 2022	
15	BD DECISION: OPP SUSTAINED	Jul 19, 2022	
14	NOTICE OF DEFAULT	Jun 07, 2022	

13	AMENDED ANSWER DUE (DUE DATE)	Feb 25, 2022	Mar 27, 2022
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 18, 2022	
11	TRIAL DATES RESET	Dec 22, 2021	
10	D RESP TO BD ORDER/INQUIRY	Dec 18, 2021	
9	D CHANGE OF CORRESP ADDRESS	Dec 18, 2021	
8	ORDER-RESP DUE; SUSPENDED	Nov 18, 2021	
7	ORDER-RESP DUE; DATES RESET	Oct 22, 2021	
6	P MOT FOR DEFAULT JUDGMENT	Oct 21, 2021	
5	ORDER-BAR INFO DUE; DATES REMAIN AS SET	Sep 28, 2021	
4	ANSWER	Sep 23, 2021	
3	INSTITUTED	Aug 14, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2021	Sep 23, 2021
1	FILED AND FEE	Aug 13, 2021	

# United States of America

## United States Patent and Trademark Office

### KENTUCKY COLONELS

**Reg. No. 5,981,310**

**Registered Feb. 11, 2020**

**Int. Cl.: 30**

**Trademark**

**Principal Register**

The Honorable Order of Kentucky Colonels, Inc. (KENTUCKY CORPORATION)  
1717 Alliant Avenue, Suite 14  
Louisville, KENTUCKY 40299

CLASS 30: Barbeque sauce; Candy; Caramel sauce; Chocolate candies; Chocolate confections, namely, bourbon infused candies; Chocolate sauce; Marinades; Salsa

FIRST USE 12-12-2017; IN COMMERCE 12-12-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4596450, 2812681, 1227024

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"KENTUCKY"

SER. NO. 88-423,336, FILED 05-09-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office





**Generated on:** This page was generated by TSDR on 2023-01-25 09:47:38 EST

**Mark:** KENTUCKY COLONELS

KENTUCKY COLONELS

**US Serial Number:** 97126292

**Application Filing Date:** Nov. 15, 2021

**US Registration Number:** 6939801

**Registration Date:** Jan. 03, 2023

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jan. 03, 2023

**Publication Date:** Oct. 18, 2022

## Mark Information

**Mark Literal Elements:** KENTUCKY COLONELS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Disclaimer:** "KENTUCKY"

## Related Properties Information

**Claimed Ownership of US Registrations:** 2812681, 4596450, 5981310 and others

## Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Bourbon; Whisky; Distilled spirits

**International Class(es):** 033 - Primary Class

**U.S Class(es):** 047, 049

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 2019

**Use in Commerce:** Jul. 2019

## Basis Information (Case Level)

Filed Use: Yes

Filed ITU: No

Filed 44D: No

Filed 44E: No

Filed 66A: No

Filed No Basis: No

Currently Use: Yes

Currently ITU: No

Currently 44E: No

Currently 66A: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** The Honorable Order of Kentucky Colonels, Inc.

**Owner Address:** 943 S. 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

**Legal Entity Type:** CORPORATION

**State or Country** KENTUCKY  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julie Laemmle Watts

**Docket Number:** 31100.070239

**Attorney Primary**  
**Email Address:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent**  
**Name/Address:** JULIE LAEMMLE WATTS  
WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET  
SUITE 2000  
LOUISVILLE, KENTUCKY UNITED STATES 40202

**Phone:** 502-562-7130

**Correspondent e-**  
**mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) [emarks@wyattfirm.com](mailto:emarks@wyattfirm.com)

**Correspondent e-**  
**mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 03, 2023	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Jan. 03, 2023	REGISTERED-PRINCIPAL REGISTER	
Oct. 18, 2022	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 18, 2022	PUBLISHED FOR OPPOSITION	
Sep. 28, 2022	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 12, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2022	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2022	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Sep. 12, 2022	EXAMINERS AMENDMENT E-MAILED	
Sep. 12, 2022	EXAMINERS AMENDMENT -WRITTEN	68181
Aug. 31, 2022	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 31, 2022	NON-FINAL ACTION E-MAILED	6325
Aug. 31, 2022	NON-FINAL ACTION WRITTEN	68181
Aug. 25, 2022	ASSIGNED TO EXAMINER	68181
Nov. 22, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Nov. 18, 2021	NEW APPLICATION ENTERED	

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jan. 03, 2023

# United States of America

United States Patent and Trademark Office

## KENTUCKY COLONELS

**Reg. No. 6,939,801**

**Registered Jan. 03, 2023**

**Int. Cl.: 33**

**Trademark**

**Principal Register**

The Honorable Order of Kentucky Colonels, Inc.  
(KENTUCKY CORPORATION)  
943 S. 1st Street  
Louisville, KENTUCKY 40203

CLASS 33: Bourbon; Whisky; Distilled spirits

FIRST USE 7-00-2019; IN COMMERCE 7-00-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO  
ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4596450, 2812681, 5981310

No claim is made to the exclusive right to use the following apart from the mark as  
shown: "KENTUCKY"

SER. NO. 97-126,292, FILED 11-15-2021



*Katherine Kelly Vidal*

Director of the United States  
Patent and Trademark Office



**Generated on:** This page was generated by TSDR on 2023-01-25 09:48:19 EST

**Mark:** KENTUCKY COLONELS

KENTUCKY COLONELS

**US Serial Number:** 86168292

**Application Filing Date:** Jan. 17, 2014

**US Registration Number:** 4596450

**Registration Date:** Sep. 02, 2014

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Section 8 declaration has been accepted.

**Status Date:** Nov. 18, 2020

**Publication Date:** Jun. 17, 2014

## Mark Information

**Mark Literal Elements:** KENTUCKY COLONELS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Disclaimer:** "KENTUCKY"

## Related Properties Information

**Claimed Ownership of US Registrations:** 1227024, 2812681

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Cigars

**International Class(es):** 034 - Primary Class

**U.S Class(es):** 002, 008, 009, 017

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Nov. 20, 2002

**Use in Commerce:** Nov. 20, 2002

## Basis Information (Case Level)

**Filed Use:** Yes

**Filed ITU:** No

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** The Honorable Order of Kentucky Colonels, Inc.

**Owner Address:** 943 S. 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

**Legal Entity Type:** CORPORATION

**State or Country** KENTUCKY  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julie Laemmle Watts

**Docket Number:** 031100.70239

**Attorney Primary**  
**Email Address:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent**  
**Name/Address:** Julie Laemmle Watts  
WYATT, TARRANT & COMBS, LLP  
400 West Market Street  
Suite 2000  
LOUISVILLE, KENTUCKY UNITED STATES 40202

**Phone:** 502.562.7130

**Fax:** 502.589.0309

**Correspondent e-**  
**mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) [emarks@wyattfirm.com](mailto:emarks@wyattfirm.com)

**Correspondent e-**  
**mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 18, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Nov. 18, 2020	REGISTERED - SEC. 8 (6-YR) ACCEPTED	95589
Nov. 18, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	95589
Sep. 02, 2020	TEAS SECTION 8 RECEIVED	
Sep. 02, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Sep. 02, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 17, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 17, 2014	PUBLISHED FOR OPPOSITION	
May 28, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 13, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
May 12, 2014	ASSIGNED TO LIE	74221
Apr. 29, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 29, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 29, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 29, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 29, 2014	EXAMINERS AMENDMENT -WRITTEN	83169
Apr. 22, 2014	ASSIGNED TO EXAMINER	83169

Jan. 30, 2014 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED

Jan. 21, 2014 NEW APPLICATION ENTERED

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMO LAW OFFICE 112

**Date in Location:** Nov. 18, 2020

## Proceedings

### Summary

**Number of** 1  
**Proceedings:**

### Type of Proceeding: Opposition

**Proceeding Number:** [91271070](#)

**Filing Date:** Aug 13, 2021

**Status:** Terminated

**Status Date:** Jul 19, 2022

**Interlocutory Attorney:** JENNIFER KRISP

### Defendant

**Name:** Neeley Family Distillery Inc.

**Correspondent Address:** BRANDY R. REXROAT  
THE LAW OFFICE OF BRANDY R. REXROAT, PLLC  
PO BOX 310  
OWENTON KY UNITED STATES , 40359

**Correspondent e-mail:** [BRANDYREXROAT@YAHOO.COM](mailto:BRANDYREXROAT@YAHOO.COM)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
OLD KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">90333342</a>	

### Plaintiff(s)

**Name:** The Honorable Order of Kentucky Colonels, Inc.

**Correspondent Address:** JULIE LAEMMLE WATTS  
WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET, SUITE 2000  
LOUISVILLE KY UNITED STATES , 40202

**Correspondent e-mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) , [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) , [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com) , [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com) , [aelder@wyattfirm.com](mailto:aelder@wyattfirm.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
KENTUCKY COLONELS	Registered	<a href="#">88800035</a>	<a href="#">6236898</a>
KENTUCKY COLONELS	Registered	<a href="#">88800020</a>	<a href="#">6286056</a>
KENTUCKY COLONELS	Registered	<a href="#">88800038</a>	<a href="#">6292185</a>
HONORABLE ORDER OF KENTUCKY COLONELS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">86690496</a>	<a href="#">4939909</a>
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	Section 8 - Accepted	<a href="#">86168292</a>	<a href="#">4596450</a>
KENTUCKY COLONELS	Registered	<a href="#">88423336</a>	<a href="#">5981310</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
16	TERMINATED	Jul 19, 2022	
15	BD DECISION: OPP SUSTAINED	Jul 19, 2022	
14	NOTICE OF DEFAULT	Jun 07, 2022	
13	AMENDED ANSWER DUE (DUE DATE)	Feb 25, 2022	Mar 27, 2022

12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 18, 2022	
11	TRIAL DATES RESET	Dec 22, 2021	
10	D RESP TO BD ORDER/INQUIRY	Dec 18, 2021	
9	D CHANGE OF CORRESP ADDRESS	Dec 18, 2021	
8	ORDER-RESP DUE; SUSPENDED	Nov 18, 2021	
7	ORDER-RESP DUE; DATES RESET	Oct 22, 2021	
6	P MOT FOR DEFAULT JUDGMENT	Oct 21, 2021	
5	ORDER-BAR INFO DUE; DATES REMAIN AS SET	Sep 28, 2021	
4	ANSWER	Sep 23, 2021	
3	INSTITUTED	Aug 14, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2021	Sep 23, 2021
1	FILED AND FEE	Aug 13, 2021	

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, November 18, 2020 11:00 PM  
**To:** mwilliams@wyattfirm.com  
**Cc:** dlaney@wyattfirm.com ; trademarks@wyattfirm.com  
**Subject:** Official USPTO Notice of Acceptance Section 8: U.S. Trademark RN 4596450: KENTUCKY COLONELS: Docket/Reference No. 031100.70239

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**U.S. Serial Number:** 86168292  
**U.S. Registration Number:** 4596450  
**U.S. Registration Date:** Sep 2, 2014  
**Mark:** KENTUCKY COLONELS  
**Owner:** The Honorable Order of Kentucky Colonels etc.

Nov 18, 2020

## NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

The registration will remain in force for the class(es) listed below, unless canceled by an order of the Commissioner for Trademarks or a Federal Court, as long as the requirements for maintaining the registration are fulfilled as they become due.

**Class(es):**  
034

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

---

## REQUIREMENTS FOR MAINTAINING REGISTRATION

**WARNING: Your registration will be canceled if you do not file the documents below during the specified statutory time periods.**

### Requirements in the First Ten Years

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

### Requirements in Successive Ten-Year Periods

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

### Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*THE USPTO IS NOT REQUIRED TO SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To check the status of this registration, go to [https://tsdr.uspto.gov/#caseNumber=86168292&caseSearchType=US\\_APPLICATION&caseType=SERIAL\\_NO&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=86168292&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to [https://tsdr.uspto.gov/#caseNumber=86168292&caseSearchType=US\\_APPLICATION&caseType=SERIAL\\_NO&searchType=documentSearch](https://tsdr.uspto.gov/#caseNumber=86168292&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=documentSearch) NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

\* **For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <https://www.uspto.gov/trademark/> or contact the Trademark Assistance Center at 1-800-786-9199.**



# United States of America

United States Patent and Trademark Office

## KENTUCKY COLONELS

**Reg. No. 4,596,450**

**Registered Sep. 2, 2014**

**Int. Cl.: 34**

THE HONORABLE ORDER OF KENTUCKY COLONELS, INC. (KENTUCKY CORPORATION)  
1717 ALLIANT AVENUE  
SUITE 14  
LOUISVILLE, KY 40299

FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

**TRADEMARK**

FIRST USE 11-20-2002; IN COMMERCE 11-20-2002.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,227,024 AND 2,812,681.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY", APART FROM THE MARK AS SHOWN.

SER. NO. 86-168,292, FILED 1-17-2014.

JACLYN KIDWELL WALKER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Generated on:** This page was generated by TSDR on 2023-01-25 09:49:10 EST

**Mark:** KENTUCKY COLONELS

KENTUCKY COLONELS

**US Serial Number:** 88800020

**Application Filing Date:** Feb. 17, 2020

**US Registration Number:** 6286056

**Registration Date:** Mar. 09, 2021

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Mar. 09, 2021

**Publication Date:** Dec. 22, 2020

## Mark Information

**Mark Literal Elements:** KENTUCKY COLONELS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Acquired Distinctiveness Claim:** In whole

## Related Properties Information

**Claimed Ownership of US Registrations:** 2812681, 4596450

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to non-profit organizations

**International Class(es):** 036 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1931

**Use in Commerce:** 1951

## Basis Information (Case Level)

Filed Use: Yes

Filed ITU: No

Filed 44D: No

Filed 44E: No

Filed 66A: No

Filed No Basis: No

Currently Use: Yes

Currently ITU: No

Currently 44E: No

Currently 66A: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: The Honorable Order of Kentucky Colonels, Inc.

DBA, AKA, AKA Kentucky Colonels  
Formerly:

Owner Address: 943 South 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

Legal Entity Type: non-profit corporation

State or Country KENTUCKY  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Julie Laemmle Watts

Attorney Primary [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)  
Email Address:

Attorney Email Yes  
Authorized:

### Correspondent

Correspondent Julie Laemmle Watts  
Name/Address: WYATT TARRANT & COMBS LLP  
400 WEST MARKET ST, SUITE 2000  
LOUISVILLE, KENTUCKY UNITED STATES 40202

Phone: 502-562-7130

Fax: 502-589-0309

Correspondent e- [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com)  
mail:

Correspondent e- Yes  
mail Authorized:

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 09, 2021	REGISTERED-PRINCIPAL REGISTER	
Dec. 22, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 22, 2020	PUBLISHED FOR OPPOSITION	
Dec. 02, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 17, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 12, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 11, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 11, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 14, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2020	NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2020	NON-FINAL ACTION WRITTEN	92824
Oct. 07, 2020	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 29, 2020	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910

Jul. 21, 2020	ASSIGNED TO LIE	66213
Jul. 18, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 23, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 22, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 22, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 12, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 12, 2020	NON-FINAL ACTION E-MAILED	6325
May 12, 2020	NON-FINAL ACTION WRITTEN	92824
May 06, 2020	ASSIGNED TO EXAMINER	92824
Feb. 22, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Feb. 20, 2020	NEW APPLICATION ENTERED	

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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 09, 2021

# United States of America

United States Patent and Trademark Office

## KENTUCKY COLONELS

**Reg. No. 6,286,056**

**Registered Mar. 09, 2021**

**Int. Cl.: 36**

**Service Mark**

**Principal Register**

The Honorable Order of Kentucky Colonels, Inc. (KENTUCKY non-profit corporation ), AKA Kentucky Colonels  
943 South 1st Street  
Louisville, KENTUCKY 40203

CLASS 36: Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to non-profit organizations

FIRST USE 00-00-1931; IN COMMERCE 00-00-1951

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4596450, 2812681

SEC.2(F)

SER. NO. 88-800,020, FILED 02-17-2020



*Donna H. Hufsch*

Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



**Generated on:** This page was generated by TSDR on 2023-01-25 09:49:46 EST

**Mark:** KENTUCKY COLONELS

**US Serial Number:** 76499062

**Application Filing Date:** Mar. 10, 2003

**US Registration Number:** 2812681

**Registration Date:** Feb. 10, 2004

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Feb. 06, 2014

**Publication Date:** Nov. 18, 2003

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## Mark Information

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**Mark Literal Elements:** KENTUCKY COLONELS

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Disclaimer:** "KENTUCKY"

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## Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Metal key chains; metal money clips; commemorative metal license plates

**International Class(es):** 006 - Primary Class

**U.S Class(es):** 002, 012, 013, 014, 023, 025, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 21, 2002

**Use in Commerce:** Oct. 21, 2002

**For:** Necklaces; rings being jewelry; ornamental lapel pins; cuff-links; tie-clips

**International Class(es):** 014 - Primary Class

**U.S Class(es):** 002, 027, 028, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 21, 2002

**Use in Commerce:** Oct. 21, 2002

**For:** Coffee cups; drinking glasses; shot glasses; drinking flasks

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 21, 2002

**Use in Commerce:** Oct. 21, 2002

**For:** Multi-purpose cloth bags

**International Class(es):** 022 - Primary Class

**U.S Class(es):** 001, 002, 007, 019, 022, 042, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 21, 2002

**Use in Commerce:** Oct. 21, 2002

**For:** Clothing, namely, shirts, T-shirts, sweat shirts, jackets, vests, baseball caps [, sun visors ]

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 21, 2002

**Use in Commerce:** Oct. 21, 2002

**For:** Embroidered patches for clothing

**International Class(es):** 026 - Primary Class

**U.S Class(es):** 037, 039, 040, 042, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 21, 2002

**Use in Commerce:** Oct. 21, 2002

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** Honorable Order of Kentucky Colonels, Inc., The

**Owner Address:** 943 S. 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** KENTUCKY

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julie Laemmle Watts

**Docket Number:** 031100.70239

**Attorney Primary Email Address:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Julie Laemmle Watts  
Wyatt, Tarrant & Combs, LLP  
400 W. Market Street  
Suite 2000  
LOUISVILLE, KENTUCKY UNITED STATES 40202

**Phone:** 502.562.7130

**Fax:** 502-589-0309

**Correspondent e-** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) [trad](#)

**Correspondent e-** Yes

mail: [emarks@wyattfirm.com](mailto:emarks@wyattfirm.com)

mail Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 06, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 06, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Feb. 06, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Jan. 17, 2014	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	75461
Feb. 06, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Jan. 17, 2014	TEAS SECTION 8 & 9 RECEIVED	
Nov. 24, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Nov. 24, 2009	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Nov. 13, 2009	TEAS SECTION 8 & 15 RECEIVED	
Feb. 10, 2004	REGISTERED-PRINCIPAL REGISTER	
Nov. 18, 2003	PUBLISHED FOR OPPOSITION	
Oct. 29, 2003	NOTICE OF PUBLICATION	
Sep. 09, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 08, 2003	EXAMINERS AMENDMENT E-MAILED	
Sep. 04, 2003	ASSIGNED TO EXAMINER	73717

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 06, 2014

## Proceedings

### Summary

Number of 2  
Proceedings:

### Type of Proceeding: Opposition

Proceeding Number: [91271070](#)

Filing Date: Aug 13, 2021

Status: Terminated

Status Date: Jul 19, 2022

Interlocutory Attorney: JENNIFER KRISP

### Defendant

Name: Neeley Family Distillery Inc.

Correspondent Address: BRANDY R. REXROAT  
THE LAW OFFICE OF BRANDY R. REXROAT, PLLC  
PO BOX 310  
OWENTON KY UNITED STATES , 40359

Correspondent e-mail: [BRANDYREXROAT@YAHOO.COM](mailto:BRANDYREXROAT@YAHOO.COM)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
OLD KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">90333342</a>	
Plaintiff(s)			



**Name:** The Honorable Order of Kentucky Colonels, Inc.

**Correspondent** JULIE LAEMMLE WATTS

**Address:** WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET, SUITE 2000  
LOUISVILLE KY UNITED STATES , 40202

**Correspondent e-mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) , [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) , [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com) , [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com) , [aelder@wyattfirm.com](mailto:aelder@wyattfirm.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
KENTUCKY COLONELS	Registered	<a href="#">88800035</a>	<a href="#">6236898</a>
KENTUCKY COLONELS	Registered	<a href="#">88800020</a>	<a href="#">6286056</a>
KENTUCKY COLONELS	Registered	<a href="#">88800038</a>	<a href="#">6292185</a>
HONORABLE ORDER OF KENTUCKY COLONELS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">86690496</a>	<a href="#">4939909</a>
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	Section 8 - Accepted	<a href="#">86168292</a>	<a href="#">4596450</a>
KENTUCKY COLONELS	Registered	<a href="#">88423336</a>	<a href="#">5981310</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
16	TERMINATED	Jul 19, 2022	
15	BD DECISION: OPP SUSTAINED	Jul 19, 2022	
14	NOTICE OF DEFAULT	Jun 07, 2022	
13	AMENDED ANSWER DUE (DUE DATE)	Feb 25, 2022	Mar 27, 2022
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 18, 2022	
11	TRIAL DATES RESET	Dec 22, 2021	
10	D RESP TO BD ORDER/INQUIRY	Dec 18, 2021	
9	D CHANGE OF CORRESP ADDRESS	Dec 18, 2021	
8	ORDER-RESP DUE; SUSPENDED	Nov 18, 2021	
7	ORDER-RESP DUE; DATES RESET	Oct 22, 2021	
6	P MOT FOR DEFAULT JUDGMENT	Oct 21, 2021	
5	ORDER-BAR INFO DUE; DATES REMAIN AS SET	Sep 28, 2021	
4	ANSWER	Sep 23, 2021	
3	INSTITUTED	Aug 14, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2021	Sep 23, 2021
1	FILED AND FEE	Aug 13, 2021	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91203454](#)

**Filing Date:** Jan 20, 2012

**Status:** Terminated

**Status Date:** Apr 24, 2012

**Interlocutory Attorney:** GEORGE POLOGEORGIS

**Defendant**

**Name:** Heritage Tobacco Group, LLC

**Correspondent** ANDREW J HEINISCH

**Address:** REINHART BOERNER VAN DEUREN PC  
2215 PERRYGREEN WAY  
ROCKFORD IL UNITED STATES , 61107 6811

**Correspondent e-mail:** [aheinisch@reinhardtllaw.com](mailto:aheinisch@reinhardtllaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">85342010</a>	

**Plaintiff(s)**

**Name:** The Honorable Order of Kentucky Colonels, Inc.

**Correspondent** MATTHEW A WILLIAMS  
**Address:** WYATT TARRANT COMBS LLP  
500 WEST JEFFERSON STREET, SUITE 2800  
LOUISVILLE KY UNITED STATES , 40204

**Correspondent e-mail:** [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
Prosecution History			
Entry Number	History Text	Date	Due Date
6	TERMINATED	Apr 24, 2012	
5	BOARD'S DECISION: SUSTAINED	Apr 24, 2012	
4	P'S MOTION FOR DEFAULT JUDGEMENT	Mar 08, 2012	
3	PENDING, INSTITUTED	Jan 20, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 20, 2012	Feb 29, 2012
1	FILED AND FEE	Jan 20, 2012	

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Thursday, February 6, 2014 11:01 PM  
**To:** mwilliams@wyattfirm.com  
**Subject:** Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 2812681: KENTUCKY COLONELS: Docket/Reference No. 031100.70239

---

**Serial Number:** 76499062  
**Registration Number:** 2812681  
**Registration Date:** Feb 10, 2004  
**Mark:** KENTUCKY COLONELS  
**Owner:** Honorable Order of Kentucky Colonels, In, etc

Feb 6, 2014

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9**

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
006, 014, 021, 022, 025, 026

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

---

### **REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### **Grace Period Filings**

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=76499062>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Side - 1



**NOTICE OF ACCEPTANCE AND  
ACKNOWLEDGEMENT OF §§8 & 15  
DECLARATION  
MAILING DATE: Nov 24, 2009**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER:** 2812681  
**MARK:** KENTUCKY COLONELS  
**OWNER:** Honorable Order of Kentucky Colonels, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL  
U.S POSTAGE  
PAID

Sarah Osborn Hill  
WYATT, TARRANT & COMBS LLP  
PNC PLAZA  
500 WEST JEFFERSON STREET, SUITE 2800  
LOUISVILLE, KY 40202-2898

**Int. Cls.: 6, 14, 21, 22, 25 and 26**

**Prior U.S. Cls.: 1, 2, 7, 12, 13, 14, 19, 22, 23, 25, 27, 28,  
29, 30, 33, 37, 39, 40, 42 and 50**

**Reg. No. 2,812,681**

**United States Patent and Trademark Office**

**Registered Feb. 10, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**KENTUCKY COLONELS**

HONORABLE ORDER OF KENTUCKY COLONELS, INC., THE (KENTUCKY CORPORATION)

1717 ALLIANT AVENUE, SUITE 14  
LOUISVILLE, KY 40299

FOR: METAL KEY CHAINS; METAL MONEY CLIPS; COMMEMORATIVE METAL LICENSE PLATES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: NECKLACES; RINGS BEING JEWELRY; ORNAMENTAL LAPEL PINS; CUFF-LINKS; TIE-CLIPS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: COFFEE CUPS; DRINKING GLASSES; SHOT GLASSES; DRINKING FLASKS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: MULTI-PURPOSE CLOTH BAGS, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: CLOTHING, NAMELY SHIRTS, T-SHIRTS, SWEAT SHIRTS, JACKETS, VESTS, BASEBALL CAPS, SUN VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: EMBROIDERED PATCHES FOR CLOTHING, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY", APART FROM THE MARK AS SHOWN.

SER. NO. 76-499,062, FILED 3-10-2003.

MELVIN AXILBUND, EXAMINING ATTORNEY

**Generated on:** This page was generated by TSDR on 2023-01-25 09:51:15 EST

**Mark:** HONORABLE ORDER OF KENTUCKY COLONELS

**US Serial Number:** 73299122

**Application Filing Date:** Mar. 02, 1981

**US Registration Number:** 1227024

**Registration Date:** Feb. 08, 1983

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Oct. 16, 2022

**Publication Date:** Nov. 16, 1982

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## Mark Information

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**Mark Literal Elements:** HONORABLE ORDER OF KENTUCKY COLONELS

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Acquired Distinctiveness Claim:** In whole

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## Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Eleemosynary Services-Namely, Founding of Scholarship, Equipping Playgrounds and the Like and to Collect Historical and Cultural Material Pertaining to Commonwealth of Kentucky

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 10, 1957

**Use in Commerce:** May 10, 1957

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## Basis Information (Case Level)

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**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** Honorable Order of Kentucky Colonels, Inc., The

**Owner Address:** 943 S. 1st Street  
Louisville, KENTUCKY UNITED STATES 40203

**Legal Entity Type:** CORPORATION

**State or Country** KENTUCKY  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julie Laemmle Watts

**Docket Number:** 031100.2

**Attorney Primary** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Julie Laemmle Watts  
**Name/Address:** WYATT TARRANT & COMBS, LLP  
400 W. Market Street, Ste. 2000  
LOUISVILLE, KENTUCKY UNITED STATES 40202

**Phone:** (502) 562-7130

**Fax:** (502) 589-0309

**Correspondent e-mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com)

**Correspondent e-mail** Yes  
**Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2022	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 16, 2022	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	76293
Oct. 16, 2022	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293
Oct. 16, 2022	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Apr. 16, 2022	TEAS SECTION 8 & 9 RECEIVED	
Feb. 08, 2022	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 11, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 11, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 19, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 19, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67603
Dec. 19, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Dec. 13, 2012	TEAS SECTION 8 & 9 RECEIVED	
Apr. 11, 2008	CASE FILE IN TICRS	
Apr. 19, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 19, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 22, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 17, 1989	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jan. 09, 1989	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 08, 1983	REGISTERED-PRINCIPAL REGISTER	
Feb. 08, 1983	REGISTERED-PRINCIPAL REGISTER	
Nov. 16, 1982	PUBLISHED FOR OPPOSITION	

Oct. 05, 1982 NOTICE OF PUBLICATION  
Sep. 14, 1982 APPROVED FOR PUB - PRINCIPAL REGISTER  
Feb. 16, 1982 NON-FINAL ACTION MAILED  
Jan. 27, 1982 ASSIGNED TO EXAMINER  
Jan. 26, 1982 ASSIGNED TO EXAMINER

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Oct. 16, 2022

## Proceedings

### Summary

**Number of** 3  
**Proceedings:**

### Type of Proceeding: Opposition

**Proceeding Number:** [91271070](#)

**Filing Date:** Aug 13, 2021

**Status:** Terminated

**Status Date:** Jul 19, 2022

**Interlocutory Attorney:** JENNIFER KRISP

### Defendant

**Name:** Neeley Family Distillery Inc.

**Correspondent** BRANDY R. REXROAT

**Address:** THE LAW OFFICE OF BRANDY R. REXROAT, PLLC  
PO BOX 310  
OWENTON KY UNITED STATES , 40359

**Correspondent e-mail:** [BRANDYREXROAT@YAHOO.COM](mailto:BRANDYREXROAT@YAHOO.COM)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
OLD KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">90333342</a>	

### Plaintiff(s)

**Name:** The Honorable Order of Kentucky Colonels, Inc.

**Correspondent** JULIE LAEMMLE WATTS

**Address:** WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET, SUITE 2000  
LOUISVILLE KY UNITED STATES , 40202

**Correspondent e-mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) , [dlaney@wyattfirm.com](mailto:dlaney@wyattfirm.com) , [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com) , [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com) , [aelder@wyattfirm.com](mailto:aelder@wyattfirm.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
KENTUCKY COLONELS	Registered	<a href="#">88800035</a>	<a href="#">6236898</a>
KENTUCKY COLONELS	Registered	<a href="#">88800020</a>	<a href="#">6286056</a>
KENTUCKY COLONELS	Registered	<a href="#">88800038</a>	<a href="#">6292185</a>
HONORABLE ORDER OF KENTUCKY COLONELS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">86690496</a>	<a href="#">4939909</a>
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	Section 8 - Accepted	<a href="#">86168292</a>	<a href="#">4596450</a>
KENTUCKY COLONELS	Registered	<a href="#">88423336</a>	<a href="#">5981310</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
16	TERMINATED	Jul 19, 2022	



15	BD DECISION: OPP SUSTAINED	Jul 19, 2022	
14	NOTICE OF DEFAULT	Jun 07, 2022	
13	AMENDED ANSWER DUE (DUE DATE)	Feb 25, 2022	Mar 27, 2022
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 18, 2022	
11	TRIAL DATES RESET	Dec 22, 2021	
10	D RESP TO BD ORDER/INQUIRY	Dec 18, 2021	
9	D CHANGE OF CORRESP ADDRESS	Dec 18, 2021	
8	ORDER-RESP DUE; SUSPENDED	Nov 18, 2021	
7	ORDER-RESP DUE; DATES RESET	Oct 22, 2021	
6	P MOT FOR DEFAULT JUDGMENT	Oct 21, 2021	
5	ORDER-BAR INFO DUE; DATES REMAIN AS SET	Sep 28, 2021	
4	ANSWER	Sep 23, 2021	
3	INSTITUTED	Aug 14, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2021	Sep 23, 2021
1	FILED AND FEE	Aug 13, 2021	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91203454](#)

**Filing Date:** Jan 20, 2012

**Status:** Terminated

**Status Date:** Apr 24, 2012

**Interlocutory Attorney:** GEORGE POLOGEORGIS

#### Defendant

**Name:** Heritage Tobacco Group, LLC

**Correspondent Address:** ANDREW J HEINISCH  
REINHART BOERNER VAN DEUREN PC  
2215 PERRYGREEN WAY  
ROCKFORD IL UNITED STATES , 61107 6811

**Correspondent e-mail:** [aheinisch@reinhardtllaw.com](mailto:aheinisch@reinhardtllaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">85342010</a>	

#### Plaintiff(s)

**Name:** The Honorable Order of Kentucky Colonels, Inc.

**Correspondent Address:** MATTHEW A WILLIAMS  
WYATT TARRANT COMBS LLP  
500 WEST JEFFERSON STREET, SUITE 2800  
LOUISVILLE KY UNITED STATES , 40204

**Correspondent e-mail:** [mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Apr 24, 2012	
5	BOARD'S DECISION: SUSTAINED	Apr 24, 2012	
4	P'S MOTION FOR DEFAULT JUDGEMENT	Mar 08, 2012	
3	PENDING, INSTITUTED	Jan 20, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 20, 2012	Feb 29, 2012
1	FILED AND FEE	Jan 20, 2012	

#### Type of Proceeding: Opposition

**Proceeding** [91087515](#)

**Filing Date:** Apr 08, 1992

Number: \_\_\_\_\_

Status: Terminated

Status Date: Jan 27, 1994

Interlocutory  
Attorney:

**Defendant**

Name: JOHN A. BUSCH

Correspondent FRED WIVIOTT

Address: MICHAEL, BEST AND FRIEDRICH  
100 EAST WISCONSIN AVENUE  
MILWAUKEE WI UNITED STATES , 53202

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	Abandoned - No Statement Of Use Filed	<a href="#">74109409</a>	

**Plaintiff(s)**

Name: THE HONORABLE ORDER OF KENTUCKY

Correspondent WILLIAM H. HOLLANDER

Address: WYATT, TARRANT & COMBS  
CITIZENS PLAZA  
LOUISVILLE KY UNITED STATES , 40202

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
21	TERMINATED	Jan 27, 1994	
20	BD'S DECISION: DISMISSED W/O PREJUDICE	Dec 17, 1993	
19	STIP DISMISSAL	Nov 22, 1993	
18	STIP DISMISSAL	Nov 22, 1993	
17	STIP DISMISSAL	Nov 22, 1993	
16	STIP DISMISSAL	Nov 22, 1993	
15	STIP DISMISSAL	Nov 22, 1993	
14	STIP DISMISSAL	Nov 22, 1993	
13	STIP DISMISSAL	Nov 22, 1993	
12	DEF'S REQ TO SUSPEND AND TO EXT TIME	Sep 23, 1993	
11	TRIAL DATES RESET	Aug 17, 1993	
10	SUSPENDED	Jan 29, 1993	
9	D'S MOT TO SUSP PEND SETLMT NEGOT W CNST	Jan 16, 1993	
8	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 17, 1992	
7	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 16, 1992	
6	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 08, 1992	
5	TRIAL DATES SET	Jun 23, 1992	
4	ANSWER	Jun 15, 1992	
3	PENDING, INSTITUTED	May 26, 1992	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	May 26, 1992	Jul 27, 1992
1	FILED AND FEE	Apr 08, 1992	

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Sunday, October 16, 2022 08:40 PM  
**To:** jwatts@wyattfirm.com  
**Cc:** trademarks@wyattfirm.com  
**Subject:** Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 1227024: HONORABLE ORDER OF KENTUCKY COLONELS: Docket/Reference No. 031100.2

---

**U.S. Serial Number:** 73299122  
**U.S. Registration Number:** 1227024  
**U.S. Registration Date:** Feb 8, 1983  
**Mark:** HONORABLE ORDER OF KENTUCKY COLONELS  
**Owner:** Honorable Order of Kentucky Colonels, In, etc

Oct 16, 2022

### NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

**The registration will remain in force for the class(es) listed below, unless canceled by an order of the Commissioner for Trademarks or a Federal Court, as long as the requirements for maintaining the registration are fulfilled as they become due.**

**Class(es):**  
042

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

---

### REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

**WARNING: Your registration will be canceled if you do not file the documents below during the specified statutory time periods.**

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*THE USPTO IS NOT REQUIRED TO SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To check the status of this registration, go to [https://tsdr.uspto.gov/#caseNumber=73299122&caseSearchType=US\\_APPLICATION&caseType=SERIAL\\_NO&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=73299122&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to [https://tsdr.uspto.gov/#caseNumber=73299122&caseSearchType=US\\_APPLICATION&caseType=SERIAL\\_NO&searchType=documentSearch](https://tsdr.uspto.gov/#caseNumber=73299122&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=documentSearch) NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

\* **For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <https://www.uspto.gov/trademark/> or contact the Trademark Assistance Center at 1-800-786-9199.**

---

**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, December 19, 2012 11:01 PM  
**To:** whollander@wyattfirm.com  
**Subject:** Trademark RN 1227024: Official Notice of Acceptance and Renewal under Sections 8 and 9 of the Trademark Act

---

**Serial Number:** 73299122  
**Registration Number:** 1227024  
**Registration Date:** Feb 8, 1983  
**Mark:** HONORABLE ORDER OF KENTUCKY COLONELS  
**Owner:** Honorable Order of Kentucky Colonels, In, etc

Dec 19, 2012

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9**

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
042

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

---

### **REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### **Grace Period Filings**

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=73299122>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**Int. Cl.: 42**

**Prior U.S. Cl.: 100**

**United States Patent and Trademark Office**

**Reg. No. 1,227,024**

**Registered Feb. 8, 1983**

**SERVICE MARK**

**Principal Register**

**HONORABLE ORDER OF KENTUCKY COLONELS**

The Honorable Order of Kentucky Colonels, Inc.  
(Kentucky corporation)  
5737 Watterson Trail  
Louisville, Ky. 40291

For: ELEEMOSYNARY SERVICES—NAME-  
LY, FOUNDING OF SCHOLARSHIP, EQUIP-  
PING PLAYGROUNDS AND THE LIKE AND  
TO COLLECT HISTORICAL AND CULTURAL  
MATERIAL PERTAINING TO COMMON-  
WEALTH OF KENTUCKY, in CLASS 42 (U.S. Cl.  
100).

First use May 10, 1957; in commerce May 10,  
1957.

Sec. 2(f).

Ser. No. 299,122, filed Mar. 2, 1981.

JAMES H. JOHNSON, Examining Attorney

**Generated on:** This page was generated by TSDR on 2023-01-25 09:52:12 EST

**Mark:** HONORABLE ORDER OF KENTUCKY COLONELS

HONORABLE ORDER OF  
KENTUCKY COLONELS

**US Serial Number:** 86690496

**Application Filing Date:** Jul. 12, 2015

**US Registration Number:** 4939909

**Registration Date:** Apr. 19, 2016

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Oct. 13, 2022

**Publication Date:** Feb. 02, 2016

## Mark Information

**Mark Literal Elements:** HONORABLE ORDER OF KENTUCKY COLONELS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Acquired Distinctiveness Claim:** In whole

## Related Properties Information

**Claimed Ownership of US Registrations:** 1227024, 2812681, 4596450

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** charitable services, namely, providing financial assistance for programs and services of others; providing educational scholarships

**International Class(es):** 036 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 10, 1957

**Use in Commerce:** May 10, 1957

## Basis Information (Case Level)

**Filed Use:** Yes  
**Filed ITU:** No  
**Filed 44D:** No  
**Filed 44E:** No  
**Filed 66A:** No  
**Filed No Basis:** No

**Currently Use:** Yes  
**Currently ITU:** No  
**Currently 44E:** No  
**Currently 66A:** No  
**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** The Honorable Order of Kentucky Colonels, Inc.  
**Owner Address:** 943 S. 1st Street  
Louisville, KENTUCKY UNITED STATES 40203  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** KENTUCKY

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julie Laemmle Watts  
**Attorney Primary Email Address:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com)  
**Docket Number:** 031100.2  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Julie Laemmle Watts  
Wyatt Tarrant & Combs  
400 W. Market Street, Ste. 2000  
Louisville, KENTUCKY UNITED STATES 40202-2898  
**Phone:** 502.562.7130  
**Fax:** 502.589.0309  
**Correspondent e-mail:** [jwatts@wyattfirm.com](mailto:jwatts@wyattfirm.com) [trademarks@wyattfirm.com](mailto:trademarks@wyattfirm.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 13, 2022	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 13, 2022	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	81927
Oct. 12, 2022	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	81927
Apr. 16, 2022	TEAS SECTION 8 & 15 RECEIVED	
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 13, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 13, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 19, 2021	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Apr. 19, 2016	REGISTERED-PRINCIPAL REGISTER	
Feb. 02, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 02, 2016	PUBLISHED FOR OPPOSITION	
Jan. 13, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 06, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 22, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 22, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 22, 2015	EXAMINERS AMENDMENT -WRITTEN	91244
Oct. 21, 2015	ASSIGNED TO EXAMINER	91244
Jul. 16, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jul. 15, 2015	NEW APPLICATION ENTERED	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: TMEG LAW OFFICE 108

Date in Location: Oct. 13, 2022

## Proceedings

### Summary

Number of  
Proceedings: 1

### Type of Proceeding: Opposition

Proceeding  
Number: [91271070](#)

Filing Date: Aug 13, 2021

Status: Terminated

Status Date: Jul 19, 2022

Interlocutory  
Attorney: JENNIFER KRISP

### Defendant

Name: Neeley Family Distillery Inc.

Correspondent  
Address: BRANDY R. REXROAT  
THE LAW OFFICE OF BRANDY R. REXROAT, PLLC  
PO BOX 310  
OWENTON KY UNITED STATES , 40359

Correspondent e-  
mail: [BRANDYREXROAT@YAHOO.COM](mailto:BRANDYREXROAT@YAHOO.COM)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
OLD KENTUCKY COLONEL	Abandoned - After Inter-Partes Decision	<a href="#">90333342</a>	

### Plaintiff(s)

Name: The Honorable Order of Kentucky Colonels, Inc.

Correspondent  
Address: JULIE LAEMMLE WATTS  
WYATT, TARRANT & COMBS, LLP  
400 W. MARKET STREET, SUITE 2000  
LOUISVILLE KY UNITED STATES , 40202

Correspondent e-  
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### Associated marks

Mark	Application Status	Serial Number	Registration Number
KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">76499062</a>	<a href="#">2812681</a>
KENTUCKY COLONELS	Registered	<a href="#">88800035</a>	<a href="#">6236898</a>
KENTUCKY COLONELS	Registered	<a href="#">88800020</a>	<a href="#">6286056</a>
KENTUCKY COLONELS	Registered	<a href="#">88800038</a>	<a href="#">6292185</a>
HONORABLE ORDER OF KENTUCKY COLONELS	Section 8 and 15 - Accepted and Acknowledged	<a href="#">86690496</a>	<a href="#">4939909</a>
HONORABLE ORDER OF KENTUCKY COLONELS	REGISTERED AND RENEWED	<a href="#">73299122</a>	<a href="#">1227024</a>
KENTUCKY COLONELS	Section 8 - Accepted	<a href="#">86168292</a>	<a href="#">4596450</a>
KENTUCKY COLONELS	Registered	<a href="#">88423336</a>	<a href="#">5981310</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
16	TERMINATED	Jul 19, 2022	
15	BD DECISION: OPP SUSTAINED	Jul 19, 2022	
14	NOTICE OF DEFAULT	Jun 07, 2022	
13	AMENDED ANSWER DUE (DUE DATE)	Feb 25, 2022	Mar 27, 2022
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 18, 2022	
11	TRIAL DATES RESET	Dec 22, 2021	



10	D RESP TO BD ORDER/INQUIRY	Dec 18, 2021	
9	D CHANGE OF CORRESP ADDRESS	Dec 18, 2021	
8	ORDER-RESP DUE; SUSPENDED	Nov 18, 2021	
7	ORDER-RESP DUE; DATES RESET	Oct 22, 2021	
6	P MOT FOR DEFAULT JUDGMENT	Oct 21, 2021	
5	ORDER-BAR INFO DUE; DATES REMAIN AS SET	Sep 28, 2021	
4	ANSWER	Sep 23, 2021	
3	INSTITUTED	Aug 14, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2021	Sep 23, 2021
1	FILED AND FEE	Aug 13, 2021	

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Thursday, October 13, 2022 11:16 PM  
**To:** jwatts@wyattfirm.com  
**Cc:** trademarks@wyattfirm.com  
**Subject:** Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 4939909: HONORABLE ORDER OF KENTUCKY COLONELS: Docket/Reference No. 031100.2

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**U.S. Serial Number:** 86690496  
**U.S. Registration Number:** 4939909  
**U.S. Registration Date:** Apr 19, 2016  
**Mark:** HONORABLE ORDER OF KENTUCKY COLONELS  
**Owner:** The Honorable Order of Kentucky Colonels etc.

Oct 13, 2022

## NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

## NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

**The registration will remain in force for the class(es) listed below, unless canceled by an order of the Commissioner for Trademarks or a Federal Court, as long as the requirements for maintaining the registration are fulfilled as they become due.**

**Class(es):**  
036

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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## REQUIREMENTS FOR MAINTAINING REGISTRATION

**WARNING: Your registration will be canceled if you do not file the documents below during the specified statutory time periods.**

### Requirements in the First Ten Years

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

### Requirements in Successive Ten-Year Periods

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

### Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*THE USPTO IS NOT REQUIRED TO SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To check the status of this registration, go to [https://tsdr.uspto.gov/#caseNumber=86690496&caseSearchType=US\\_APPLICATION&caseType=DEFAULT&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=86690496&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to [https://tsdr.uspto.gov/#caseNumber=86690496&caseSearchType=US\\_APPLICATION&caseType=DEFAULT&searchType=documentSearch](https://tsdr.uspto.gov/#caseNumber=86690496&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=documentSearch) NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

\* For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <https://www.uspto.gov/trademark/> or contact the Trademark Assistance Center at 1-800-786-9199.

# United States of America

United States Patent and Trademark Office

## HONORABLE ORDER OF KENTUCKY COLONELS

**Reg. No. 4,939,909**

**Registered Apr. 19, 2016**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

THE HONORABLE ORDER OF KENTUCKY COLONELS, INC. (KENTUCKY CORPORATION)  
SUITE 14  
1717 ALLIANT AVENUE  
LOUISVILLE, KY 40299

FOR: CHARITABLE SERVICES, NAMELY, PROVIDING FINANCIAL ASSISTANCE FOR  
PROGRAMS AND SERVICES OF OTHERS; PROVIDING EDUCATIONAL SCHOLARSHIPS  
, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-10-1957; IN COMMERCE 5-10-1957.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,227,024, 2,812,681, AND 4,596,450.

SEC. 2(F).

SER. NO. 86-690,496, FILED 7-12-2015.

CHRISTINA RIEPEL, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

# EXHIBIT 3

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF  
KENTUCKY COLONELS, INC.  
943 South First Street  
Louisville, KY 40203

PLAINTIFF

v.

KENTUCKY COLONELS  
INTERNATIONAL

302 General Smith Drive  
Richmond, KY 40475

**Serve: Maya-Lis A. Wright**  
**302 General Smith Drive**  
**Richmond, KY 40475**

GLOBCAL INTERNATIONAL  
302 General Smith Drive  
Richmond, KY 40475

**Serve: Maya-Lis A. Wright**  
**302 General Smith Drive**  
**Richmond, KY 40475**

ECOLOGY CROSSROADS  
COOPERATIVE FOUNDATION, INC.  
302 General Smith Drive  
Richmond, KY 40475

**Serve: Maya-Lis A. Wright**  
**302 General Smith Drive**  
**Richmond, KY 40475**

DAVID J. WRIGHT, Individually and In His  
Capacity as President of Ecology Crossroads  
Cooperative Foundation, Inc.  
302 General Smith Drive  
Richmond, KY 40475

UNKNOWN DEFENDANTS

DEFENDANTS

CIVIL ACTION NO. 3:20CV-132-JRW

JURY TRIAL DEMAND

**VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES**

Plaintiff The Honorable Order of Kentucky Colonels, Inc. (“Plaintiff” or “the Honorable Order”), by counsel, for its Complaint against Defendants Kentucky Colonels International (“KCI”), Globalcal International (“Globalcal”), Ecology Crossroads Cooperative Foundation, Inc. (“Ecology Crossroads”), David J. Wright, individually and in his capacity as President of Ecology Crossroads Cooperative Foundation, Inc. (“Wright”), and Unknown Defendants (collectively referred to as “Defendants”), alleges as follows:

**PRELIMINARY STATEMENT**

1. This is an action for infringement of the Honorable Order’s famous, federally registered trademark, KENTUCKY COLONELS, under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1); for trade name infringement, unfair competition, and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); for dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c); for cyberpiracy under the Anticybersquatting Consumer Protection Act, Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(a); and for substantial and related claims under the common law of the Commonwealth of Kentucky, all arising from Defendants’ unauthorized use of the KENTUCKY COLONELS Mark in connection with marketing, advertising, promotion and solicitations regarding Defendants’ alleged services.

2. The Honorable Order seeks injunctive and monetary relief.

**PARTIES**

3. The Honorable Order is a nonprofit, tax-exempt corporation organized and existing under the laws of the Commonwealth of Kentucky. Until February 17, 2020, the Honorable Order had its principal place of business at 1717 Alliant Avenue, Suite 14, Louisville,

Kentucky 40299. As of February 17, 2020, the Honorable Order's primary place of business is 943 South First Street, Louisville, Kentucky 40203.

4. According to the records maintained by the Kentucky Secretary of State, Defendant Ecology Crossroads Cooperative Foundation, Inc. ("Ecology Crossroads") is a corporation organized under the laws of the Commonwealth of Kentucky with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

5. According to the records maintained by the Kentucky Secretary of State, Defendant Kentucky Colonels International ("KCI") is an assumed name of Defendant Ecology Crossroads with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

6. According to the records maintained by the Kentucky Secretary of State, Defendant Globcal International ("Globcal") is an assumed name of Defendant Ecology Crossroads with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

7. Upon information and belief, Defendant David J. Wright is an individual who resides in La Culebra, Amazonas, Venezuela who is a citizen of the Commonwealth of Kentucky. According to the records maintained by the Kentucky Secretary of State, Wright is the President of Defendant Ecology Crossroads, whose registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

8. Upon information and belief, Unknown Defendants are individual employees, agents, owners, officers, or directors of Defendants Ecology Crossroads, KCI, or Globcal who have transacted business, engaged in conduct, or otherwise participated in the activities described in this Verified Complaint.

### **JURISDICTION AND VENUE**

9. This Court has original jurisdiction over this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1338(a) and (b) insomuch as this action arises under the Trademark Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.* This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

10. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claims below occurred in this District and because the intellectual property at issue substantially is located in this District.

11. This Court has personal jurisdiction over Defendant Wright under KRS 454.210, Kentucky's long-arm statute, because, among other things, he directly and personally engaged in the actions complained of herein within this District, including infringing upon the Honorable Order's trademarks by marketing and promoting services under the mark KENTUCKY COLONELS INTERNATIONAL. In addition, Defendant Wright engaged in actions within this District, intended to facilitate or allow the infringement upon the Honorable Order's trademarks described herein by registering the assumed names, entities, and organizations described and identified herein, and/or personally directing those Defendants to engage in the conduct described herein.



## **FACTS**

### **The Honorable Order and its KENTUCKY COLONELS Mark**

12. On May 2, 1931, Kentucky Governor Flem D. Sampson assembled a meeting of Kentucky Colonels at the State Capitol for the purpose of forming “a society or organization to restore the grandeur and sentiment of the original Kentucky Colonel; to more closely band together this group ... for the advancement of Kentucky and Kentuckians....” The minutes from that meeting are attached hereto as Exhibit 1. Those minutes reflect the prominence of being selected as a Kentucky Colonel: “because of this honor [Kentucky Colonels] are regarded highly in their own country and on their arrival here are treated with high honor and respect.”

13. From its inspired origins in 1931 through the present day, the Honorable Order has existed as a nonprofit organization dedicated to supporting charitable purposes throughout the Commonwealth. In the last twenty years, the Honorable Order has made more than 3,500 grants to nonprofit organizations across Kentucky totaling in excess of \$29 million. Since 1951, the Honorable Order has made more than 7,300 grants totaling almost \$51 million.

14. The Governor of Kentucky serves as the Commander-in-Chief of the Honorable Order, along with a board of trustees. From the beginning, the Governor’s office recognized the Honorable Order’s role, making the Honorable Order responsible for adopting insignia, seals, and other indicia of the honor.

15. For nearly a century, the Honorable Order has pursued its mission to follow the objectives described by Governor Sampson in 1931, a significant aspect of which is promoting and protecting the goodwill of the KENTUCKY COLONELS Mark. That Mark plays a critical role in the Honorable Order’s fundraising efforts.

16. The Honorable Order has filed and registered federal trademark applications for, and carefully protected and enforced, the KENTUCKY COLONELS Mark. A chart reflecting the numerous federal trademark registrations and applications owned by the Honorable Order incorporating the KENTUCKY COLONELS Mark, as well as the official documentation reflecting those registrations and applications, is attached as Exhibit 2.

17. The Honorable Order has continuously used the KENTUCKY COLONELS Mark in connection with its philanthropic, membership, and social activities for decades, and, as a result, the KENTUCKY COLONEL Mark carries a positive connotation worldwide

### **Defendants' Unlawful Activities**

18. In 2019, the Honorable Order was contacted by an individual who identified himself as David J. Wright. Wright purported to be the administrator of a Facebook group called “Kentucky Colonels International,” which was allegedly comprised of individuals who have been commissioned as Kentucky Colonels by the Kentucky Governor.

19. In late 2019, the Honorable Order learned that Wright, under the guise of KCI and Global, was soliciting participants for a “registry” of individuals who had been commissioned as Kentucky Colonels. As described by Wright, participation in the registry required payment of a fee.

20. In late December 2019, Wright approached the Honorable Order to initiate a discussion regarding the activities of KCI. Through direct messages and text message, Wright indicated that he wanted to “find a way” that the Honorable Order could “endorse the International Register and Kentucky Colonels International, with a sponsorship, while [the Honorable Order] silently but transparently takes over the Register and International Concept to become a program belonging to the [Honorable Order].”

21. When Wright contacted the Executive Director of the Honorable Order to “explore the possibilities of a merger,” she suggested that he submit his comments and ideas in writing.

22. In mid-January 2020, Wright forwarded the Honorable Order a package of documents which included a letter addressed to Sherry Crose, Executive Director of the Honorable Order, a document entitled “Presentation to Honorable Order of Kentucky Colonels, Inc.,” and a document entitled “Draft Merger Acquisition and Consolidation Agreement.” Copies of those documents are collectively tendered herewith as Exhibit 3.<sup>1</sup> Wright’s “proposal” included provisions for generous financial payments to both himself and KCI.

23. On January 20, 2020, the Honorable Order notified Wright that it was not interested in the merger, acquisition, or transaction reflected in his proposal.

24. Shortly thereafter, Wright advised the Honorable Order by text message that he and KCI intended to “move forward with our program and the formalization of the KCI agenda.”

25. On or about February 9, 2020, KCI left a comment on the Honorable Order’s public Facebook page that also included a hyperlink to KCI’s blog (<https://blog.kycolonels.international>), and referenced an “editorial” blog post purportedly authored by Wright on February 7, 2020. A copy of the editorial (the “Wright Editorial”) is attached as Exhibit 4.

26. In the Wright Editorial, Wright candidly acknowledged that he and his affiliated organizations are soliciting, and will continue to solicit, contributions and payments using the KENTUCKY COLONELS INTERNATIONAL Mark (the “Infringing Mark”).

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<sup>1</sup> Because Wright demanded HOKC execute a confidentiality agreement, the documents comprising Exhibit 3 will be filed under seal for the Court’s review pending further orders of the Court.

27. The Wright Editorial also disparaged the Honorable Order by accusing it of a variety of misconduct, including “misleading their donors and supporters for many years,” violating various state and federal statutes, and otherwise engaging in “deception, and fraudulent presumptive behavior.”

28. In early February, the Honorable Order became aware that the “Kentucky Colonel” Wikipedia article had been significantly edited by someone with the username “Problemsmith.” A copy of the “Kentucky Colonel” Wikipedia article, as of February 18, 2020, is attached as Exhibit 5. Upon information and belief, those modifications were made by Defendant Wright. Among other things, “Problemsmith” removed a reference indicating that KENTUCKY COLONELS is a registered trademark of the Honorable Order.

29. The Honorable Order has experienced actual confusion as a result of Defendants’ activities using the Infringing Mark. For example, on September 23, 2019, one of the recipients of a charitable grant in the amount of \$10,000 from the Honorable Order posted a thank you on its Facebook page and specifically recognized the Honorable Order’s KENTUCKY COLONELS GOOD WORKS PROGRAM. And, on September 30, 2019, another recipient of a charitable grant from the Honorable Order also posted a thank you on its Facebook page. However, in both of the thank you posts, the grantees mistakenly tagged KCI’s Facebook page instead of the Honorable Order’s Facebook page. A screenshot of these pages are attached as Exhibit 6. Such actual confusion not only showed confusion by the grantees about who provided the charitable giving, but also caused the viewing public of the posts to be confused about who provided the grants to the organizations.

30. Wright and the other Defendants are using the internet and social media to confuse the public, misappropriate the goodwill, and profit from the KENTUCKY COLONELS

Mark. Unless they are ordered to cease and desist their improper and unauthorized use of the KENTUCKY COLONELS Mark, Defendants will continue their infringing activity, thereby damaging the goodwill and reputation that the Honorable Order has built over decades.

31. The Unknown Defendants have aided, abetted, and/or participated in the conduct and activities described above. Those individuals and entities, through their affiliation with and support of Wright, KCI, Global, and/or Ecology Crossroads, have irreparably harmed and damaged the Honorable Order through their facilitation of and assistance with the unauthorized and improper use of the KENTUCKY COLONELS Mark described above.

**COUNT ONE**  
**Federal Trademark Infringement**

32. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated in this Count by reference.

33. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are offered, authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order. Defendants' conduct therefore constitutes trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

34. Upon information and belief, Defendants have committed the foregoing acts of infringement with full knowledge of the Honorable Order's prior rights in the KENTUCKY COLONELS Mark and with the willful intent to cause confusion and trade on the Honorable Order's goodwill.

35. Upon information and belief, Defendants have made and will continue to make profits and gains to which they are not entitled in law or equity.

36. Defendants' conduct is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT TWO**  
**Federal Trade Name Infringement**

37. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated into this Count.

38. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order. Defendants' conduct therefore constitutes trade name infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

39. Upon information and belief, Defendants have committed the foregoing acts of infringement with full knowledge of the Honorable Order's prior rights in the KENTUCKY COLONELS Mark and with the willful intent to cause confusion and trade on the Honorable Order's goodwill.

40. Upon information and belief, Defendants have made and will continue to make profits and gains to which they are not entitled in law or equity.

41. Defendants' conduct is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT THREE**  
**Federal Unfair Competition and False Designation of Origin**

42. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated into this Count.

43. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order.

44. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein constitutes use of a false designation of origin and misleading description and representation of fact.

45. Upon information and belief, Defendants' conduct as alleged herein is willful and is intended to, is likely to, and already has caused confusion, mistake, or deception as to the affiliation, connection, or association of Defendants with the Honorable Order.

46. Defendants' conduct as alleged herein constitutes unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

47. Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both

damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT FOUR**  
**Federal Trademark Dilution**

48. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

49. The KENTUCKY COLONELS Mark is a distinctive and famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

50. The KENTUCKY COLONELS Mark became distinctive and famous prior to Defendants' acts as alleged herein.

51. Defendants' acts as alleged herein have diluted by blurring and will, unless enjoined, continue to dilute by blurring, and are likely to dilute by blurring the distinctive quality of the Honorable Order's famous KENTUCKY COLONELS Mark.

52. Defendants' acts as alleged herein have tarnished and will, unless enjoined, continue to tarnish, and are likely to tarnish, the Honorable Order's KENTUCKY COLONELS Mark by undermining and damaging the valuable goodwill associated therewith.

53. Defendants' conduct as alleged herein constitutes dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

54. Defendants' conduct as alleged herein is intentional and willful in violation of Section 43(c)(1) of the Lanham Act, and has already caused the Honorable Order irreparable damage and will continue to so damage the Honorable Order unless enjoined by this Court. The Honorable Order has no adequate remedy at law.



**COUNT FIVE**  
**Anticybersquatting Consumer Protection Act**

55. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

56. The KENTUCKY COLONELS Mark is a distinctive and famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

57. According to publicly available WhoIs Data, on September 29, 2000 the Honorable Order registered the domain name [www.kycolonels.org](http://www.kycolonels.org), which it continues to use today. A copy of the relevant WhoIs Data is attached hereto as Exhibit 7.

58. According to publicly available WhoIs Data, on January 20, 2020 the domain name [www.kycolonels.international](http://www.kycolonels.international) registered. Upon information and belief, Defendants registered and now use this domain name. A copy of the relevant WhoIs Data as well as a screenshot of the domain name is attached hereto as Exhibit 8.

59. Defendants' domain name incorporates the KENTUCKY COLONELS Mark and is identical or confusingly similar to the Honorable Order's domain name, or dilutive of the famous KENTUCKY COLONELS Mark.

60. Defendants registered, and continue to use, the [www.kycolonels.international](http://www.kycolonels.international) domain name with a bad faith intent to profit from the KENTUCKY COLONELS Mark.

61. Defendants' conduct as alleged herein constitutes cyberpiracy in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(a).

62. Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT SIX**  
**Defamation**

63. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

64. Defendants, by and through Wright, have made false and defamatory statements regarding the Honorable Order as reflected, among other places, in the Wright Editorial attached hereto as Exhibit 2, including but not limited to accusing the Honorable Order of a variety of misconduct, including:

- (a) “misleading their donors and supporters for many years”;
- (b) violating various state and federal statutes; and
- (c) otherwise engaging in “deception, and fraudulent presumptive behavior.”

65. These statements, and others made by Wright on behalf of Defendants, are false, and were made with malicious intent to harm the Honorable Order’s ongoing business activities to fulfil its purpose and support its mission.

66. These statements, and others made by Wright on behalf of Defendants, are defamatory in that they tend to injure the Honorable Order in its community and lower it in the estimation of that same community.

67. Defendants, by and through Wright, published these statements through social media, blog posts, and websites to an unlimited number of third parties including, but not limited to, members of the Honorable Order as well as “members” of KCI, in the area in which the Honorable Order conducts its activities.

68. Defendants, by and through Wright, intended to make these statements, made these statements with malice, and did so without any applicable privilege.

69. These statements are actionable as a matter of law because they vilify and falsely imply serious wrongdoing, including criminal wrongdoing, by the Honorable Order.

70. As a direct and proximate result of Defendants' statements, made by and through Wright, the Honorable Order has suffered pecuniary damages, as well as harm to its reputation and impairment to its standing in the community.

**COUNT SEVEN**  
**Common Law Trademark Infringement and Unfair Competition**

71. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

72. The KENTUCKY COLONELS Mark is valid and protectable.

73. Defendants' use of the Infringing Mark is likely to cause confusion about the source or origin of the services in violation of the common law of the Commonwealth of Kentucky, in that such use of the Infringing Mark is likely to impair the goodwill of the Honorable Order's Mark and allow Defendants to unfairly profit from the use of a confusingly similar mark.

74. Defendants' use of the Infringing Mark is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are sold, authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order when in fact Defendants have no connection or affiliation with the Honorable Order.

75. Defendants, through their use of the Infringing Mark, have engaged in misrepresentation, unfairly competing with the Honorable Order in violation of Kentucky common law.

76. Defendants' actions constitute trademark infringement and unfair competition in violation of the common law of the Commonwealth of Kentucky.

77. Upon information and belief, Defendants have made and will continue to make substantial profits and gains to which they are not entitled in law or equity.

78. Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT EIGHT**  
**Common Law Dilution**

79. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

80. The KENTUCKY COLONELS Mark is well known.

81. Defendants' use of the Infringing Mark is likely to confuse, and has actually confused, consumers as to the source or sponsorship of Defendants' services.

82. Defendants' use of the Infringing Mark is causing harm and will, unless enjoined, continue to cause harm to the reputation and goodwill of the KENTUCKY COLONELS Mark.

**COUNT NINE**  
**Unjust Enrichment**

83. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

84. Defendants are unlawfully using the Infringing Mark to their benefit at the expense of The Honorable Order.

85. Defendants, through their unlawful use of the Infringing Mark, are soliciting and collecting donations from members of the public who believe they are donating to The Honorable Order.

86. It would be unjust for Defendants to retain the donations they have received based on their unlawful use of the Infringing Mark.

**PRAYER FOR RELIEF**

**WHEREFORE**, The Honorable Order of Kentucky Colonels prays for and requests as follows:

- A. Trial by jury on all issues so triable;
- B. Judgment in favor of the Honorable Order on all of its claims;
- C. Judgment holding that Defendants have violated Section 32 of the Lanham Act (15 U.S.C. § 1114(1)), Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)), Section 43(c) of the Lanham Act (15 U.S.C. § 1125(c)); and Section 43(d) of the Lanham Act, (15 U.S.C. § 1125(a));
- D. Judgment holding that Defendants violated the common law of the Commonwealth of Kentucky;
- E. Judgment granting preliminary and permanent injunctive relief enjoining Defendants, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons and entities who receive actual notice of this Court's order by personal service or otherwise from:
  - i. selling, marketing, advertising, promoting, or authorizing any third party to sell, market, advertise or promote goods or services bearing the

KENTUCKY COLONELS Mark, the KENTUCKY COLONELS INTERNATIONAL Mark, or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the KENTUCKY COLONELS Mark;

- ii. engaging in any activity that infringes the Honorable Order's rights in its KENTUCKY COLONELS Mark;
- iii. engaging in any activity that infringes the Honorable Order's trade name;
- iv. engaging in any activity constituting unfair competition with the Honorable Order;
- v. engaging in any activity that is likely to dilute, by tarnishing or blurring, the famousness of the Honorable Order's KENTUCKY COLONELS Mark;
- vi. using or registering any domain name incorporating the KENTUCKY COLONELS Mark, the KENTUCKY COLONELS INTERNATIONAL Mark, or any other mark that infringes or is likely to be confused with the Honorable Order's KENTUCKY COLONELS Mark;
- vii. publishing, through spoken or written means, any statements about the Honorable Order that are maliciously and intentionally false;
- viii. making or displaying any statement, representation, or depiction that is likely to lead the public or the trade to believe that (i) Defendants' services are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with the Honorable Order or (ii) the Honorable Order's goods and services are in

any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with Defendants;

- ix. using or authorizing any third party to use in connection with any business, goods, or services any false description, false representation, or false designation of origin, or any marks, names, words, symbols, devices, or trade dress that falsely associate such business, goods and/or services with the Honorable Order or tend to do so;
- x. registering or applying to register any trademark, service mark, domain name, trade name, or other source identifier or symbol of origin consisting of or incorporating the KENTUCKY COLONELS Mark, the KENTUCKY COLONELS INTERNATIONAL Mark, or any other mark that infringes or is likely to be confused with the Honorable Order's KENTUCKY COLONELS Mark, or any goods or services of the Honorable Order, or the Honorable Order as their source; and
- xi. aiding, assisting, or abetting any other individual or entity in doing any act prohibited by sub-paragraphs (i) through (x).

F. Judgment granting such other and further relief as this Court may deem proper to prevent the public and trade from deriving the false impression that any goods or services manufactured, sold, distributed, licensed, marketed, advertised, promoted, or otherwise offered or circulated by Defendants are in any way approved, endorsed, licensed, sponsored, authorized, or franchised by or

associated, affiliated, or otherwise connected with the Honorable Order or constitute or are connected with the Honorable Order's goods and services;

G. Judgment directing Defendants to immediately cease all display, marketing, advertising, promotion, sale, solicitation, and/or use of anything that features or bears any designation or mark incorporating the mark KENTUCKY COLONELS INTERNATIONAL or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the Honorable Order's KENTUCKY COLONELS Mark, and to direct all third parties or individuals wherever located in the United States that distribute, advertise, promote, sell, or offer for sale Defendants' goods or services to cease forthwith the distribution, marketing, advertising, promotion, sale, and/or offering for sale of any and all goods, or services, featuring or bearing the mark KENTUCKY COLONELS INTERNATIONAL or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the Honorable Order's KENTUCKY COLONELS Mark, and to immediately remove them from public access and view;

H. Judgment directing, pursuant to Section 35(a) of the Lanham Act (15 U.S.C. § 1116(a)), Defendants to file with this Court and serve upon the Honorable Order's counsel within thirty (30) days after service on Defendants of an injunction in this action, or such extended period as this Court may direct, a report in writing under oath, setting forth in detail the manner and form in which Defendants have complied therewith;



- I. Judgment awarding the Honorable Order all monetary remedies to which it is entitled, including any damages (trebled) sustained by the Honorable Order in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)) and common law;
- J. Judgment awarding the Honorable Order punitive and exemplary damages as this Court finds appropriate to deter any future willful infringement;
- K. Judgment declaring that this is an exceptional case pursuant to Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)), and awarding the Honorable Order its costs and reasonable attorneys' fees thereunder;
- L. Judgment awarding the Honorable Order interest, including prejudgment and post-judgement interest, on the foregoing sums; and
- M. Such other and further relief as this Court deems just and proper.

## VERIFICATION

The undersigned hereby swears and affirms that she is currently the Executive Director of the Honorable Order of Kentucky Colonels, Inc., that she is authorized to sign this Verified Complaint and that the statements made herein are true and correct to the best of her knowledge.

Sherry Crose

COMMONWEALTH OF KENTUCKY )  
 ) :SS  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February, 2020,  
by Sherry Crose.

My commission expires: December 5, 2022

Garry Klapchick  
Notary Public  
Notary I.D. 612095

Respectfully submitted,

/s/ Cornelius E. Coryell II

Cornelius E. Coryell II

Michelle Browning Coughlin

Julie Laemmle Watts

WYATT, TARRANT & COMBS, LLP

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Louisville, KY 40202

(502) 589-5235

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mcoughlin@wyattfirm.com

jwatts@wyattfirm.com

*Counsel for Plaintiff, Honorable Order of  
Kentucky Colonels*

100236569.1

# **EXHIBIT 1**

## **TO VERIFIED COMPLAINT**



Minutes of meeting of Kentucky Colonels called by Governor Flem D. Sampson and held in Reception Room at State Capitol, Frankfort, Kentucky, Saturday, 4:00 P.M., May 2nd, 1931.

The meeting was formerly opened by Governor Sampson. He outlined in brief the purpose of this meeting which is to formulate a society or organization to restore the grandeur and sentiment of the original Kentucky Colonel; to more closely band together this group into a great non-political brotherhood for the advancement of Kentucky and Kentuckians; to adopt uniforms, medallions, insignia, seals, constitution and by laws and a Declaration of Principles. It was, also, the Governor's desire to have this group take active part in uniform, if possible, at all future State occasions such as receptions, both State and social, the inauguration of future Governors, etc.

On nomination of Colonel Charles W. Logan, seconded by Colonel Robert P. Dixon, Jr., Colonel F. W. Vinson was unanimously elected temporary Chairman. Colonel R. H. Ziehm was unanimously elected temporary Secretary on nomination by Col. Andrew H. Morris, Sr., seconded by Col. Charles W. Logan. Col. John Skain, on nomination by Col. A. H. Morris, Sr. and seconded by Col. Charles W. Logan, was unanimously elected temporary Treasurer.

Col. Vinson, on assuming the chair, outlined tentative plans of organization which were as follows: The election of other temporary officers to serve until our next meeting which is to be held in Louisville, Kentucky on Saturday, May 23rd, the exact time and place to be decided later; the appointing of three committees, namely, a Committee of three on Articles of Incorporation, a Committee of three on Uniforms and Insignia and a Committee of five on Constitution and By Laws. These Committees are to have their reports ready for meeting of May 23rd.

That we should incorporate this body and give to it's members the distinction due each one so honored by a Commission as a Kentucky Colonel, and could not mean nearly so much; because of this honor they are regarded highly in their own country and on their arrival here are treated with high honor and respect. In most instances a Kentucky Colonel has done much more to deserve his appointment and the honor it should carry.



Minutes Continued--Page #2

After outlining his ideas and suggestions, as shown above, Col. Vinson called on each Colonel for his particular ideas and suggestions, which were given and were along the lines of the original suggestions except that the matter of this being a non-political group, and that it should and will be so kept, was stressed.

Col. Benjamin Berman was then called on to explain his suggestions and the research he has conducted on uniforms, medallions and insignia. After reading his report, which was most intelligent, he exhibited cut outs and copies of medallions and insignia which were received with much favorable comment and a desire to have objects of this type adopted. He, also, answered many questions and gave an explanation of some of the medallions and insignia used in foreign countries, after which a general discussion was held.

To provide for the future it was recommended that Committees be appointed to carry out all necessary detail of organization before the meeting of May 23rd, 1931. These Committees as appointed are: Committee on Articles of Incorporation, Colonels H. G. Hightower, Charles W. Logan, C. C. Regan; Committee on Uniforms and Insignia, Colonels Benjamin Berman, F. E. Galloway, R. H. Ziehm; Committee on Constitution and By Laws, Colonels John Skain, A. H. Morris, Sr., Ben Snyder, J. F. Firth and W. W. Winslow.

It was moved by Col. H. G. Hightower and seconded by Col. C. W. Logan that the Committees as appointed be accepted. This motion was passed unanimously.

After discussion it was voted to meet in Louisville, Kentucky on Saturday, May 23rd, 1931, the exact time and place to be decided later, to invite all Colonels and it was, also, decided to invite all former Governors.

To take care of the initial expenses such as postage, stenographic hire, stationary and incidental expense Col. Ben Snyder donated fifty dollars (\$50.00) for which he was highly complimented by the assembled group.

There being no further business the meeting adjourned at 6:30 P. M.

*R. H. Ziehm*  
Col. R. H. Ziehm, Secretary

# **EXHIBIT 2**

## **TO VERIFIED COMPLAINT**

## THE HONORABLE ORDER OF KENTUCKY COLONELS TRADEMARK REGISTRATIONS AND APPLICATIONS

TRADEMARK	Status/ Key Dates	Goods/Services
<b>KENTUCKY COLONELS</b>  RN: 2812681 SN: 76499062	Renewed February 10, 2014  First Use: October 21, 2002  Filed: March 10, 2003  Registered: February 10, 2004	(Int'l Class: 06)  metal key chains; metal money clips; commemorative metal license plates  (Int'l Class: 14)  necklaces; rings being jewelry; ornamental lapel pins; cuff-links; tie-clips  (Int'l Class: 21)  coffee cups; drinking glasses; shot glasses; drinking flasks  (Int'l Class: 22)  multi-purpose cloth bags  (Int'l Class: 25)  clothing, namely, shirts, t-shirts, sweat shirts, jackets, vests, baseball caps [, sun visors ]  (Int'l Class: 26)  embroidered patches for clothing
<b>KENTUCKY COLONELS</b>  RN: 4596450 SN: 86168292	Registered September 2, 2014  First Use: November 20, 2002  Filed: January 17, 2014	(Int'l Class: 34)  cigars
<b>KENTUCKY COLONELS</b>  RN: 5981310 SN: 88423336	Registered February 11, 2020  First Use: December 12, 2017  Filed: May 9, 2019	(Int'l Class: 30)  Barbeque sauce; Candy; Caramel sauce; Chocolate candies; Chocolate confections, namely, bourbon infused candies; Chocolate sauce; Marinades; Salsa

## THE HONORABLE ORDER OF KENTUCKY COLONELS TRADEMARK REGISTRATIONS AND APPLICATIONS

TRADEMARK	Status/ Key Dates	Goods/Services
<b>KENTUCKY COLONELS</b>  SN: 88800020	First Use Commerce: 1951  Filed: February 17, 2020	(Int'l Class: 36)  Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to non-profit organizations
<b>KENTUCKY COLONELS</b>  SN: 88800035	First Use: 1995  Filed: February 17, 2020	(Int'l Class: 41)  Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members
<b>KENTUCKY COLONELS</b>  SN: 88800038	First Use Commerce: 1951  Filed: February 17, 2020	(Int'l Class: 35)  Association services, namely, promoting the interests of individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission; Promoting the interests of members of the organization by means of club services
<b>HONORABLE ORDER OF KENTUCKY COLONELS</b>  RN: 1227024 SN: 73299122	Renewed Principal Register - Sec. 2(F) February 8, 2013  First Use: May 10, 1957  Filed: March 2, 1981  Registered: February 8, 1983	(Int'l Class: 42)  eleemosynary services-namely, founding of scholarship, equipping playgrounds and the like and to collect historical and cultural material pertaining to Commonwealth of Kentucky
<b>HONORABLE ORDER OF KENTUCKY COLONELS</b>  RN: 4939909 SN: 86690496	Registered Principal Register - Sec. 2(F) April 19, 2016  First Use: May 10, 1957  Filed: July 12, 2015	(Int'l Class: 36)  charitable services, namely, providing financial assistance for programs and services of others; providing educational scholarships



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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Thursday, February 6, 2014 11:01 PM  
**To:** mwilliams@wyattfirm.com  
**Subject:** Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 2812681: KENTUCKY COLONELS: Docket/Reference No. 031100.70239

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**Serial Number:** 76499062  
**Registration Number:** 2812681  
**Registration Date:** Feb 10, 2004  
**Mark:** KENTUCKY COLONELS  
**Owner:** Honorable Order of Kentucky Colonels, In, etc

Feb 6, 2014

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9**

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
006, 014, 021, 022, 025, 026

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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### **REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### **Grace Period Filings**

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=76499062>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**Int. Cls.: 6, 14, 21, 22, 25 and 26**

**Prior U.S. Cls.: 1, 2, 7, 12, 13, 14, 19, 22, 23, 25, 27, 28,  
29, 30, 33, 37, 39, 40, 42 and 50**

**Reg. No. 2,812,681**

**United States Patent and Trademark Office**

**Registered Feb. 10, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**KENTUCKY COLONELS**

HONORABLE ORDER OF KENTUCKY COLONELS, INC., THE (KENTUCKY CORPORATION)

1717 ALLIANT AVENUE, SUITE 14  
LOUISVILLE, KY 40299

FOR: METAL KEY CHAINS; METAL MONEY CLIPS; COMMEMORATIVE METAL LICENSE PLATES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: NECKLACES; RINGS BEING JEWELRY; ORNAMENTAL LAPEL PINS; CUFF-LINKS; TIE-CLIPS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: COFFEE CUPS; DRINKING GLASSES; SHOT GLASSES; DRINKING FLASKS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: MULTI-PURPOSE CLOTH BAGS, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: CLOTHING, NAMELY SHIRTS, T-SHIRTS, SWEAT SHIRTS, JACKETS, VESTS, BASEBALL CAPS, SUN VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: EMBROIDERED PATCHES FOR CLOTHING, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY", APART FROM THE MARK AS SHOWN.

SER. NO. 76-499,062, FILED 3-10-2003.

MELVIN AXILBUND, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## KENTUCKY COLONELS

**Reg. No. 4,596,450**

**Registered Sep. 2, 2014**

**Int. Cl.: 34**

**TRADEMARK**

**PRINCIPAL REGISTER**

THE HONORABLE ORDER OF KENTUCKY COLONELS, INC. (KENTUCKY CORPORATION)  
1717 ALLIANT AVENUE  
SUITE 14  
LOUISVILLE, KY 40299

FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 11-20-2002; IN COMMERCE 11-20-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,227,024 AND 2,812,681.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY", APART FROM THE MARK AS SHOWN.

SER. NO. 86-168,292, FILED 1-17-2014.

JACLYN KIDWELL WALKER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

# United States of America

## United States Patent and Trademark Office

### KENTUCKY COLONELS

**Reg. No. 5,981,310**

**Registered Feb. 11, 2020**

**Int. Cl.: 30**

**Trademark**

**Principal Register**

The Honorable Order of Kentucky Colonels, Inc. (KENTUCKY CORPORATION)  
1717 Alliant Avenue, Suite 14  
Louisville, KENTUCKY 40299

CLASS 30: Barbeque sauce; Candy; Caramel sauce; Chocolate candies; Chocolate confections, namely, bourbon infused candies; Chocolate sauce; Marinades; Salsa

FIRST USE 12-12-2017; IN COMMERCE 12-12-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4596450, 2812681, 1227024

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"KENTUCKY"

SER. NO. 88-423,336, FILED 05-09-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

**Watts, Julie**

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**From:** TEAS@uspto.gov  
**Sent:** Monday, February 17, 2020 2:51 PM  
**To:** Coughlin, Michelle; Laney, Deb; Trademarks  
**Subject:** Serial number 88800020: Received Your Trademark/Service Mark Application, Principal Register

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Filing Receipt for Trademark/Service Mark Application for Registration  
on the Principal Register  
and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

**1. Your mark.** KENTUCKY COLONELS (Standard Characters, mark.jpg)

The literal element of the mark consists of KENTUCKY COLONELS. The mark consists of standard characters, without claim to any particular font style, size, or color.

**2. Your serial number.** Your application was assigned serial number '88800020'. You must refer to your serial number in all communications about your application.

**3. What happens next—legal examination.** Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

**4. Keep your addresses current in USPTO records.** We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

**5. Check your application status in our database every three to four months.** To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

**6. Warning about private companies offering trademark-related services.** Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

**7. Questions?** Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

**8. Application data.** If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

**The information submitted in the application appears below:**

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

**TEAS Plus Application**

**NOTE:** Data fields with the \* are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	KENTUCKY COLONELS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	The Honorable Order of Kentucky Colonels, Inc.
DBA/AKA/TA/FORMERLY	AKA Kentucky Colonels
*MAILING ADDRESS	943 South 1st Street
*CITY	Louisville
*STATE (Required for U.S. applicants)	Kentucky



<b>*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. and certain international addresses)	40203
<b>*EMAIL ADDRESS</b>	scrose@kycolonels.org
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	non-profit corporation
<b>*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED</b>	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	036
<b>*IDENTIFICATION</b>	Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to <b>non-profit organizations</b>
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1931
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 00/00/1951
<b>SPECIMEN FILE NAME(S)</b>	SPE0-20887237201-20200217 062101419506_._11_ - _Day_o f_Service_- _Kentucky_Colo
	SPE0-20887237201-20200217 062101419506_._2019-Good- Works-Program- Guidelines.
	SPE0-20887237201-20200217 062101419506_._14_ - _Award ed_Grants_- _Kentucky_Colo
<b>SPECIMEN DESCRIPTION</b>	Screenshots from Applicant's website showing mark prominently displayed in connection with the services
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.
<b>*CONSENT (NAME/ LIKENESS)</b> (if applicable)	

<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	93081
<b>YEAR OF ADMISSION</b>	2009
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	Kentucky
<b>FIRM NAME</b>	Wyatt Tarrant & Combs LLP
<b>STREET</b>	400 West Market St, Suite 2000
<b>CITY</b>	Louisville
<b>STATE</b>	Kentucky
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	40202
<b>PHONE</b>	502-562-7561
<b>FAX</b>	502-589-0309
<b>EMAIL ADDRESS</b>	mcoughlin@wyattfirm.com
<b>OTHER APPOINTED ATTORNEY</b>	Matthew A. Williams, Max Bridges, Julie A. Laemmle
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	mcoughlin@wyattfirm.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	dlaney@wyattfirm.com; TRADEMARKS@WYATTFIRM.COM
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	225
<b>*TOTAL FEES DUE</b>	225
<b>*TOTAL FEES PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/MBC/

<b>* SIGNATORY'S NAME</b>	Michelle Browning Coughlin
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Kentucky bar member
<b>SIGNATORY'S PHONE NUMBER</b>	502-562-7561
<b>* DATE SIGNED</b>	02/17/2020

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 88800020**

**Filing Date: 02/17/2020**

### **To the Commissioner for Trademarks:**

The applicant, The Honorable Order of Kentucky Colonels, Inc., AKA Kentucky Colonels, a non-profit corporation legally organized under the laws of United States, having an address of

943 South 1st Street  
Louisville, Kentucky 40203  
United States  
scrose@kyclonels.org

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 036: Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to non-profit organizations

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 036, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/1931, and first used in commerce at least as early as 00/00/1951, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s)

showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots from Applicant's website showing mark prominently displayed in connection with the services.

Specimen-1 [SPE0-20887237201-20200217062101419506\_-\_11\_-\_Day\_of\_Service\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

Specimen-2 [SPE0-20887237201-20200217062101419506\_-\_2019-Good-Works-Program-Guidelines.pdf ]

Specimen-3 [SPE0-20887237201-20200217062101419506\_-\_14\_-\_Awarded\_Grants\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

### **Claim of Active Prior Registration(s)**

The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.

The owner's/holder's proposed attorney information: Michelle Browning Coughlin. Other appointed attorneys are Matthew A. Williams, Max Bridges, Julie A. Laemmle. Michelle Browning Coughlin of Wyatt Tarrant & Combs LLP, is a member of the Kentucky bar, admitted to the bar in 2009, bar membership no.

93081, and the attorney(s) is located at

400 West Market St, Suite 2000

Louisville, Kentucky 40202

United States

502-562-7561(phone)

502-589-0309(fax)

mcoughlin@wyattfirm.com

Michelle Browning Coughlin submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Michelle Browning Coughlin

PRIMARY EMAIL FOR CORRESPONDENCE: mcoughlin@wyattfirm.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): dlaney@wyattfirm.com;

TRADEMARKS@WYATTFIRM.COM

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

[X] **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;

- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- [X] To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- [X] To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- [X] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /MBC/ Date: 02/17/2020

Signatory's Name: Michelle Browning Coughlin

Signatory's Position: Attorney of record, Kentucky bar member

Signatory's Phone Number: 502-562-7561

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Thank you,

The TEAS support team

Mon Feb 17 14:51:00 ET 2020

STAMP: USPTO/FTK-4.17.80.94-20200217145059958790-88800020-

710ba2db2408c27d76afc43e67a6942897c5afb72f6862c3530d5ede665ee8ea-DA-50594876-

20200217144333207931

**Watts, Julie**

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**From:** TEAS@uspto.gov  
**Sent:** Monday, February 17, 2020 3:01 PM  
**To:** Coughlin, Michelle; Laney, Deb; Trademarks  
**Subject:** Serial number 88800035: Received Your Trademark/Service Mark Application, Principal Register

**Filing Receipt for Trademark/Service Mark Application for Registration  
 on the Principal Register  
 and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

**1. Your mark.** KENTUCKY COLONELS (Standard Characters, mark.jpg)

The literal element of the mark consists of KENTUCKY COLONELS. The mark consists of standard characters, without claim to any particular font style, size, or color.

**2. Your serial number.** Your application was assigned serial number '88800035'. You must refer to your serial number in all communications about your application.

**3. What happens next—legal examination.** Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

**4. Keep your addresses current in USPTO records.** We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

**5. Check your application status in our database every three to four months.** To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

**6. Warning about private companies offering trademark-related services.** Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and

Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

**7. Questions?** Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

**8. Application data.** If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

**The information submitted in the application appears below:**

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

**TEAS Plus Application**

**NOTE:** Data fields with the \* are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	KENTUCKY COLONELS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	The Honorable Order of Kentucky Colonels, Inc.
DBA/AKA/TA/FORMERLY	AKA Kentucky Colonels
*MAILING ADDRESS	943 South 1st Street
*CITY	Louisville
*STATE (Required for U.S. applicants)	Kentucky
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States



<b>*ZIP/POSTAL CODE</b> (Required for U.S. and certain international addresses)	40203
<b>*EMAIL ADDRESS</b>	scrose@kycolonels.org
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	non-profit corporation
<b>*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED</b>	Kentucky
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1931
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 00/00/1995
<b>SPECIMEN FILE NAME(S)</b>	SPE0-1-4178094-2020021713 5556237299_._PRIVATE_BOUR BON_TASTING_FOR_KENTUCKY_
	SPE0-1-4178094-2020021713 5556237299_._KY_Col_Newsp aper_1995.jpg
	SPE0-4178094-202002171355 56237299_._11_- _Day_of_Service_-_Kentucky_Colonels
	SPE0-1-4178094-2020021713 5556237299_._ireShot_Capt ure_012_- _Kentucky_Colone
<b>SPECIMEN DESCRIPTION</b>	Screenshots from Applicant's website, newspaper clippings, and photographs showing Applicant's mark prominently displayed in connection with the services
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.
<b>*CONSENT (NAME/ LIKENESS)</b> (if applicable)	



<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	93081
<b>YEAR OF ADMISSION</b>	2009
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	Kentucky
<b>FIRM NAME</b>	Wyatt Tarrant & Combs LLP
<b>STREET</b>	400 West Market St, Suite 2000
<b>CITY</b>	Louisville
<b>STATE</b>	Kentucky
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	40202
<b>PHONE</b>	502-562-7561
<b>FAX</b>	502-589-0309
<b>EMAIL ADDRESS</b>	mcoughlin@wyattfirm.com
<b>OTHER APPOINTED ATTORNEY</b>	Matthew A. Williams, Max Bridges, Julie A. Laemmle
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	mcoughlin@wyattfirm.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	dlaney@wyattfirm.com; TRADEMARKS@WYATTFIRM.COM
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	225
<b>*TOTAL FEES DUE</b>	225
<b>*TOTAL FEES PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/MBC/

<b>* SIGNATORY'S NAME</b>	Michelle Browning Coughlin
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Kentucky bar member
<b>SIGNATORY'S PHONE NUMBER</b>	502-562-7561
<b>* DATE SIGNED</b>	02/17/2020

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 88800035**

**Filing Date: 02/17/2020**

### **To the Commissioner for Trademarks:**

The applicant, The Honorable Order of Kentucky Colonels, Inc., AKA Kentucky Colonels, a non-profit corporation legally organized under the laws of Kentucky, having an address of

943 South 1st Street  
Louisville, Kentucky 40203  
United States  
scrose@kyclonels.org

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 041: Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/1931, and first used in commerce at least as early as 00/00/1995, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s)

showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots from Applicant's website, newspaper clippings, and photographs showing Applicant's mark prominently displayed in connection with the services.

Specimen-1 [SPE0-1-4178094-

20200217135556237299\_.\_PRIVATE\_BOURBON\_TASTING\_FOR\_KENTUCKY\_COLONELS.jpg ]

Specimen-2 [SPE0-1-4178094-20200217135556237299\_.\_KY\_Col\_Newspaper\_1995.jpg ]

Specimen-3 [SPE0-4178094-20200217135556237299\_.\_11\_-\_Day\_of\_Service\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

Specimen-4 [SPE0-1-4178094-20200217135556237299\_.\_ireShot\_Capture\_012\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

### **Claim of Active Prior Registration(s)**

The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.

The owner's/holder's proposed attorney information: Michelle Browning Coughlin. Other appointed attorneys are Matthew A. Williams, Max Bridges, Julie A. Laemmle. Michelle Browning Coughlin of Wyatt Tarrant & Combs LLP, is a member of the Kentucky bar, admitted to the bar in 2009, bar membership no. 93081, and the attorney(s) is located at

400 West Market St, Suite 2000

Louisville, Kentucky 40202

United States

502-562-7561(phone)

502-589-0309(fax)

mcoughlin@wyattfirm.com

Michelle Browning Coughlin submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Michelle Browning Coughlin

PRIMARY EMAIL FOR CORRESPONDENCE: mcoughlin@wyattfirm.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): dlaney@wyattfirm.com;

TRADEMARKS@WYATTFIRM.COM

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

[X] **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

- [X] To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- [X] To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- [X] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /MBC/ Date: 02/17/2020

Signatory's Name: Michelle Browning Coughlin

Signatory's Position: Attorney of record, Kentucky bar member

Signatory's Phone Number: 502-562-7561

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Thank you,

The TEAS support team

Mon Feb 17 15:00:58 ET 2020

STAMP: USPTO/FTK-4.17.80.94-20200217150058043233-88800035-

710d55210a9f87b948240c2a14c4125a44450525514ffe6e933b291284b9581e5f-DA-00574960-20200217145136602336

**Watts, Julie**

---

**From:** TEAS@uspto.gov  
**Sent:** Monday, February 17, 2020 3:04 PM  
**To:** Coughlin, Michelle; Laney, Deb; Trademarks  
**Subject:** Serial number 88800038: Received Your Trademark/Service Mark Application, Principal Register

**Filing Receipt for Trademark/Service Mark Application for Registration  
 on the Principal Register  
 and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

**1. Your mark.** KENTUCKY COLONELS (Standard Characters, mark.jpg)

The literal element of the mark consists of KENTUCKY COLONELS. The mark consists of standard characters, without claim to any particular font style, size, or color.

**2. Your serial number.** Your application was assigned serial number '88800038'. You must refer to your serial number in all communications about your application.

**3. What happens next—legal examination.** Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

**4. Keep your addresses current in USPTO records.** We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

**5. Check your application status in our database every three to four months.** To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

**6. Warning about private companies offering trademark-related services.** Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and

Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

**7. Questions?** Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

**8. Application data.** If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

**The information submitted in the application appears below:**

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

**TEAS Plus Application**

**NOTE:** Data fields with the \* are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	KENTUCKY COLONELS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	The Honorable Order of Kentucky Colonels, Inc.
DBA/AKA/TA/FORMERLY	AKA Kentucky Colonels
*MAILING ADDRESS	943 South 1st Street
*CITY	Louisville
*STATE (Required for U.S. applicants)	Kentucky
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States

<b>*ZIP/POSTAL CODE</b> (Required for U.S. and certain international addresses)	40203
<b>*EMAIL ADDRESS</b>	scrose@kycolonels.org
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	non-profit corporation
<b>*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED</b>	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	035
<b>*IDENTIFICATION</b>	Association services, namely, promoting the interests of <b>individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission</b> ; Promoting the interests of <b>members of the organization</b> by means of <b>club services</b>
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1931
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 00/00/1951
<b>SPECIMEN FILE NAME(S)</b>	SPE0-4178094-202002171355 56237299_._ireShot_Captur e_012_- _Kentucky_Colonels
	SPE0-4178094-202002171355 56237299_._Newspaper_arti cle_KY_Col_1991.jpg
	SPE0-4178094-202002171355 56237299_._KY_Col_Newspap er_1995.jpg
	SPE0-4178094-202002171355 56237299_._PRIVATE_BOURBO N_TASTING_FOR_KENTUCKY_CO
<b>SPECIMEN DESCRIPTION</b>	Photos of events and screenshots of Applicant's website showing mark prominently displayed in connection with various services offered to members
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.



<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	93081
<b>YEAR OF ADMISSION</b>	2009
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	Kentucky
<b>FIRM NAME</b>	Wyatt Tarrant & Combs LLP
<b>STREET</b>	400 West Market St, Suite 2000
<b>CITY</b>	Louisville
<b>STATE</b>	Kentucky
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	40202
<b>PHONE</b>	502-562-7561
<b>FAX</b>	502-589-0309
<b>EMAIL ADDRESS</b>	mcoughlin@wyattfirm.com
<b>OTHER APPOINTED ATTORNEY</b>	Matthew A. Williams, Max Bridges, Julie A. Laemmle
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	mcoughlin@wyattfirm.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	dlaney@wyattfirm.com; TRADEMARKS@WYATTFIRM.COM
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	225
<b>*TOTAL FEES DUE</b>	225
<b>*TOTAL FEES PAID</b>	225
<b>SIGNATURE INFORMATION</b>	



<b>* SIGNATURE</b>	/MBC/
<b>* SIGNATORY'S NAME</b>	Michelle Browning Coughlin
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Kentucky bar member
<b>SIGNATORY'S PHONE NUMBER</b>	502-562-7561
<b>* DATE SIGNED</b>	02/17/2020

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 88800038**

**Filing Date: 02/17/020**

### **To the Commissioner for Trademarks:**

The applicant, The Honorable Order of Kentucky Colonels, Inc., AKA Kentucky Colonels, a non-profit corporation legally organized under the laws of United States, having an address of

943 South 1st Street

Louisville, Kentucky 40203

United States

scrose@kyclonels.org

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 035: Association services, namely, promoting the interests of individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission; Promoting the interests of members of the organization by means of club services

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/1931, and first used in commerce at least as early as 00/00/1951, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Photos of events and screenshots of Applicant's website showing mark prominently displayed in connection with various services offered to members.

Specimen-1 [SPE0-4178094-20200217135556237299\_-\_ireShot\_Capture\_012\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

Specimen-2 [SPE0-4178094-20200217135556237299\_-\_Newspaper\_article\_KY\_Col\_1991.jpg ]

Specimen-3 [SPE0-4178094-20200217135556237299\_-\_KY\_Col\_Newspaper\_1995.jpg ]

Specimen-4 [SPE0-4178094-

20200217135556237299\_-\_PRIVATE\_BOURBON\_TASTING\_FOR\_KENTUCKY\_COLONELS.jpg ]

### **Claim of Active Prior Registration(s)**

The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.

The owner's/holder's proposed attorney information: Michelle Browning Coughlin. Other appointed attorneys are Matthew A. Williams, Max Bridges, Julie A. Laemmle. Michelle Browning Coughlin of Wyatt Tarrant & Combs LLP, is a member of the Kentucky bar, admitted to the bar in 2009, bar membership no. 93081, and the attorney(s) is located at

400 West Market St, Suite 2000

Louisville, Kentucky 40202

United States

502-562-7561(phone)

502-589-0309(fax)

mcoughlin@wyattfirm.com

Michelle Browning Coughlin submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Michelle Browning Coughlin

PRIMARY EMAIL FOR CORRESPONDENCE: mcoughlin@wyattfirm.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): dlaney@wyattfirm.com;

TRADEMARKS@WYATTFIRM.COM

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

- [X] To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- [X] To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- [X] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /MBC/ Date: 02/17/2020

Signatory's Name: Michelle Browning Coughlin

Signatory's Position: Attorney of record, Kentucky bar member

Signatory's Phone Number: 502-562-7561

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Thank you,

The TEAS support team

Mon Feb 17 15:04:16 ET 2020

STAMP: USPTO/FTK-4.17.80.94-20200217150415959066-88800038-

710b0f5a5a9acc4856c50fad7a13a5a31d43cd95674791ef67749825b8f3b4d5e-DA-04154985-20200217150139845524

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, December 19, 2012 11:01 PM  
**To:** whollander@wyattfirm.com  
**Subject:** Trademark RN 1227024: Official Notice of Acceptance and Renewal under Sections 8 and 9 of the Trademark Act

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**Serial Number:** 73299122  
**Registration Number:** 1227024  
**Registration Date:** Feb 8, 1983  
**Mark:** HONORABLE ORDER OF KENTUCKY COLONELS  
**Owner:** Honorable Order of Kentucky Colonels, In, etc

Dec 19, 2012

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9**

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
042

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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### **REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### **Grace Period Filings**

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=73299122>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**Int. Cl.: 42**

**Prior U.S. Cl.: 100**

**United States Patent and Trademark Office**

**Reg. No. 1,227,024**

**Registered Feb. 8, 1983**

**SERVICE MARK**

**Principal Register**

**HONORABLE ORDER OF KENTUCKY COLONELS**

The Honorable Order of Kentucky Colonels, Inc.  
(Kentucky corporation)  
5737 Watterson Trail  
Louisville, Ky. 40291

For: ELEMOSYNARY SERVICES—NAME-  
LY, FOUNDING OF SCHOLARSHIP, EQUIP-  
PING PLAYGROUNDS AND THE LIKE AND  
TO COLLECT HISTORICAL AND CULTURAL  
MATERIAL PERTAINING TO COMMON-  
WEALTH OF KENTUCKY, in CLASS 42 (U.S. Cl.  
100).

First use May 10, 1957; in commerce May 10,  
1957.

Sec. 2(f).

Ser. No. 299,122, filed Mar. 2, 1981.

JAMES H. JOHNSON, Examining Attorney

# United States of America

United States Patent and Trademark Office

## HONORABLE ORDER OF KENTUCKY COLONELS

**Reg. No. 4,939,909**

**Registered Apr. 19, 2016**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

THE HONORABLE ORDER OF KENTUCKY COLONELS, INC. (KENTUCKY CORPORATION)  
SUITE 14  
1717 ALLIANT AVENUE  
LOUISVILLE, KY 40299

FOR: CHARITABLE SERVICES, NAMELY, PROVIDING FINANCIAL ASSISTANCE FOR  
PROGRAMS AND SERVICES OF OTHERS; PROVIDING EDUCATIONAL SCHOLARSHIPS  
, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-10-1957; IN COMMERCE 5-10-1957.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,227,024, 2,812,681, AND 4,596,450.

SEC. 2(F).

SER. NO. 86-690,496, FILED 7-12-2015.

CHRISTINA RIEPEL, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

**EXHIBIT 3**  
**TO VERIFIED COMPLAINT**  
**(FILED UNDER SEAL)**

**MOTION PENDING**



# **EXHIBIT 4**

## **TO VERIFIED COMPLAINT**



Friday, February 7, 2020

## Kentucky Colonels International: Restoring Traditions and Customs

### Defending the Ideals of the Kentucky Colonel

#### Becoming a Kentucky Colonel and Ambassador of Goodwill

*Editorial by Col. David J. Wright*

There is really nothing much more important to me today than being a **Kentucky colonel** and working as a recognized goodwill ambassador with the United Nations Sustainable Development Goals Agenda.

Becoming a Kentucky colonel is an esteemed honor, one that I hold in the highest regard. While some people like to joke with me about it, when they learn I am a Kentucky colonel, I also know they are kidding around and their jokes are in good jest and humor, especially when among close friends. It is not a tongue-in-cheek award like the Admiral of Nebraska, or something that should be



Commonwealth of Kentucky Coat of Arms (1876)

taken lightly by those who are commissioned. Becoming a Kentucky colonel is a great honor in-deed and legal status denoted with letters patent.

I was conferred the lifetime commission in 1996 for bringing attention to the Commonwealth of Kentucky by **Governor Paul Patton**. The governor recognized me for a program that I had developed for **Arbor Day** and distributing millions of tree seedlings across the United States for urban reforestation to homeowners and organizations, a program I began in 1994 in Lexington, Kentucky following an ice storm that devastated the area. It came as a great surprise to me at the time and was presented to me by a good friend, the Honorable Col. Judge Ray Corns.

Being a Kentucky colonel has been more important to me than even my university degree, while I may have learned much of what I know from studying philosophy, it is not something I have ever bragged about much or considered noteworthy in my work as an international goodwill ambassador, although I am sure it has been a bonus to my critical thinking process. One thing I do know is that it is "indeed" a great privilege to hold the honorable title of the Kentucky Colonel.

## Starting Kentucky Colonels International (1998)

I was so impressed with becoming a Kentucky colonel that while operating the tree program, I decided to start an unincorporated association (using the skills that I learned as a web developer with the tree program, which by then was online) for others that were recognized as Kentucky colonels by the state's governor. In the process of developing the organization I discovered that the Honorable Order of Kentucky Colonels, to which, I implicitly belonged, was actually a private charitable organization in itself. However, when I became a Kentucky colonel in 1996, I was led to believe that it was somehow a part of the state, since the state sent me the initial information regarding them.

The next thing I knew after becoming a colonel, I began receiving frequent solicitations in the mail for donations from the organization several times a year; to which I donated on several occasions.

In setting up the membership organization having some professional experience in the law, research ability, and an intrepid nature I went to the state capitol to research more and discovered that the Honorable Order had **Amended and Restated Articles of Incorporation** on file there, upon reading them I discovered the organization has no members. This confused me somewhat as they had sent me a paper membership card, which I laminated each year. This led me to visit their office, review government archives, and I even went to the public

library in Louisville to learn all that I could about the organization and the distinguished honor that I was awarded.

What I discovered at the time, was that all Kentucky colonels were automatically considered their members, although the organization *did not have meetings or allow members to actively participate in the decisions made by the operations, management, or administration of the organization* like other membership associations. Their main activity was strictly charitable in nature, raising money for the Good Works Fund, holding an annual fundraising barbeque, and going to the Kentucky Derby; all of which are very nice, but not exactly what I thought being a Kentucky colonel was all about. Based on the research I performed justified me continuing with the endeavor of developing the organization I was forming online at [\[colonel.org\]](https://colonel.org) which was focused on developing membership services like a registry and websites for our members, at the time we already had nearly 100 members.

Considering all of the facts that I discovered about the Honorable Order it is probably more appropriate that they call their so-called members, 'donors or supporters', especially since they do not have bylaws that could be read by anyone except their officers, which they refer to as their Generals. It all sounded official enough, as it already led me to assume that I was part of something important that was really not as official as I believed it was. Looking back at the website on the Internet Archive and the chronological events surrounding its development, I had also offered to volunteer to help them develop a website prior to our beginning in 1998, an offer which they flatly rejected stating that they "did not need a website."

As it seems they like to call their donors and supporters, their members, but do not afford them any privilege or voice to express opinions or participate in any meaningful way. Legally, a membership organization in the United States under the law must provide bylaws to their members, allow members to control the organization, and give members a voice through providing voting privileges. None of these things were true about the Honorable Order, then or now.

## Moving on with a Kentucky Colonel Feather in my Hat

In 2000 and 2001, I received letters warning and threatening me from the legal counsel for "The Honorable Order of Kentucky Colonels, Inc. stating **that the website I created was illegal, violated their trademark rights, and that I should cease and desist.** I never replied or acknowledged the letters; actually, I did not think much of it at all, as I was in a transition period in my life to move overseas and work as an ambassador for the City of Caracas in Venezuela. So, I let

the website I developed expire while I published a message on the website for the members suggesting they support the Honorable Order of Kentucky Colonels. In the meantime I moved to Venezuela to collaborate with the mayor of a city of 5 million people as a professional ambassador to the United States in a Sister Cities project from Caracas to Miami and Fort Lauderdale.

A few years after becoming an official ambassador (thanks to my Kentucky colonelcy), the city's mayor was ousted by the socialist government currently running Venezuela. This caused me to get an extra bitter taste for politics (something I had already acquired in Kentucky), so I moved on to the private sector working as a business consultant and analyst. One of the things that impressed Venezuelan business owners the most was the fact that I was a Kentucky colonel, more so than my experience as their city's former goodwill ambassador. It was at that time that I vowed never to represent or be involved in political or religious agendas or ideals again.

## A New Start for Kentucky Colonels International

Several years later with the advent of social media, I decided to join Facebook and one of the first things I found online were groups with other Kentucky colonels so I joined all of them. The following year I became the administrator of one of them, and in 2008 I began to convince other group administrators and members to become part of a new objective I started online called the Model United Nations Social Networking Embassy (MUNSNE), since I recognized them as Kentucky's goodwill ambassadors. MUNSN evolved to become **Globcal International** which continues today. It was led by myself and other aspiring social media advocates with the ideal of spreading goodwill to affect social change. The organization was so effective in the social media at the time, we went to meet with President Barack Obama at the Summit of the Americas in Trinidad in 2009 for his endorsement.

Globcal International became self-sufficient and it was quickly developing new programs with many others. I decided to focus on the formation of my own project in the Northern Amazon called Ekobius in 2011, while remaining as one of the organization's ambassadors and the administrator of **Kentucky Colonels International**.

Perhaps one of the worst decisions I have ever made with Globcal International, was I decided to give the opportunity of serving as the president to an inspiring young idealist who had great brave ideas he wanted to implement which I could not achieve at the time being located in Venezuela. When we changed the administration to recognize a new presidential figurehead from Saudi Arabia, he



incorporated Global International in Washington, DC. in late 2010 and the effort began to take off further; however because he allowed his personal endeavors to get in the way of the organization, the gusto soon fizzled and in late 2012 I took the organization back to reform it, decentralizing it as an unincorporated offshore organization with several of the original members, which continues today under my authority. The organization has also been reincorporated as of last week in Kentucky as part of the organization that I founded to distribute trees.

On the other hand, one of the best decisions I ever made early on in the formation was when I decided to relaunch Kentucky Colonels International in 2009 as one of the social media objectives of the groups I belonged to on Facebook. Many of the people we have today in Global International are Kentucky colonels, some of whom have become our most valued members.

In retrospect I made a series of high risk decisions starting with leaving Kentucky and moving to Venezuela, (risks that most are fearful of in many respects) but nonetheless, by never giving up on my ideals and doing what is right for others, the strongest and most worthwhile endeavors remain through my persistence and determination.

## Our Motto - One Good Turn Deserves Another

In the *reestablishment* of **Kentucky Colonels International** as an informal objective and unincorporated membership association we were once again becoming very active on Facebook. In 2016, we were approached again by legal counsel representing "The Honorable Order of Kentucky Colonels, Inc." who was insisting, now 15 years later, that we were infringing on their trademark rights again, so we agreed to post a disclaimer on our Facebook page which at the time we understood was to be reciprocal. While we have made this abundantly clear to those who join our groups and read our page, they have never once reciprocated on their website or Facebook page.

In 2018, when our Facebook members began discussing online that we were interested in establishing a registry for Kentucky colonels because they were interested in being better known for their commissions and the reformation of a membership development; we were approached by the Honorable Order's Executive Director, Col. Sherry Crose who expressed a desire to work together with us on the project we were planning and asked us to postpone our development until January of 2019, which we agreed to do. After all they are the kings of the realm, earned the respect of many famous Kentucky colonels, and were being provided all the names and addresses of all the new Kentucky colonels being commissioned by the Governor

through the office of the Secretary of State under state policy. However after not receiving any further collaboration or messages from them, we decided to move forward with the development later in the year.

Around the same time in November 2019 I also wrote an article on the Global International blog expressing our position on the current nomination procedure and potential impropriety that we began to address over these changes made in the procedure which required that *Kentucky colonels make donations to the Honorable Order to be able to nominate new colonels, and which needed to be done online instead of in writing*. These changes were implemented under former Governor Bevin and in my opinion (in retrospect) **were done to give deference to the organization**, *without regard to our formation or any other legitimate organizations* that were set up by Kentucky colonels (each with their legal letters patent) inside Kentucky or abroad. His actions, however, could have been based on the lack of understanding and knowledge which he admitted when he suspended the nominations in 2016 for review by his office, prior to changing the policy.

The first one to sign up for our registry project and membership program being developed was the HOKC Executive Director, Herself, Col. Sherry Crose who submitted the fee, but neglected to complete the form requesting personal information. All the other registrants did complete the form, however we discovered some errors in the form and the process, so we temporarily suspended the program. Meanwhile in late December, I decided to initiate a discussion with the Honorable Order to either assist us in our project or perhaps merge our membership program into their own organization. While contacting the executive director to inform her that she neglected to complete the registry form, after some greetings I suggested we explore the possibilities of a merger to allow them to gradually assume control over our Facebook groups and the online registry program; the HOKC executive requested that we submit a proposal for review by the Generals (their Board of Trustees).

## Never Underestimate Goodwill and Integrity

Over the years as a Kentucky colonel and an ambassador I learned a great deal about honor, respect, transparency, and integrity; which in a sense made me into a watchdog looking out for corrupt and inappropriate behavior to protect the organizations that I founded. Even with volunteers I learned to become very cautious and looked into the background of most of our members, I was careful not to permit those who were involved in shaky political or religious agendas as it could tarnish our image.

In the process of preparing the proposal we discovered that the

Facebook groups we have online were infiltrated by HOKC Generals, the president of their organization, the social media liaison, their grant administrator and other loyalists, none of whom ever presented their commissions, participated in the social media forum, or made any posts in either of the two groups we administer. This gave us reason to believe that they were there snooping on our membership activities, as informants and potential disruptors rather than as our own members. I learned this when I tried to propose a longer, more qualifying method for nominations to the groups that was used by previous governors suggesting written nominations by postal mail, when the organization's grants administrator spoke up commenting defending Governor Bevin's (their own) policy in one of the groups. As a result, the decision was made to remove all of the HOKC staff we could identify prior to submitting the proposal. Before we submitted our proposal to merge, we also reviewed many articles, an op-ed piece by their executive director, and many other documents that the organization has distributed over the decades to better include their needs in the proposal. Nonetheless the proposal we submitted on January 13th was rejected by the 20th, without a counter offer or any collaboration on their part with our membership program.

All of their activities taken against us and decisions made were contrary to the spirit of the state motto, "United We Stand, Divided We Fall." In my opinion, after so many years of controlling the ideal of what a Kentucky colonel is and denoting what a Kentucky colonel should do or does; they are acting as if they the king of the castle or elitists, which they should not. All of their intentions have been focused on alienating us rather than embracing the ideals and altruistic benevolent values which most Kentucky colonels collectively share.

So now here we are now, turning the table around after suffering great harm, being misled, spied on, and mistreated following numerous threats by lawyers advocating for dominance over thousands upon thousands of Kentucky colonels that have been granted "letters patent" to serve as the state's goodwill ambassadors (the only official duty they can exercise). This now puts us in a position to stand up to the HOKC without being bullied anymore or *deceived into believing that our only duty and privilege as Kentucky colonels is to fund their charity and support the causes selected by their generals.*

Kentucky is part of the United States and in the United States we have rights under the Constitution, the right to free speech, the right to be heard and the right to assemble. A good friend, one of our new commissioners, [Honorable Col. J.D Wilkes](#) reminded me of this recently after appearing in a feature article in Louisville a couple weeks ago and getting his article shared on our [Facebook page](#), when we made contact once again. He had joined our original group formation in 1999, something I only learned the other day when



reviewing the Internet Archive.

## Standing Under the Law

Under the rights we possess provided by the First Amendment of the United States' Constitution, the US Code, and the Statutes of the Commonwealth of Kentucky we are here to recover the organization that we should have had, based on all that we have learned and come to understand. Someone needs to answer for the malfeasance aimed towards us in 2001, the freedom of others, respect for the law, and answer in the consequence of the scare tactics they implemented to intimidate us in the past.

People cannot stand under a misguided authority, especially a charity that prospers by conducting deceptive practices. There are too many legitimate causes out there that work very hard for the money, Kentucky colonels are not people that should not be beguiled to believe that by channeling their energy through a single organization is better than the actions they can take independently in their own communities. As we suggested to the new Governor, if there is going to be a quid pro quo attached to make nominations, where, Kentucky colonels must make an annual donation to a Kentucky charity to remain active in *his own registry*, let each colonel choose themselves which charity or cause their money should support; or restore the Commission and its previous nomination procedure to the policy as it stood before Governor Bevin took his elected office.

Based on what we discovered about the HOKC organization, it is abundantly clear that **they have been misleading their donors and supporters for many years** into believing they are members, at least since 1997, where Gary Gupton their former executive director and senior ambassador writes in an [introduction letter](#) to those receiving their commissions, "*The members-only organization is reserved exclusively for those titled as Kentucky Colonels.*" but it is also clear that the letter which was sent out as late as 2015 was fraudulent, because they did not have a website when he supposedly wrote it, moreover he did not have any members.

The HOKC's [Amended and Restated Articles of Incorporation](#) on file in Frankfort, that have been on file since 1992 clearly state in Article 13, "**The Honorable Order of Kentucky Colonels has no members.**" Additionally, a similar statement made in Article 6 states, "**The corporation shall have no voting members.**" Both of these items in this document are a clear violation of what it means to call yourself a membership organization under US law.

The US Code of Federal Regulations (CFR) defines the term

## membership organization as:

"an unincorporated association, trade association, cooperative, corporation without capital stock, or a local, national, or international labor organization that is composed of members, some or all of whom are vested with the power and authority to operate or administer the organization, pursuant to the organization's articles, bylaws, constitution or other formal organizational documents; expressly states the qualifications and requirements for membership in its articles, bylaws, constitution or other formal organizational documents; makes its articles, bylaws, constitution or other formal organizational documents available to its members; expressly solicits persons to become members; expressly acknowledges the acceptance of membership, such as by sending a membership card or including the member's name on a membership newsletter list; and is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual"

The impropriety, deception, and fraudulent presumptive behavior does not end here though, it goes to the core of the organization which provides thousands of donors with membership cards each year that have no validity or privileges connected with them, constantly referring to them as members headed by generals without any real authority over Kentucky colonels themselves. Each Kentucky colonel with his/her letters patent is independent and in reality, reports directly only to the governor. The HOKC is completely independent of the government under the law. Despite this, no one has ever challenged these ideas that they put forth or the decisions being made by their Generals, not even the governors since 1992 are fully aware of what exactly is going on. The **great deception of misleading Kentucky colonels, channeling their ideals, and moderating their honor has been taking place in plain sight well over 25 years**, instead of focusing on bringing prosperity to the honorable title through those to which the privilege truly belongs.

According to the Model Nonprofit Corporation Act, which defines the legal rights of members, includes:

"formal membership nonprofits have a board of directors, and **the members serve as the governing arm of the organization**. The nonprofit's bylaws and articles of incorporation define the rules for membership issues, such as how to become a member, and also detail the rights and responsibilities of members."

They provide medals based on the amount a person donates that have no relation to valor or merit, but are basically for sale so they can

be shown off as if they were earned for some action. Some Kentucky colonels have them and others do not. While this seems strange in itself to those who I have spoken with who earn their brevets and medals, many organizations practice this, so it is probably one of the least questionable practices as to getting one signifies that a person has not done much more than make an above average contribution. Most Masonic Orders disagree with the practice as do others where recognition and degrees are earned as a person ascends the ladder as a member or based on an activity or achievement.

There is no room in America, not even in Kentucky, for a charity to operate ignorant of the needs of their members, **like a burgermeister or a 'good ole boys network'** which makes decisions for the benefit of the inner circle without giving due consideration to its constituents. Its principles are contrary to the democratic and social values of the Commonwealth and nation in which it was founded. In this case guiding an honorable and distinguished title that was bestowed without discrimination to so many fine ladies and gentlemen around the world based on their deeds, at their cost, with the sole purpose of developing and maintaining an organization where its members have no opportunity to participate within, to grow from or prosper within.

**United We Stand, Divided We Fall** - Kentucky entered the Union on June 1, 1792. A little over six months later, on December 20, 1792, the first Kentucky General Assembly adopted the official seal of the Commonwealth, including this phrase as the state motto.

## Taking on a Goliath to Restore the Tradition of the Kentucky Colonel

While writing this article I reflected considerably on the repercussions of my change of opinion about the Honorable Order of Kentucky Colonels as I gave them the same deference that former Governor Bevin did. I sent them a donation in January to reactivate my "so-called" membership, which I did not realize was just a way to gain their recognition as a donor, making myself eligible to nominate other colonels, and not a real member of anything really based on the presents of this editorial. Then I began to think about all the Kentucky colonels out there that are truly honored by being nominated and the governor commissioning them, as well, what it would mean to them to have a genuine membership organization that addresses them and the honorable commission with the integrity and respect they deserve, where they actively participate in the functionality of the organization.

While many people get their certificates and hang them on the wall and leave it at that, others do take great prestige in receiving the award and live up to its real meaning. So, it is for these Kentucky

Colonels that we are moving forward with our plans by forming our own International Commission to develop a genuine membership organization that is rightly so. We have taken several major steps already by getting a new dedicated website and forming a small commission of distinguished leaders to serve as the initial officers that share many of my sentiments and concerns.

We will also accept proposals for new commissioners to become part of our board based on their understanding, respect, and prominence as leaders in their own communities. Together I am confident that we can restore the significance of the Kentucky colonel and perhaps even eliminate the jokes and presumptions of it being a tongue-in-cheek award through the development of our organization.

To get the organization off the ground I have legalized the commission's formation under the same organization that I founded in 1994 by reinstating it with the Secretary of State in Frankfort on January 21st. Now to take it where it needs to go, we need donations from the public and will need to charge monthly or annual dues to members in order to provide member benefits and services beyond the social media. The online services we have been providing through administering the Facebook groups will remain without any membership fees including our blog and a new website being developed at [\[kycolonels.international\]](https://blog.kycolonels.international/).

Most of the ideas we will be proposing for our membership are on the table, while it is difficult for me to organize the project from abroad, the brunt of the work today for many organizations can be completed online. The majority of our officers are located in the United States (none live close to one another), so online development is very essential. We do have our registered agent and an official mailing address is in **Richmond, Kentucky**, which reinforces our formation. The formal membership forum is based on Facebook and remains open to all Kentucky colonels that have been granted a commission, without cost. Also we have Workplace and Google (paid services) we can rely on as well with our commissioners to provide more integral interaction with live online global meetings.

In addition to myself **Col. David Wright**, our current governing officers include: **Col. J.D. Wilkes, Col. Nicholas Wright, Col. Karen Cantrell, Col. Luis Cruz Diaz, Col. David Younce, Col. Michael Sher, Col. Maria Veneke Ylikomi, and Col. Jon Meier** all of whom serve honorably with prestige as commissioners without remuneration as our board. Other Kentucky colonels are currently under consideration as commissioners and officers to help lead our formation as the only '**membership organization**' dedicated to Kentucky colonels serving as goodwill ambassadors for the Commonwealth authorized under the issuance of letters patent.

## Supporting Kentucky Colonels International

On January 30th the formation of Kentucky Colonels International became official. We upgraded our status from an unincorporated membership organization and legalized the commission and foundation as an assumed name corporation in the Commonwealth of Kentucky belonging to Ecology Crossroads (est. 1994), who is our sponsor. To become an independent membership organization like we deserve to be, it is up to our members and other Kentucky colonels to come together and provide us with support we need in the form of donations to better formalize our efforts to succeed. Contributions can be made online through their sponsor using [PayPal](#) or a [credit card](#).

As the state's official goodwill ambassadors we have lots of great progressive ideas to implement through the organization including a promotional campaign that allows Kentucky (and non-Kentucky) businesses, travel destinations, and corporations to become involved. We will also accept contributions from the general public and those seeking nominations to become Kentucky colonels through our programs by supporting us and promoting Commonwealth. You can find us on [Facebook](#), visit our [website](#) or [email us](#).

By [David J. Wright](#) on [February 07, 2020](#) 

Labels: [goodwill ambassador](#) , [Governor of Kentucky](#) , [HOKC](#) , [Honorable Order of Kentucky Colonels](#) , [KCI](#) , [Kentucky Colonel](#) , [Kentucky Colonel Foundation](#) , [Kentucky colonels](#) , [Kentucky Colonels International](#)

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**Kentucky Colonels  
International**

on Monday

Soon after, I returned home to my family, with a determination to bring them as soon as possible to live in Kentucky, which I esteemed a second paradise, at the risk of my life and fortune. -Col. Daniel Boone

Col. Daniel Boone was known as the first settler of Kentucky in 1767, he became one of its leading citizens. He was actually commissioned a Lieutenant-Colonel in 1780, of the Fayette County Militia when Kentucky was made up of three Virginia counties



EN.WIKIPEDIA.ORG

**Daniel Boone - Wikipedia**

Daniel Boone (November 2, 1734 [O....





Kentucky Colonels International  
Restoring Traditions and  
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Kentucky Colonel Becoming  
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Editorial by Col. David J. Wright ...



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Colonels International  
Commission and Foundation

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Kentucky Colonels: Past, Present and Future

Kentucky Colonels in the News  
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**Kentucky Farm Bureau Unveils 2020  
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**Protests Outside Mitch McConnell's  
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# **EXHIBIT 5**

## **TO VERIFIED COMPLAINT**

WIKIPEDIA

# Kentucky Colonel

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**Kentucky Colonel** is the highest title of honor bestowed by the Commonwealth of Kentucky. Commissions for Kentucky colonels are given by the governor and the secretary of state to individuals in recognition of noteworthy accomplishments, contributions to Kentucky society, remarkable deeds, and outstanding service to a community, state, or the nation. The Governor of Kentucky bestows the honor of a colonel's commission, by issuance of letters patent.



Historic Coat of Arms

## Contents

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### History

- Official modern role

### Recipients

- Nominations

### Kentucky colonel organizations

- Kentucky Colonels International
- The Honorable Order of Kentucky Colonels

### Colonel toast

### Cultural influence

- Business
- Sports
- Music

### See also

### References

- Bibliography

### External links

## History

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The title "Kentucky Colonel" was formalized in 1813, but it was previously used informally to refer to people with honored reputations, often related to military service in the American Revolution. It was also often associated with landowners respected in their communities.<sup>[1]</sup> When the Kentucky Militia was deactivated following the War of 1812, Governor Isaac Shelby commissioned Charles Stewart Todd, one of his officers in the campaign, as an aide-de-camp on the Governor's Staff with the rank and grade of colonel.<sup>[1]</sup>

Early colonels served military roles in the state. In the latter part of the 19th century, the position took on a more ceremonial function. Colonels in uniform attended functions at the Governor's mansion and stood as symbolic guards at state events. By the late 19th century, the title had become more of an honorary one. Since commissioned Kentucky Colonels are considered honorary aides-de-camp to the Governor and members of his staff, all are entitled to the style of "Honorable" as indicated on their commission certificates. This is rarely used, however; Kentucky colonels are usually just referred to and addressed as "Colonel". In writing, usage is *Kentucky colonel* when the term is not being used as a specific title for an individual.<sup>[2][3][4][5]</sup>

In 1885, Governor William O'Connell Bradley commissioned the first honorary Kentucky colonels as a meritory award bestowed upon citizens for their individual contributions to the state, good deeds, and noteworthy actions. In 1890, a book was published by Opie Read, called 'A Kentucky Colonel' which evolved a new public perception of what a Kentucky colonel was, posing himself more as a refined, well-mannered southern gentleman, rather than a figure in the Kentucky militia. This view was further established by Zoe Anderson Norris with a series of twelve stories ([https://exploreuk.uky.edu/catalog/xt7t2g8079\\_49#page/1/mode/1up](https://exploreuk.uky.edu/catalog/xt7t2g8079_49#page/1/mode/1up)) published in *The Sun* (New York) in 1905 describing scenes and incidents in a Kentucky Colonel's life in the Southland, adding to the allure of the somewhat mythical life of the most distinguished Kentucky colonels.<sup>[6]</sup>

In the late 1920s into early 1930s, Kentucky colonels began to come together to form sociopolitical, fraternal organizations, founding the Honorable Order of Kentucky Colonels in 1932 by Gov. Ruby Laffoon.<sup>[7]</sup>

Prior to 1932, only about 1,000 people had received commissions as Kentucky colonels. Governor Ruby Laffoon, in office from 1931 to 1935, dramatically increased the number of colonels by issuing more than 5,000 commissions; one of the most famous of these was restaurateur Harland Sanders, who was commissioned in 1935. When Governor Happy Chandler took office in 1935, he took a much different view on the distinction of a Kentucky colonel commission. Governor Chandler issued only about a dozen new commissions annually on Derby Day. Governor Keen Johnson followed Governor Chandler's lead during his time in office from 1939 to 1943, commissioning only those select individuals who were deemed to have exhibited noteworthy accomplishments and outstanding service to a community, state or the nation.<sup>[8]</sup> The subsequent governors, however, were typically much more liberal in issuing Kentucky colonel commissions.

Under Governor Steve Beshear in 2008, so many commissions were being issued that state budget cuts led to a major change in the design of the commission certificate, the governor issued as many as 16,500 colonelships.<sup>[9]</sup> The certificate was downsized from the 10-by-15-inch (25 by 38 cm) size to 8.5 by 14 inches (22 by 36 cm). The wording remained the same on the certificate; however, the traditional gold seal and ribbon were replaced with a state seal that is embossed. Reducing materials for the new certificates was expected to save \$5,000; the substantial savings was for excluding the labor formerly needed to apply the gold seal and ribbon by hand. The Honorable Order of Kentucky Colonels objected to the changes in the certificates, and the order offered to pay \$5,000 a year to keep the traditional certificates. Due to the substantial savings in labor to produce the new certificates, the Secretary of State's office proceeded with the changes.<sup>[10]</sup>

## Official modern role

Today, Kentucky colonels serve the Commonwealth of Kentucky officially as its goodwill ambassadors that are responsible for preserving the traditions, culture, and customs of the state. Because they are issued letters patent by the head-of-state colonels as goodwill ambassadors, they are legally charged with promoting the interests of the state, tourism, economic development, and its prosperity under the duly elected governor. Colonels are found to frequently become involved in volunteerism and community service with non-profit causes and events inside and outside of Kentucky.<sup>[11]</sup>

## Recipients

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The honor has been given to a broad variety of notable people – including various celebrities, artists, writers, athletes, performers, businesspeople, US and foreign politicians, and members of foreign royal families – some of whom have no obvious connection to Kentucky.<sup>[12]</sup> It has also been bestowed upon various people who are not generally considered especially notable – they have been people from "all walks of life",<sup>[1]</sup> as the selection process is intended to identify those with a reputation for high moral standards and a record of noteworthy accomplishments.

## Nominations

An individual can only become a Kentucky colonel if they are nominated by another colonel or personally identified by the Commonwealth's governor or his staff to be recognized with the award. In 2014 Governor Matt Bevin changed the nomination process so that only 'active colonels' who make annual contributions to the charitable organization, The Honorable Order of Kentucky Colonels could make nominations.<sup>[13]</sup> In 2019, the unincorporated fraternal membership organization Kentucky Colonels International raised concerns over the changes instituted by Governor Bevin indicating that the commission is a lifetime appointment as an honorary award that should not require colonels who have received the honorable title to donate annually in order to make nominations and retain their status or privileges.<sup>[14]</sup>

## Kentucky colonel organizations

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Today there are a number of charitable, fraternal, and social organizations around the world that are either dedicated to, show deference to, or provide fellowship to Kentucky colonels. The social formation of these organizations created by those who have received the title has been facilitated by the use of social media allowing new fellowships and chapters to be created. There are currently organized fellowships (civil societies) located in the United Kingdom, Philadelphia, New York, Switzerland,<sup>[15]</sup> Spain, Toronto, Germany, and several other places.<sup>[16][17]</sup> Such groups have sometimes teamed together to support humanitarian causes like tornado disaster relief in Kentucky in 2012 and in Oklahoma in 2013. This has resulted in individuals spreading social media messages using Facebook diplomacy to generate goodwill towards the state of Kentucky and further recognition of the honorary title.<sup>[18]</sup>

## Kentucky Colonels International

One of these organizations is Kentucky Colonels International<sup>[19][20]</sup> which was a part of Globalc International<sup>[21]</sup> until January 2020. The membership organization originally started in 1998 and was active online until 2001.<sup>[22]</sup> In 2009, the organization reappeared on Facebook as a non-state decentralized civil society organization which lists, promotes and connects various organizations,

international chapters, and online groups that have been developed and identified in the sphere of the Internet and the social media.<sup>[14]</sup> In January 2020 the organization reformed, incorporating itself as an assumed name corporation of Ecology Crossroads<sup>[23]</sup> (a Kentucky nonprofit). By February, they had set-up a commission of nine Kentucky colonels charged with the task of reorganizing the development as a brotherhood and fellowship of Kentucky colonels operating as a membership organization under the First Amendment of US Constitution, the US Code, and Kentucky law.<sup>[24]</sup> Their commission includes some of the original members, most notable of their officers are American folk musician, J.D. Wilkes of Paducah, Kentucky and Karen S. Cantrell<sup>[25]</sup> of Rancho Mirage in California. Col. Cantrell is also the president of the United Nations Association of the Coachella Valley who has been well-noted for her work in philanthropy.<sup>[26]</sup> The organization is decentralized using the Internet, has a website, blog, social media groups, and maintains its mailing address in Richmond, Kentucky.<sup>[20]</sup> According to their blog the organization's existence and formation has been challenged by the Honorable Order of Kentucky Colonels in 2001, 2016 and in 2019.<sup>[23]</sup>

## The Honorable Order of Kentucky Colonels

The Honorable Order of Kentucky Colonels (HOKC) is the largest and most well-known organization of Kentucky colonels; the organization maintains a very impressive supporter list. After a person receives a commission, they automatically become an honorary lifetime member of organization which is located in Louisville, Kentucky. Recipients are invited to donate and participate in charitable efforts throughout the state.<sup>[1][27]</sup> The Governor of Kentucky serves as the "Commander-in-Chief" of the Honorable Order, and its board of trustees recognized as its 'Generals' serve on a volunteer basis.<sup>[1]</sup> The mission of the organization is to aid and promote the Commonwealth of Kentucky and its citizens.<sup>[28]</sup> The organization raises money to support Kentucky charities, educational organizations, and to conduct other good works that will help the citizens of Kentucky. The organization's charitable efforts have also sometimes extended past the borders of the Commonwealth, such as contributing to natural disaster relief in neighboring states. By 1979, annual donations exceeded \$500,000, and by 1992, they exceeded \$1 million.<sup>[7]</sup> In 2019 the organization made grants to 265 organizations in the state in excess of 2.1 million dollars.<sup>[29]</sup>

An early example of charitable activities organized by the charitable organization was relief efforts for the Ohio River flood of 1937, which had a devastating effect on northern Kentucky and other states along the Ohio River. Colonels Fred Astaire, Eddie Cantor, and Irving Mills were especially instrumental in fund-raising for this project.<sup>[30]</sup>

## Colonel toast

In 1936, New York advertising agency owner Colonel Arthur Kudner wrote a toast to Kentucky colonels. The toast was quickly adopted by the HOKC, and it was widely promoted and published for use by colonels. The toast has since been ceremoniously presented at each of the Kentucky Colonels' Derby Eve Banquets:

I give you a man dedicated to the good things of life, to the gentle, the heartfelt things, to good living, and to the kindly rites with which it is surrounded. In all the clash of a plangent world he holds firm to his ideal – a gracious existence in that country of content "where slower clocks strike happier hours". He stands in spirit on a tall-columned veranda, a hospitable glass in his hand, and he looks over the good and fertile earth, over

ripening fields, over meadows of rippling bluegrass. The rounded note of a horn floats through the fragrant stillness. Afar, the sleek and shining flanks of a thoroughbred catch the bright sun. The broad door, open wide with welcome ... the slow, soft-spoken word ... the familiar step of friendship ... all of this is his life and it is good. He brings fair judgment to sterner things. He is proud in the traditions of his country, in ways that are settled and true. In a trying world darkened by hate and misunderstanding, he is a symbol of those virtues in which men find gallant faith and of the good men might distill from life. Here he stands, then. In the finest sense, an epicure ... a patriot ... a man. Gentlemen, I give you, the Kentucky Colonel.<sup>[31][32]</sup>

## Cultural influence

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Those who have received the commission of the Kentucky Colonel have often used the title to promote their business or ideals while promoting the state and its traditions resulting in developing a long term impact on Kentucky culture associated with the honor.

### Business

The title of the founder and symbolic icon of the fast-food restaurant chain KFC, Colonel Harland Sanders, comes from his status as a Kentucky colonel. He became so well known that he was sometimes referred to simply as "The Colonel".

Another example of use of the Kentucky colonel title in business marketing is seen in the ongoing historic association between Kentucky and bourbon whiskey production. As of 2013, approximately 95 percent of all bourbon was produced in Kentucky, and the state had 4.9 million barrels of bourbon in the process of aging.<sup>[33][34]</sup> The historic distiller James B. Beam is referred to as "Colonel James B. Beam" for the marketing of the Jim Beam brand (the largest-selling brand of bourbon).<sup>[35]</sup> The Sazerac Company similarly refers to the distiller Albert Blanton as "Colonel Blanton" for their marketing of the Blanton's brand. In both cases, the "Colonel" title refers to being a Kentucky colonel. A brand of Kentucky bourbon called Kentucky Colonel was produced in the 1980s,<sup>[36]</sup> and at least two current brands of Kentucky bourbon have the word "Colonel" in their name, the Colonel E. H. Taylor and Colonel Lee bourbon brands.

### Sports

A number of sports teams in Kentucky, especially in Louisville, its largest city, have been known as the Kentucky Colonels or the Louisville Colonels. These include the Kentucky Colonels professional basketball team of 1967–1976, the Kentucky Colonels professional basketball team of 2004, and the Eastern Kentucky Colonels athletic teams of Eastern Kentucky University.

### Music

A popular bluegrass band of the 1960s was also called the Kentucky Colonels. It included Clarence White, who was later with The Byrds and who also worked extensively as a session musician with various highly prominent performers.



## See also

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- Colonel (title)
- Titles of honor
- Goodwill ambassador
- Nebraska Admiral
- Arkansas Traveler
- Rhode Island Commodore
- Order of the Long Leaf Pine (of North Carolina)
- Order of the Palmetto (of South Carolina)
- Sagamore of the Wabash (of Indiana)
- Kentucky Colonels (disambiguation)

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## External links

---

- Website of The Honorable Order of Kentucky Colonels (<https://kycolonels.org/>)
  - Kentucky Secretary of State's site regarding the Order (<http://sos.ky.gov/admin/Executive/Pages/Kentucky-Colonels.aspx>)
  - Website of Kentucky Colonels International (<https://kycolonels.international/>)
- 

Retrieved from "[https://en.wikipedia.org/w/index.php?title=Kentucky\\_Colonel&oldid=940408590](https://en.wikipedia.org/w/index.php?title=Kentucky_Colonel&oldid=940408590)"

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# **EXHIBIT 6**

## **TO VERIFIED COMPLAINT**

Kentucky Colonels International was mentioned in a post.



**Pillar**

September 23 · 🌐

We'd like to thank the [Kentucky Colonels International](#) for awarding [Pillar](#) a \$10,000 grant for the purchase of a new vehicle for our transportation department. THANK YOU!

[#pillarsupportky](#) [#GoodWorksProgram](#) [#thankyou](#)

   34

2 Shares

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# **EXHIBIT 7**

## **TO VERIFIED COMPLAINT**



WHOIS

DOMAINS

WEBSITE

CLOUD

HOSTING

SERVERS

EMAIL

SECURITY

WHOIS

SUPPORT

LOGIN

0

kycolonels.org

Updated 6 days ago

Interested in similar domains?

## Domain Information

Domain:	kycolonels.org
Registrar:	Network Solutions, LLC
Registered On:	2000-09-29
Expires On:	2021-09-29
Updated On:	2018-04-21
Status:	clientTransferProhibited
Name Servers:	ns.bluegrass.net ns1.bluegrass.net

kcolonels.com Buy Now

kcolonels.net Buy Now

nccolonels.com Buy Now

kyclnls.net Buy Now

kycolonelsclub.com Buy Now

thekycolonels.com Buy Now

nccolonels.net Buy Now

kyclnls.com Buy Now

## Registrant Contact

State:	FL
Country:	US

## Raw Whois Data

Domain Name: KYCOLONELS.ORG  
 Registry Domain ID: D36901669-LROR  
 Registrar WHOIS Server: whois.networksolutions.com  
 Registrar URL: http://www.networksolutions.com  
 Updated Date: 2018-04-21T07:09:45Z  
 Creation Date: 2000-09-29T19:45:59Z  
 Registry Expiry Date: 2021-09-29T19:45:59Z  
 Registrar Registration Expiration Date:  
 Registrar: Network Solutions, LLC  
 Registrar IANA ID: 2  
 Registrar Abuse Contact Email: **abuse@web.com**  
 Registrar Abuse Contact Phone: +1.8003337680  
 Reseller:  
 Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>  
 Registrant Organization:  
 Registrant State/Province: FL  
 Registrant Country: US  
 Name Server: NS.BLUEGRASS.NET  
 Name Server: NS1.BLUEGRASS.NET  
 DNSSEC: unsigned  
 URL of the ICANN Whois Inaccuracy Complaint Form <https://www.icann.org/wicf/>  
 >>> Last update of WHOIS database: 2020-02-12T05:38:18Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

Access to Public Interest Registry WHOIS information is provided to assist persons in determining the contents of

The Registrar of Record identified in this output may have an RDNS service that can be queried for additional info

.space

\$24.98 \$1.88

BUY NOW

\*Offer ends 29th February 2020

On Sale!



.EU @ \$3.88 \$8.88



## related domain names

[networksolutions.com](#) [web.com](#) [icann.org](#) [bluegrass.net](#)

### Domains

Register Domain Name  
Transfer Domain Name  
View Domain Pricing  
Whois Lookup  
Name Suggestion Tool  
Free with Every Domain  
Domain Offers

### Hosting & Products

Linux Hosting  
Windows Hosting  
WordPress Hosting  
Linux Reseller Hosting  
Windows Reseller Hosting  
Dedicated Servers  
Managed Servers  
Cloud Hosting  
Website Builder  
Business Email  
Enterprise Email  
G Suite  
SSL Certificates  
Sitelock

### Infrastructure

Datacenter Details  
Hosting Security  
24 x 7 Servers Monitoring  
Backup and Recovery

### Support

View Knowledge Base  
Contact Support  
Report Abuse  
About Whois

### Follow Us



[LOGIN](#)

OR

[CREATE AN ACCOUNT](#)



# **EXHIBIT 8**

## **TO VERIFIED COMPLAINT**



WHOIS

DOMAINS

WEBSITE

CLOUD

HOSTING

SERVERS

EMAIL

SECURITY

WHOIS

SUPPORT

LOGIN

0

# kycolonels.international

Updated 1 second ago

Interested in similar domains?

## Domain Information

Domain:	kycolonels.international
Registrar:	Google Inc.
Registered On:	2020-01-20
Expires On:	2021-01-20
Updated On:	2020-01-25
Status:	clientTransferProhibited
Name Servers:	ns-cloud-e1.googledomains.com ns-cloud-e2.googledomains.com ns-cloud-e3.googledomains.com ns-cloud-e4.googledomains.com

[kcolonels.com](#) Buy Now

[kcolonels.net](#) Buy Now

[nccolonels.com](#) Buy Now

[kyclnls.net](#) Buy Now

[kycolonelsclub.com](#) Buy Now

[thekycolonels.com](#) Buy Now

[nccolonels.net](#) Buy Now

[kyclnls.com](#) Buy Now

## Registrant Contact

Organization:	Contact Privacy Inc. Customer 1246303987
State:	ON
Country:	CA

## Raw Whois Data

Domain Name: kycolonels.international  
 Registry Domain ID: fd0f81c47d9342cea831d7d3d012b620-DONUTS  
 Registrar WHOIS Server: whois.donuts.co  
 Registrar URL: http://domains.google.com  
 Updated Date: 2020-01-25T20:23:20Z  
 Creation Date: 2020-01-20T20:23:17Z  
 Registry Expiry Date: 2021-01-20T20:23:17Z  
 Registrar: Google Inc.  
 Registrar IANA ID: 895  
 Registrar Abuse Contact Email: **registrar-abuse@google.com**  
 Registrar Abuse Contact Phone: +1.8772376466  
 Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited  
 Registry Registrant ID: REDACTED FOR PRIVACY  
 Registrant Name: REDACTED FOR PRIVACY  
 Registrant Organization: Contact Privacy Inc. Customer 1246303987  
 Registrant Street: REDACTED FOR PRIVACY  
 Registrant City: REDACTED FOR PRIVACY  
 Registrant State/Province: ON  
 Registrant Postal Code: REDACTED FOR PRIVACY  
 Registrant Country: CA  
 Registrant Phone: REDACTED FOR PRIVACY  
 Registrant Phone Ext: REDACTED FOR PRIVACY  
 Registrant Fax: REDACTED FOR PRIVACY  
 Registrant Fax Ext: REDACTED FOR PRIVACY  
 Registrant Email: Please query the RDDS service of the Registrar of Record identified in this output for information.  
 Registry Admin ID: REDACTED FOR PRIVACY  
 Admin Name: REDACTED FOR PRIVACY  
 Admin Organization: REDACTED FOR PRIVACY  
 Admin Street: REDACTED FOR PRIVACY  
 Admin City: REDACTED FOR PRIVACY  
 Admin State/Province: REDACTED FOR PRIVACY

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Admin Postal Code: REDACTED FOR PRIVACY  
Admin Country: REDACTED FOR PRIVACY  
Admin Phone: REDACTED FOR PRIVACY  
Admin Phone Ext: REDACTED FOR PRIVACY  
Admin Fax: REDACTED FOR PRIVACY  
Admin Fax Ext: REDACTED FOR PRIVACY  
Admin Email: Please query the RDDS service of the Registrar of Record identified in this output for information on  
Registry Tech ID: REDACTED FOR PRIVACY  
Tech Name: REDACTED FOR PRIVACY  
Tech Organization: REDACTED FOR PRIVACY  
Tech Street: REDACTED FOR PRIVACY  
Tech City: REDACTED FOR PRIVACY  
Tech State/Province: REDACTED FOR PRIVACY  
Tech Postal Code: REDACTED FOR PRIVACY  
Tech Country: REDACTED FOR PRIVACY  
Tech Phone: REDACTED FOR PRIVACY  
Tech Phone Ext: REDACTED FOR PRIVACY  
Tech Fax: REDACTED FOR PRIVACY  
Tech Fax Ext: REDACTED FOR PRIVACY  
Tech Email: Please query the RDDS service of the Registrar of Record identified in this output for information on  
Name Server: ns-cloud-e1.googledomains.com  
Name Server: ns-cloud-e2.googledomains.com  
Name Server: ns-cloud-e3.googledomains.com  
Name Server: ns-cloud-e4.googledomains.com  
DNSSEC: signedDelegation  
URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>  
>>> Last update of WHOIS database: 2020-02-18T22:41:23Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

Terms of Use: Donuts Inc. provides this Whois service for information purposes, and to assist persons in obtaining



## related domain names

[donuts.co](#) [google.com](#) [icann.org](#) [googledomains.com](#) [donuts.domains](#)

### Domains

Register Domain Name  
Transfer Domain Name  
View Domain Pricing  
Whois Lookup  
Name Suggestion Tool  
Free with Every Domain  
Domain Offers

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Linux Hosting  
Windows Hosting  
WordPress Hosting  
Linux Reseller Hosting  
Windows Reseller Hosting  
Dedicated Servers  
Managed Servers  
Cloud Hosting  
Website Builder  
Business Email  
Enterprise Email  
G Suite  
SSL Certificates  
Sitelock

### Infrastructure

Datacenter Details  
Hosting Security  
24 x 7 Servers Monitoring  
Backup and Recovery

### Support

View Knowledge Base  
Contact Support  
Report Abuse  
About Whois

### Follow Us



LOGIN OR CREATE AN ACCOUNT

## UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

THE HONORABLE ORDER OF KENTUCKY  
COLONELS, INC.

---

*Plaintiff(s)*

v.

KENTUCKY COLONELS INTERNATIONAL, ET AL.

---

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kentucky Colonels International a/k/a Ecology Crossroads Cooperative Foundation, Inc.  
 Agent for Service of Process: Maya-Lis A. Wright  
 302 General Smith Drive  
 Richmond, KY 40475

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cornelius E. Coryell II ccoryell@wyattfirm.com  
 Michelle Browning Coughlin mcoughlin@wyattfirm.com  
 Julie Laemmle Watts jwatts@wyattfirm.com  
 WYATT, TARRANT & COMBS, LLP  
 400 W. Market Street, Suite 2000  
 Louisville, KY 40202 (502) 589-5235

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/20/2020

---

*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

THE HONORABLE ORDER OF KENTUCKY  
COLONELS, INC.

---

*Plaintiff(s)*

v.

KENTUCKY COLONELS INTERNATIONAL, ET AL.

---

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Globcal International a/k/a Ecology Crossroads Cooperative Foundation, Inc.  
 Agent for Service of Process: Maya-Lis A. Wright  
 302 General Smith Drive  
 Richmond, KY 40475

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cornelius E. Coryell II

ccoryell@wyattfirm.com

Michelle Browning Coughlin

mcoughlin@wyattfirm.com

Julie Laemmle Watts

jwatts@wyattfirm.com

WYATT, TARRANT &amp; COMBS, LLP

400 W. Market Street, Suite 2000

Louisville, KY 40202

(502) 589-5235

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/20/2020

---

*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

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 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

## Western District of Kentucky

THE HONORABLE ORDER OF KENTUCKY  
COLONELS, INC.

Plaintiff(s)

V.

KENTUCKY COLONELS INTERNATIONAL, ET AL.

Defendant(s)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

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Agent for Service of Process: Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Cornelius E. Coryell II ccorrell@wyattfirm.com

Cornelius E. Coryell II ccoryell@wyattfirm.com  
Michelle Browning Coughlin mcoughlin@wyattfirm.com  
Julie Laemmle Watts jwatts@wyattfirm.com  
WYATT, TARRANT & COMBS, LLP  
400 W. Market Street, Suite 2000  
Louisville, KY 40202 (502) 589-5235

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/20/2020

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

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☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

## Western District of Kentucky

THE HONORABLE ORDER OF KENTUCKY  
COLONELS, INC.

Plaintiff(s)

V.

KENTUCKY COLONELS INTERNATIONAL, ET AL.

Defendant(s)

Civil Action No.

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* David J. Wright  
Individually and In His Capacity as President of Ecology Crossroads Cooperative, Inc.  
302 General Smith Drive  
Richmond, KY 40475

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Cornelius E. Coryell II ccorrell@wyattfirm.com

Cornelius E. Coryell II ccoryell@wyattfirm.com  
Michelle Browning Coughlin mcoughlin@wyattfirm.com  
Julie Laemmle Watts jwatts@wyattfirm.com  
WYATT, TARRANT & COMBS, LLP  
400 W. Market Street, Suite 2000  
Louisville, KY 40202 (502) 589-5235

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/20/2020

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

JS 44 (Rev. 09/19)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

THE HONORABLE ORDER OF KENTUCKY COLONELS, INC.

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cornelius E. Coryell II; Michelle Browning Coughlin; Julie Laemmle  
Watts, Wyatt, Tarrant & Combs, LLP, 400 W. Market St., Ste. 2000,  
Louisville, KY 40202; (502) 589-5235

**DEFENDANTS**

KENTUCKY COLONELS INTERNATIONAL, ET. AL.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
U.S.C. Section 1114 and U.S.C. Section 1125

Brief description of cause:

Federal trademark infringement; federal trade name infringement, etc.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$  
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

02/20/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Cornelius E. Coryell II

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# EXHIBIT 4

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF	)	
KENTUCKY COLONELS, INC.	)	
	)	
PLAINTIFF	)	
v.	)	CIVIL ACTION NO. 3:20CV-132-JRW
	)	
KENTUCKY COLONELS	)	
INTERNATIONAL, et al.	)	
	)	
DEFENDANTS	)	

**MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

The Honorable Order of Kentucky Colonels, Inc. (“HOKC”) is a Section 501(c)(3), Kentucky nonprofit corporation dedicated to supporting charitable activities throughout the Commonwealth of Kentucky. For decades, HOKC has pursued its charitable mission by, among other things, making annual grants to a large number of Kentucky charities small, mid-size and sometimes large, that operate across the state. This grant-making function is in turn funded by the generous donations of HOKC’s active members, who reside not only in Kentucky, but also in other states and around the world. HOKC has an incredibly faithful and proud donor base, comprised of individuals who have been selected by a Kentucky Governor to receive the esteemed title of Kentucky Colonel, “the highest title of honor bestowed by the Governor of Kentucky.”<sup>1</sup> After receiving this great honor, individual Kentucky Colonels then become members of HOKC, and part of the organization’s long history of good works and strong donor relations. In order to protect the reputation and honor bestowed upon its members, the HOKC’s role includes protecting the KENTUCKY COLONELS trademark and service mark (the

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<sup>1</sup> See HOKC website [www.kycolonels.org](http://www.kycolonels.org)



“KENTUCKY COLONELS Mark”), which HOKC uses in connection with the goods and services it provides to its members and the public, as well as the charities served through its philanthropic work.

That valuable trademark has now been hijacked by Defendant David J. Wright (“Wright”) and the Defendant entities which he controls. Through a byzantine network of strawman organizations, assumed names, and social media groups, Wright is operating a competing organization, Kentucky Colonels International (“KCI”), brazenly attempting to misappropriate the KENTUCKY COLONELS Mark for his own personal financial enrichment. Despite the fact that KCI is not a charity (nor, apparently, is the ecological organization that claims KCI as an assumed name), Defendants have attempted to raise funds from Kentucky Colonels under the guise of deductible charitable contributions, thereby intercepting, or attempting to intercept, relationships that HOKC has built over decades using the KENTUCKY COLONELS Mark. Having confused or misled a sufficient number of these individuals, Wright then sprung an unexpected and uninvited demand upon HOKC that it pay him a substantial amount of money in exchange for “merging” his “organization” into HOKC and then hire him as a consultant. When HOKC refused to yield, Wright responded by turning on HOKC, attacking it through the internet and social media with scurrilous accusations and specious claims. Having been rebuffed in demands, whose resemblance to extortion was buttressed by his insistence on silence and a quick payoff, Wright reacted like one would expect an extortionist to react. He retaliated. Because HOKC’s reputation and ability to pursue its mission will be irreparably harmed, HOKC moves the Court to enter an order pursuant to Fed.R.Civ.P. 65 and U.S.C. §1116 directing Defendants to immediately cease their misappropriation of the KENTUCKY COLONELS Mark.

## **FACTUAL BACKGROUND**

### **A. For Decades, HOKC Has Been Dedicated to Serving the Commonwealth of Kentucky and its Citizens.**

On May 2, 1931, Kentucky Governor Flem D. Sampson assembled a meeting of Kentucky Colonels at the State Capitol for the purpose of forming “a society or organization to restore the grandeur and sentiment of the original Kentucky Colonel; to more closely band together this group...for the advancement of Kentucky and Kentuckians....” [Verified Complaint, ¶ 12]. The minutes from that meeting reflect the prominence of being selected as a Kentucky Colonel: “because of this honor [Kentucky Colonels] are regarded highly in their own country and on their arrival here are treated with high honor and respect.” [*Id.*]

From its inspired origins in 1931 through the present day, the HOKC has existed as a non-profit organization dedicated to supporting charitable purposes throughout the Commonwealth. In the last twenty years, HOKC has made more than 3,500 grants to non-profit organizations across Kentucky totaling in excess of \$29 million. [*Id.* at ¶13]. Since 1951, HOKC has made more than 7,300 grants totaling almost \$51 million. [*Id.*] To this day, the Governor of Kentucky serves as the Commander-in-Chief of the HOKC, along with a board of trustees. [*Id.* at ¶14].

For nearly a century, HOKC has pursued its mission to follow the objectives described by Governor Sampson in 1931, a significant aspect of which is promoting and protecting the goodwill of the KENTUCKY COLONELS Mark. [*Id.* at 15]. From the beginning, the Governor’s office recognized the HOKC’s role, making the HOKC responsible for adopting insignia, seals, and other indicia of the honor. [*Id.* at ¶ 14]. HOKC has carefully guarded the KENTUCKY COLONEL Mark which is an essential element of protecting the ability of HOKC to serve its charitable function with an unblemished reputation.

**B. Protection of the KENTUCKY COLONELS Mark is Essential to HOKC's Mission.**

HOKC has used the KENTUCKY COLONELS Mark since its inception in 1931, and that mark plays a critical role in the organization's fundraising efforts. [*Id.*]. The KENTUCKY COLONELS Mark is universally associated with HOKC and with aiding and promoting causes benefiting the health and welfare of Kentuckians. In addition to the KENTUCKY COLONELS Mark, HOKC is also the owner of THE HONORABLE ORDER OF KENTUCKY COLONELS, KENTUCKY COLONELS GOOD WORKS PROGRAM, KENTUCKY COLONELS DAY OF SERVICE, and the HOKC logo marks and other registered and unregistered marks, all of which are critical to the HOKC's charitable solicitation efforts.<sup>2</sup> HOKC has continuously used the KENTUCKY COLONELS Mark in connection with its philanthropic, membership, and social activities for decades and, as a result, the KENTUCKY COLONELS Mark carries a positive connotation worldwide. [Verified Complaint, ¶ 17].

**C. Defendants are Using the KENTUCKY COLONELS Mark for Unauthorized and Improper Purposes.**

Defendant David J. Wright purports to be the administrator of a Facebook group comprised of individuals who have been commissioned as Kentucky Colonels. According to Wright, he became the administrator of that group in 2008 and, soon thereafter, he "relaunched" a social media group he called "Kentucky Colonels International."<sup>3</sup> On January 20, 2020, the

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<sup>2</sup> A chart reflecting the numerous federal trademark registrations and applications HOKC holds for marks incorporating the KENTUCKY COLONELS Mark, as well the official documentation reflecting those registrations and applications, is attached to the Verified Complaint as Exhibit 2. For the Court's convenience, that material is also attached hereto as Exhibit 1.

<sup>3</sup> Wright's candid admissions regarding his efforts to misappropriate the KENTUCKY COLONELS brand are reflected in a February 7, 2020 "editorial" blog post from <https://blog.kycolonels.international/>, which KCI posted to HOKC's Facebook page via a comment on or about February 9, 2020 (hereinafter the "Wright Editorial"). A copy of the Wright Editorial is attached to the Verified Complaint as Exhibit 4. For the Court's convenience, a copy of the Wright Editorial is also attached hereto as Exhibit 2.

domain name “kycolonels.international” was registered [Verified Complaint ¶ 58] and, shortly thereafter, the website for KCI went live.<sup>4</sup>

KCI’s website describes the organization as a “non-profit fraternal and mutual benefit membership organization” which is “incorporated in the Commonwealth of Kentucky” and in “good standing” with the Office of the Secretary of State [Kentucky Colonels International Website (“KCI Website”), 14].<sup>5</sup> The website represents that KCI is “also known as the Kentucky Colonel Foundation” which it claims was “originally established in 1998 to give prominence to the Kentucky Colonel Commission as a meritory award with diplomatic credence that is respected and understood internationally.” [*Id.* at 15]. The KCI Website includes an extensive discussion of the “Order of the Kentucky Colonel” and states that “Kentucky Colonels are recognized and commissioned for their life time to the order with letters patent which permits them to perform and take actions as a commissioned civilian officer of the Commonwealth of Kentucky.” [*Id.* at 15-16].

The purpose of the KCI Website is readily apparent from the website’s “drop down list.” The third item on that list is “Donations” which solicits contributions for the “Kentucky Colonel’s International Fund” and states that such donations can be made “using a major credit card or your PayPal account.” [*Id.* at 18].<sup>6</sup> The page also includes an image of a QR code to

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<sup>4</sup> As noted in the Wright Editorial, HOKC directed cease and desist letters to Wright concerning his social media and internet based activities on various occasions in the early 2000’s and again in 2016. Wright significantly curtailed his improper activities after that correspondence was sent.

<sup>5</sup> The KCI Website can be found at [www.kycolonels.international](http://www.kycolonels.international), which is confusingly similar to HOKC’s web address [www.kycolonels.org](http://www.kycolonels.org). For the Court’s convenience, a print out of the KCI Website, from February 17, 2020, is attached as Exhibit 3.

<sup>6</sup> Notably, if you click on the provided donation hyperlink, you are redirected to a PayPal link that states “Donate to Ecology Crossroads Cooperative Foundation” with the “Purpose: Kentucky Colonels International.” A copy of that page is attached as Exhibit 4.

allow donations “using a smart phone.” [*Id.*] The KCI Website describes the purposes for which donations to the organization are used, explaining that those funds will “promote the careers, individual growth, ... and champion the success of Kentucky Colonels all over the world....” [*Id.*] The website further states that donations will “support the work of the Goodwill Ambassador Foundation and other programs developed by Kentucky colonels [*sic*]....” [*Id.*] It also represents that the organization is “registered as an international civil society organization (ICSO) under Global International which provides us with recognition and legal standing as an international organization.” [*Id.* at 19]. Finally, the website represents that donations to KCI are tax-deductible:

Donations to KCI are now tax deductible in 2020, those who make donations of \$25 or more will receive a personal thank you note from a commissioner. Donations of \$1,200+ or the equivalent of 2% of a person’s annual salary if US residents will also receive a tax-statement by email at the end of the year so they can deduct their contributions.

[*Id.*].

In addition to soliciting donations to “promote the careers” of individuals who have been commissioned as Kentucky Colonels, the KCI Website purports to offer services to members for a fee. For example, the website describes “public relations” services “recognizing fellow colonels.” [*Id.* at 36].<sup>7</sup> Particularly concerning, KCI purports to offer an “International Registry of Kentucky Colonels” which entitles subscribers to “a certificate of registration, a lifetime ID card and additional Internet services....” [*Id.* at 5]. The website promises “those who register their title (letters patent) can also demonstrate themselves through a permanent web page which we will develop and maintain on their behalf that is linked to our roster....” [*Id.* at 6].

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<sup>7</sup> Those services are offered to only “members who support our organization with donations....” [*Id.*].

In addition to the website, KCI also maintains a dedicated blog site, a public Facebook page, and a private Facebook group. The blog, located at [blog.kycolonels.international](http://blog.kycolonels.international) is another pulpit for Wright to misuse the KENTUCKY COLONELS Mark and associated goodwill as well as seek donations for KCI. The blog includes a “news release” dated February 7, 2020; the Wright Editorial dated February 7, 2020; and one additional article titled “Reorganizing the Kentucky Colonels International Commission and Foundation,” dated January 30, 2020.<sup>8</sup> The KCI Facebook page “About” section states “Kentucky Colonels International is a non-governmental and non-state fraternal membership commission and foundation of *Globcal International* that has been developed to bring international attention to those who have been commissioned as Kentucky colonels....” and that it was “founded” in 1813 (emphasis added).<sup>9</sup> Membership to the KCI private Facebook group requires a person to answer several questions and be approved by the group administrator.

**D. Contrary to the Representations Made on its Website, KCI is not Recognized by the IRS as a Tax Exempt Organization.**

The representations regarding the corporate and tax exempt status of KCI are not supported by the records of the Kentucky Secretary of State or the Internal Revenue Service. While KCI represents that “donations to KCI are tax deductible” the IRS has no record of KCI being granted tax exempt status.<sup>10</sup> Similarly, the IRS has no record of granting tax exempt status to the Kentucky Colonel Foundation, the Kentucky Colonels International Fund, or any other organization for which donations are solicited on the KCI Website. Notably, Ecology Crossroads

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<sup>8</sup> For the Court’s convenience, a printout of the KCI blog site from February 19, 2020 is attached as Exhibit 5.

<sup>9</sup> For the Court’s convenience, a copy of the relevant portions of the KCI Facebook page is attached as Exhibit 6.

<sup>10</sup> Organizations granted tax exempt status can be identified on the website of the Internal Revenue Service at [www.irs.gov/charities-non-profits/tax-exempt-organization-search](http://www.irs.gov/charities-non-profits/tax-exempt-organization-search). For the Court’s convenience, a copy of the page reflecting the search results for KCI is attached as Exhibit 7.

Cooperative Foundation, Inc., the entity which only three weeks ago designated Kentucky Colonels International as an “assumed name,” has never been certified as a tax exempt organization.<sup>11</sup> Global International, another assumed name for Ecology Crossroads Cooperative Foundation, Inc., has never been certified as a tax exempt organization. Thus, the representations made by Wright and KCI concerning the tax deductibility of donations to that organization are demonstrably untrue.

In addition, neither KCI nor any of its affiliates are registered as charitable organizations with the Office of the Kentucky Attorney General. The Attorney General maintains a registry of organizations authorized to engage in charitable solicitation activities in the Commonwealth of Kentucky.<sup>12</sup> KCI is not listed on that registry. Likewise, the list does not include the Kentucky Colonel Foundation, Kentucky Colonels International Fund, Global International, Ecology Crossroads Cooperative, or Ecology Crossroads Cooperative Foundation, Inc.<sup>13</sup> HOKC, on the other hand, *is* included on that list.<sup>14</sup>

In addition to misrepresenting the charitable and tax exempt status of KCI, the KCI Website also incorrectly states that KCI is “incorporated in the Commonwealth of Kentucky” and in “good standing” with the office of the Secretary of State. According to the Kentucky Secretary of State, Kentucky Colonels International was registered as an assumed name of

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<sup>11</sup> An organization with a similar name “Ecology Crossroads Cooperative” apparently once held tax exempt status, but that status was apparently revoked on November 15, 2010. *See* [www.irs.gov/charities-non-profits/tax-exempt-organization-search](http://www.irs.gov/charities-non-profits/tax-exempt-organization-search). For the Court’s convenience, a copy of the page reflecting revocation of that entity’s tax exempt status is attached as Exhibit 8.

<sup>12</sup> *See* <https://ag.ky.gov/Priorities/Protecting-Kentuckians/charity/Pages/default.aspx>.

<sup>13</sup> For the Court’s convenience, copies of the pages reflecting the Defendants’ absence on the list of charitable organizations registered in Kentucky are attached hereto as Exhibit 9.

<sup>14</sup> The page reflecting HOKC’s inclusion on the registry of organizations authorized to engage in charitable solicitation activities is attached as Exhibit 10.

Ecology Crossroads Cooperative Foundation, Inc. on January 20, 2020, as was Global International.<sup>15</sup> Ecology Crossroads Cooperative Foundation, Inc. was originally registered to do business in the Commonwealth of Kentucky in 1994.<sup>16</sup> The Articles of Incorporation of Ecology Crossroads Cooperative Foundation, Inc. state that it is a “not-for-profit” corporation that makes “distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code....” [See Certificate of Organization and Article of Incorporation of Ecology Crossroads Cooperative Foundation, Inc. (included in the documents attached as Exhibit 11), 1]. The twenty-five year old articles do not mention KCI, the Kentucky Colonel Foundation, the Kentucky Colonels International Fund, or any other organization described on the KCI Website. Significantly, the articles describe the “purposes” of the corporation, but none of those purposes refer to individuals commissioned as a Kentucky Colonel or any activity related to Kentucky charitable work. Rather, the corporate purpose of Ecology Crossroads Cooperative Foundation, Inc. is described as educating the general public regarding “environmentally sensitive matters,” informing the public “regarding natural resource conservation,” introducing “sustainable development techniques,” and other matters relating to “environmentally and ecologically sustainable intentional communities.” [*Id.* at 2-3]. Notably, the articles expressly state that “no part of the earnings of this Corporation shall ever inure to the particular benefit of, or be distributed to any Member, trustee, officer or individual having a personal or private interest in the activities of this Corporation ....” [*Id.* at 3]. The articles are signed by, among others, “Rev. David Wright.” [*Id.* at 5].

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<sup>15</sup> The certificate of assumed name available on the Kentucky Secretary of State website is included in the compilation of corporate records regarding Ecology Crossroads Foundation, Inc., collectively attached as Exhibit 11.

<sup>16</sup> The Articles of Incorporation of Ecology Crossroads Cooperative Foundation, Inc. are included in the corporate documents attached as Exhibit 11.



The records of the Kentucky Secretary of State also reflect that the entities under which Wright and KCI operate have regularly disregarded the legal requirements for maintaining a legitimate corporate existence. According to the Kentucky Secretary of State, Ecology Crossroads Cooperative Foundation, Inc. was formed in 1994, and administratively dissolved on November 3, 1998; reinstated on December 15, 1998, but administratively dissolved again on November 2, 1999; reinstated again on April 22, 2014, but administratively dissolved on October 12, 2015; and only recently reinstated on January 21, 2020.<sup>17</sup> Thus, KCI's representations regarding its corporate structure, history, and tax-exempt status are simply not supported by the public record.

**E. Defendants Recently Escalated Their Efforts to Misappropriate the KENTUCKY COLONELS Mark for Their Own Financial Benefit.**

In late 2019, HOKC learned that Wright, under the guise of KCI and Globalcal International, was soliciting participants for a “registry” of individuals who had been commissioned as Kentucky Colonels. [Verified Complaint, ¶ 19]. As described by Wright, participation in the registry required payment of a fee. [*Id.*]

In late December 2019, Wright approached HOKC to “initiate a discussion” regarding the activities of KCI. [*Id.* at ¶ 20; *see also* Wright Editorial (attached as Exhibit 2) 6]. According to Wright, the purpose of that discussion was to determine whether HOKC would “either assist us in our project or perhaps merge our membership program into their own organization.” [Wright Editorial, 6]. Wright advised HOKC that he wanted to “find a way” that HOKC could “endorse the International Register and Kentucky Colonels International, with a sponsorship, while [HOKC] silently but transparently takes over the Register and International

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<sup>17</sup> The corporate records reflecting the dissolution and reinstatement history of Ecology Crossroads Cooperative Foundation, Inc. are included in the corporate records attached as Exhibit 11.

Concept to become a program belonging to the HOKC.” [Verified Complaint, ¶ 20]. When Wright contacted the Executive Director of HOKC to “explore the possibilities of a merger,” she suggested that he submit his ideas in writing. [*Id.* at ¶ 21].

In mid-January 2020, Wright forwarded HOKC a package of documents which included a “Draft Merger, Acquisition and Consolidation Agreement.” [*Id.* at ¶ 22]. Not surprisingly, Wright’s “proposal” included provisions for generous financial payments to both himself and KCI. [See Draft Merger, Acquisition and Consolidation Agreement (included in Exhibit 3 to Verified Complaint), 1-7].<sup>18</sup> On January 20, 2020, HOKC notified Wright that it was not interested in his proposed “acquisition” of KCI. [Verified Complaint, ¶ 23]. Shortly thereafter, Wright advised HOKC that he and KCI intended to “move forward with our program and the formalization of the KCI agenda.” [*Id.* at ¶ 24].

**F. After His Proposal Was Rejected, Wright Initiated a Social Media and Internet Campaign Aimed at Disparaging HOKC and Escalating His Misappropriation of the KENTUCKY COLONELS Trademark.**

On February 8, 2020, Wright posted his “editorial” on HOKC’s public Facebook page, disparaging HOKC and accusing HOKC of a variety of misconduct. [*Id.* at ¶ 25-27]. For example, Wright alleged that HOKC has “been misleading their donors and supporters for many years,” has violated various state and federal statutes, and has otherwise engaged in “deception, and fraudulent presumptive behavior.” [Wright Editorial (Exhibit 2), 9].

More importantly, Wright expressed his intentions to accelerate and increase his efforts to promote a competing organization using the KENTUCKY COLONELS Mark. Specifically, Wright stated:

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<sup>18</sup> Because Wright demanded HOKC execute a confidentiality agreement, the package of material reflecting Wright’s “acquisition proposal” has been filed under seal for the Court’s review pending further orders of the Court.

So it is for these Kentucky Colonels that we are moving forward with our plans by forming our own International Commission to develop a genuine membership organization that is rightly so. We have taken several major steps already by getting a new dedicated website and forming a small commission of distinguished leaders to serve as the initial officers that share many of my sentiments and concerns.

\* \* \*

To get the organization off the ground I have legalized the commission's formation under the same organization that I founded in 1994 by reinstating it with the Secretary of State in Frankfort on January 21. Now to take it where it needs to go we need donations from the public and will need to charge monthly or annual dues to members in order to provide member benefits and services beyond the social media. The online services we have been providing through administering the Facebook groups will remain without any membership fees including our blog and a new website being developed at [kycolonels.international].

\* \* \*

On January 30 the formation of Kentucky Colonels International became official. We upgraded our status from an unincorporated membership organization and legalized the commission and foundation as an assumed name corporation in the Commonwealth of Kentucky belonging to Ecology Crossroads (est. 1994), who is our sponsor. To become an independent membership organization like we deserve to be, it is up to our members and other Kentucky colonels to come together and provide us with support we need in the form of donations to better formalize our efforts to succeed. Contributions can be made online through their sponsor using PayPal or a credit card.

[*Id.* at 10-12]. Thus, in addition to the express solicitations reflected on the Kentucky Colonel International website, Wright has candidly acknowledged that he and his affiliated organizations are soliciting, and will continue to solicit, contributions and payments using the KENTUCKY COLONELS Mark. He has also made it clear that those contributions will not be shared with HOKC or subject to scrutiny by anyone other than himself.

After his "acquisition proposal" was rejected, Wright also sought to advance his misappropriation of the KENTUCKY COLONELS Mark by significantly, and erroneously, editing the "Kentucky Colonel" Wikipedia page. [Verified Complaint, ¶ 28]. Among other

things, Wright, using the username “Problemsmith,” removed a reference indicating that “Kentucky Colonels” is a registered trademark of HOKC. [*Id.*; see Exhibit 5 to Verified Complaint]. He also added an entire section to the article describing “Kentucky Colonels International.”<sup>19</sup> [Kentucky Colonel Wikipedia Article, 2]. Thus, Wright and the other Defendants have extensively used the internet to confuse the public misappropriate the goodwill, and profit from the KENTUCKY COLONELS Mark.

### **ARGUMENT**

#### **HOKC IS ENTITLED TO A RESTRAINING ORDER AND INJUNCTION DIRECTING DEFENDANTS TO STOP THEIR MISSUE AND MISAPPROPRIATION OF THE KENTUCKY COLONELS TRADEMARK.**

“The preliminary injunction serves an important purpose—‘to allow a victory by [the plaintiffs] to be meaningful.’” *McGirr v. Rehme*, 891 F.3d 603, 614 (6th Cir. 2018) (citation omitted). When considering a motion for preliminary injunctive relief, the Court must weigh the following factors: “‘(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction.’” *Tumblebus Inc. v. Cranmer*, 399 F.3d 754, 760 (6th Cir. 2005) (quoting *PACCAR Inc. v. TeleScan Techs., L.L.C.*, 319 F.3d 243, 249 (6th Cir. 2003)). The four considerations applicable to preliminary injunction decisions are to be balanced; they are not prerequisites to be met. *Six Clinics Holding Corp., II v. Cafcomp Sys., Inc.*, 119 F.3d 393, 400 (6th Cir. 1997). “No single factor will be determinative as to the appropriateness of equitable relief.” *Id.*

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<sup>19</sup> See [https://en.wikipedia.org/wiki/Kentucky\\_Colonel](https://en.wikipedia.org/wiki/Kentucky_Colonel). A copy of the Wikipedia Article on “Kentucky Colonel” is attached to the Verified Complaint as Exhibit 5. For the Court’s convenience, a copy of the Wikipedia Article is also attached hereto as Exhibit 12.

For example, “a finding that the movant has not established a strong probability of success on the merits will not preclude a court from exercising its discretion to issue a preliminary injunction if the movant has, at minimum, ‘show[n] serious questions going to the merits and irreparable harm which decidedly outweighs any potential harm to the defendant if the injunction is issued.’”

*Id.* at 399–400 (quoting *Gaston Drugs, Inc. v. Metro. Life Ins. Co.*, 823 F.2d 984, 988 n.2 (6th Cir. 1987)). “[A] preliminary injunction is customarily granted on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits. A party thus is not required to prove his case in full at a preliminary-injunction hearing” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981).

In this trademark infringement case, a victory by HOKC will not be meaningful unless Defendants are ordered to stop infringing upon the KENTUCKY COLONELS Mark. They should be ordered to do so immediately because, with each passing day of Defendants’ continuing infringement, HOKC and its valuable trademark is irreparably injured. HOKC’s likelihood of success is high, and the requested injunction will cause no harm to Defendants, as any self-inflicted wound caused by infringement does not weigh against issuance of an injunction. The public interest is also served by the requested injunction, as it eliminates the intentional confusion caused by Defendants’ infringement. The four injunction factors weigh strongly in HOKC’s favor and warrant issuance of injunctive relief.

**A. HOKC Is Likely to Succeed on the Merits.**

Trademark rights in the United States arise from use. As the leading trademark commentator states “the first to use a designation as a mark in the sale of goods or services is the ‘owner’ and ‘senior user.’” *See* 6 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair*

*Competition* § 16:4 (5th Ed.).<sup>20</sup> Moreover, “[w]ith each sale of goods or services under such a business symbol, the seller builds up greater and greater legal rights in that symbol. *Id.* § 16:1. As the Sixth Circuit has stated, “trademark law now pursues two related goals—the prevention of deception and consumer confusion and, more fundamentally, the protection of property interests in trademarks.” *Ameritech, Inc. v. American Information Technologies Corporation*, 811 F.2d 960, 964 (6th Cir. 1987). It is indisputable that HOKC has used the KENTUCKY COLONELS Mark for decades and has clearly-established rights and priority in the use of the KENTUCKY COLONELS Mark over Defendants. In addition to being federally registered, the Mark has become synonymous with HOKC’s services to its members and its charitable mission to the Commonwealth and beyond.

The Lanham Act specifically provides for injunctive relief to prevent the violation of any right of a trademark holder. *See* 15 U.S.C. § 1116. HOKC’s trademark registrations are prima facie evidence of the validity of its Mark. *See* 15 U.S.C. § 1115. “The touchstone of liability under § 1114 is whether the defendant’s use of the disputed mark is likely to cause confusion among consumers regarding the origin of the goods [or services] offered by the parties.” *Daddy’s Junky Music Stores, Inc. v. Big Daddy’s Family Music Ctr.*, 109 F.3d 275, 280 (6th Cir. 1997).

Courts in the Sixth Circuit evaluate likelihood of confusion cases using the eight-factor test set forth in *Frisch’s Restaurants, Inc. v. Elby’s Big Boy of Steubenville, Inc.*, 670 F.2d 642 (6th Cir. 1982). The “*Frisch’s* factors,” as they have come to be known, consist of: (1) strength of the plaintiff’s mark; (2) relatedness of the parties’ goods or services; (3) similarity of the

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<sup>20</sup> *McCarthy on Trademarks and Unfair Competition* is available electronically and therefore, pursuant to LR 7.1(h), the cited portions are not attached. However, Plaintiff will provide copies to the Court upon request.

parties' marks; (4) evidence of actual confusion between the parties' marks; (5) marketing channels used by the parties; (6) likely degree of purchaser care in the relevant consumer group; (7) the defendant's intent in selecting the mark; and (8) likelihood that either party will expand its product lines. *Id.* at 648; *see also Ga.-Pac. Consumer Prods. LP v. Four-U-Packaging, Inc.*, 701 F.3d 1093, 1100-01 (6th Cir. 2012).

While these factors are a guide to determine whether confusion is likely, HOKC does not need to show all, or even most, of the factors to prevail on its claim. *Wynn Oil Co. v. Thomas*, 839 F.2d 1183, 1186 (6th Cir. 1988); *Homeowners Grp., Inc. v. Home Mktg. Specialists, Inc.*, 931 F.2d 1100, 1107 (6th Cir. 1991) ("Each case presents its own complex set of circumstances and not all of these factors may be particularly helpful in any given case."). "The 'ultimate question [is] whether relevant consumers are likely to believe that the products or services offered by the parties are affiliated in some way.'" *Ohio State Univ. v. Thomas*, 738 F. Supp. 2d 743, 749 (S.D. Ohio 2010) (citations omitted). In this case, HOKC's Verified Complaint establishes that Defendants are intentionally and willfully infringing its KENTUCKY COLONELS Mark using an identical mark or nearly identical, offering what purports to be identical services. HOKC is highly likely to succeed on the merits on its claims for trademark infringement and therefore is entitled to the relief it seeks.

**1. Frisch's Factor No. 1: KENTUCKY COLONELS is a very strong and well-known Mark throughout the world.**

The likelihood that consumers will confuse Defendants' use of HOKC's trademark as being authorized or endorsed by HOKC is extremely high. The stronger a trademark, the broader the scope of protection it enjoys, and the KENTUCKY COLONELS Mark is well-known throughout the world. As the Sixth Circuit recently noted, "[t]he stronger a mark is, the greater the risk of confusion." *Kibler v. Hall*, 843 F.3d 1068, 1073 (6th Cir. 2016) (citing *Homeowners*,

931 F.2d at 1107; *see also* *Champions Golf Club, Inc. v. The Champions Golf Club, Inc.*, 78 F.3d 1111, 1117 (6th Cir. 1996). A **strong mark “casts a long shadow which competitors must avoid.”** *Kenner Parker Toys Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 353 (Fed. Cir. 1992) (emphasis added). Accordingly, “the ‘most important *Frisch* factors are similarity and strength of the mark.” *Maker’s Mark Distillery, Inc. v. Diageo N. Am., Inc.*, 679 F.3d 410, 424 (6th Cir. 2012) (quoting *Gray v. Meijer, Inc.*, 295 F.3d 641, 646 (6th Cir. 2002)).

To determine the strength of a mark, courts in the Sixth Circuit look at the conceptual and commercial strength of a mark. *Butler v. Hotel Cal., Inc.*, 106 F. Supp. 3d 899, 906 (N.D. Ohio 2015) (citing *Homeowners*, 931 F.2d at 1107). The KENTUCKY COLONELS Mark has developed a high level of conceptual strength, or distinctiveness in the marketplace, through its nearly decade of continual use by the HOKC. *See id.* And, understanding the scope of commercial strength of the KENTUCKY COLONELS Mark only requires mentioning a name like *Colonel Sanders* (emphasis added). The commercial strength of a mark considers the public’s recognition of a mark—“the extent to which people associate the mark with the product [or services] it announces.” *Kibler*, 843 F.3d at 1074.

In this case, HOKC has continuously and exclusively used the KENTUCKY COLONELS Mark since 1931 [Verified Complaint, ¶ 15]. As a result, the KENTUCKY COLONELS Mark has become well-known throughout the world, and it is inextricably intertwined with HOKC, its member services, and its charitable work. Any use of the famous KENTUCKY COLONELS Mark by Defendants will inevitably cause confusion and create the mistaken impression that HOKC is associated or affiliated with Defendants’ organizations and activities.



Moreover, HOKC has an incontestable registration for KENTUCKY COLONELS. An incontestable registration—based on five or more years of continuous use on or in connection with certain goods or services provided certain conditions are met—is immune from challenge and presumed to be strong. *See* 15 U.S.C. § 1065; *Jet, Inc. v. Sewage Aeration Sys.*, 165 F.3d 419, 422 (6th Cir. 1999). Finally, the strength of HOKC’s Mark is enhanced by the fact that there is no evidence of any other similar marks actively being used in commerce. *See Daddy’s Junky*, 109 F.3d at 281.

**2. Frisch’s Factor No. 2: The services at issue are directly related and competitive.**

The relatedness of the activities in which Defendants purportedly intend to engage equally supports the injunction requested by HOKC. “Services and goods ‘are related not because they coexist in the same broad industry, but are related if the services are marketed and consumed such that buyers are likely to believe that the services, similarly marked, come from the same source, or are somehow connected with or sponsored by a common company.’” *Daddy’s Junky*, 109 F.3d at 282-83 (citing *Homeowners Group, Inc. v. Home Marketing Specialists, Inc.*, 931 F.2d 1100, 1109 (6th Cir. 1991)). Here, HOKC engages in charitable fundraising services in connection with the KENTUCKY COLONELS Mark. Wright and the other Defendants are also soliciting charitable contributions and funds (although apparently under false pretenses) also using an identical or nearly identical mark. Defendants are intentionally using the KENTUCKY COLONELS Mark to confuse the consuming public into believing that they are the official and authorized membership organization for the KENTUCKY COLONELS services. The competing enterprise maintained by Defendants would easily be confused by the public as being supported by or affiliated with HOKC.

**3. Frisch's Factor No. 3: The Parties' Marks are similar.**

Here, Defendant is intentionally using a mark that is not just similar, but identical or nearly identical. In assessing similarity, ““courts must determine whether a given mark would confuse the public when viewed alone, in order to account for the possibility that sufficiently similar marks may confuse consumers who do not have both marks before them but who may have a general, vague, or even hazy, impression or recollection of the other party’s mark.”” *Maker’s Mark*, 679 F.3d at 421 (quoting *Daddy’s Junky*, 109 F.3d at 283). The identical or nearly identical nature of the marks, used in connection with essentially identical services, will create a likelihood of confusion. Accordingly, this *Frisch’s* factor clearly weighs in favor of HOKC.

**4. Frisch's Factor No. 4: Actual confusion between the Marks.**

“Actual confusion” occurs when a consumer is confused about the source of goods or services because of similarity between two marks. While evidence of actual confusion is ““undoubtedly the best evidence of likelihood of confusion,”” it is very difficult to obtain. *See Daddy’s Junky*, 109 F.3d at 284 (citation omitted). “Due to the difficulty of securing evidence of actual confusion, a lack of such evidence is rarely significant ....” *Id.* (citations omitted); *see also Maker’s Mark*, 679 F.3d at 422.

In this case, HOKC has already experienced evidence of actual confusion as a result of KCI’s activities. In September 2019, two separate recipients of charitable grants from HOKC posted thank yous to their respective Facebook pages. In both posts, however, the grantees mistakenly tagged KCI’s Facebook page instead of HOKC’s Facebook page. [Verified Complaint, ¶ 29]. Such actual confusion not only showed confusion by the grantees about who provided the charitable giving, but also caused the viewing public of both posts to be confused

by who provided the grants. These incidents illustrate both (i) current grantees of HOKC who tagged the wrong entity in their posts; and (ii) the viewing public who saw the posts and would have assumed that KCI awarded the grants to the non-profit organizations demonstrating the kind of actual confusion that HOKC seeks to avoid by enjoining Defendants' further actions. This evidence of actual confusion weighs heavily in favor of HOKC.

**5. Frisch's Factor No. 5: The Parties use identical marketing channels.**

Where marketing methods used to promote the services at issue are substantially similar, the likelihood of confusion among the services is higher. *Frisch's*, 670 F.2d at 648. Here, both HOKC and Defendants maintain an online presence through social media, including Facebook pages, Kentucky Colonel membership websites, charitable online giving features, and other similar marketing channels. More importantly, Defendants, through Wright, are intentionally creating confusion through social media accounts and the KCI Website.

**6. Frisch's Factor No. 6: The likely degree of purchaser care is low.**

The sixth *Frisch's* factor requires the Court to determine the likely degree of purchaser care, which is not particularly applicable to this set of facts, in which Defendants are engaging in purposeful use of the KENTUCKY COLONELS Mark. In this case, the purchaser, even in exercising care, may still be confused because of Defendants' purposeful attempts to appear to be an official organization affiliated with the KENTUCKY COLONELS Mark and to trade off of the goodwill of the KENTUCKY COLONELS brand.

**7. Frisch's Factor No. 7: The Defendants intended to copy the Mark.**

The intent of Defendants is also assessed when determining the likelihood of consumer confusion. "Direct evidence of intentional copying is not necessary to prove intent. Rather, the use of a contested mark with knowledge of the protected mark at issue can support a finding of

intentional copying.” *Daddy’s Junky*, 109 F.3d at 286 (citation omitted). Based upon the correspondence between the parties, Defendants clearly are aware of HOKC’s Mark and are obviously using it for their own personal and financial gain. In fact, Wright and his affiliated organizations dramatically increased their improper infringement activities after HOKC rejected Wright’s extortionate attempt to have KCI “acquired” by HOKC.

**8. Frisch’s Factor No. 8: Expansion of product lines.**

In this case, Defendants’ fraudulent services are directly competing with HOKC’s legitimate services. The Sixth Circuit holds that in such instances, where products or services are directly competing, there “is no need for discussion of this factor.” *Little Caesar Enterprises, Inc. v. Pizza Caesar, Inc.*, 834 F.2d 568, 572 (6th Cir. 1987).

**9. The Frisch’s Factors, Taken Together, Weigh Strongly in Favor of HOKC.**

Certainly, HOKC has a strong likelihood of success on the merits in its claim of trademark infringement. *Cases like this are why trademark laws exist.* Trademark infringement is problematic in any case, but it simply cannot be tolerated when being done to divert charitable and membership dollars for Defendants’ unjust personal financial gain, while simultaneously trying to strong-arm a six-figure “merger” deal for yourself. To prevent irreparable injury and maintain the status quo, the temporary restraining order and preliminary injunction requested by HOKC should be granted.

**B. Defendants’ Continued Infringement of the Trademark of HOKC Poses a Threat of Irreparable Harm.**

In the trademark context, the requirement of irreparable injury is to be interpreted liberally. The Sixth Circuit has unequivocally held that “irreparable harm is *presumed* from defendant[’]s infringement of plaintiff’s mark.” *DaimlerChrysler v. The Net Inc.*, 388 F.3d 201, 208 (6th Cir. 2004) (citations omitted) (emphasis added). “The law of this Circuit holds that no

particular finding of likelihood of . . . irreparable harm is necessary for injunctive relief in trademark infringement or unfair competition cases.” *Circuit City Stores, Inc. v. CarMax, Inc.*, 165 F.3d 1047, 1056 (6th Cir. 1999) (citing *Wynn Oil Co. v. Am. Way Serv. Corp.*, 943 F.2d 595, 608 (6th Cir. 1991)). Further, “[o]nce a moving party has demonstrated a likelihood of confusion, a finding of irreparable injury ordinarily follows.” *Ohio State*, 738 F. Supp.2d at 755.

“The irreparable injury flows both from the potential difficulty of proof of plaintiff’s damages, and also from the impairment of intangible values.” *Wynn*, 943 F.2d at 608 (internal quotation marks omitted) (citations omitted)). Further, where a defendant is unlawfully infringing upon a trademark, irreparable injury follows from the damage to a plaintiff’s reputation and the development of goodwill in its mark. *See DaimlerChrysler*, 388 F.3d at 208. A court may also consider the potential loss of control over the quality of goods associated with the plaintiff’s mark and the risk of damage to the plaintiff’s reputation and mark. *See Woodroast Sys., Inc. v. Rests. Unlimited, Inc.*, 793 F. Supp. 906, 918 (D. Minn. 1992), *aff’d* 994 F.2d 844 (8th Cir. 1993). The consequences of trademark infringement and unfair competition and the attendant loss of goodwill and injury to reputation along with control over the nature and quality of the goods are intangibles which cannot later be compensated by an award of money damages.

Defendants’ use of HOKC’s trademark poses certain and immediate threat of irreparable injury to the reputation and goodwill of HOKC. The injury to HOKC’s goodwill and other charitable interests caused by this conduct will only increase as Defendants’ activities continue. Indeed, it is likely that HOKC’s support of numerous charities would be irreparably harmed if Defendants are permitted to profit from the KENTUCKY COLONELS Mark. Moreover, unless Defendants are enjoined from infringing HOKC’s Mark, it will be difficult to subsequently

quantify how many contributions were lost due to Defendants' actions. *See, eg., Budish v. Gordon*, 784 F. Supp. 1320, 1337 (N.D. Ohio 1992).

The injury which will be sustained by HOKC is more than financial, however. HOKC has spent many years developing its reputation and goodwill throughout the world. Here, continued use of its Mark by Defendants could cause HOKC to suffer a substantial loss of goodwill among its members and the general public, as consumers are confused into thinking that HOKC is acting in concert with organizations and individuals that have no ties to HOKC. The fact that Wright and his affiliated organizations have misrepresented their corporate and tax exempt status further exacerbates the reputational harm that HOKC may suffer. The threat that the goodwill of HOKC will be diminished and the prestige and honor associated with the KENTUCKY COLONELS Mark tarnished is an injury which cannot be rectified monetarily. The injury is immediate and continuing and cannot be repaired. *See Basicomputer Corp. v. Scott*, 973 F.2d 507, 512 (6th Cir. 1992) (holding that "[t]he loss of customer goodwill often amounts to irreparable injury because the damages flowing from such losses are difficult to compute"); *Michigan Bell Telephone Co. v. Engler*, 257 F.3d 587, 599 (6th Cir. 2001) (noting same); *Genny's Diner & Pub, Inc. v. Sweet Daddy's, Inc.*, 812 F.Supp. 744, 747 (W.D. Ky. 1993) (finding that where confusion is highly likely, the loss of goodwill is irreparable or, at best, only very slowly regained, and noting that damages for such harm are clearly inadequate).

HOKC has sufficiently demonstrated the irreparable harm which it will suffer if the injunctive relief sought is not granted. The motion for a temporary restraining order and a preliminary injunction should be granted.

### **C. The Balance of Injuries Weighs Decidedly in Favor of HOKC.**

Harm caused to apparent infringers is not entitled to consideration. *Worthington Foods, Inc. v. Kellogg Co.*, 732 F. Supp. 1417, 1461 (S.D. Ohio 1990). "[I]f the plaintiff alleging

trademark infringement can show a likelihood of success, the ‘harm to others’ factor of the preliminary injunction standard would normally favor the plaintiff as well.” *Id.* at 1462. The threatened injury to HOKC therefore far outweighs whatever harm the issuance of an injunction may cause Defendants.

The relief requested by HOKC prohibits Defendants from doing what it should not be doing in the first place—using a trademark to which it has no legal right. “Where the harm to an alleged infringer from a preliminary injunction is self-inflicted, courts typically find that such harm is a natural consequence of infringing activity that does not weigh against issuance of an injunction.” *Anderson v. TOL, Inc.*, 927 F. Supp. 2d 475, 488 (M.D. Tenn. 2013). Any harm to Defendants is self-inflicted, as Defendants knew of the HOKC’s longstanding rights in the KENTUCKY COLONELS Mark. *See Papa John’s Int’l, Inc. v. Specktacular Pizza, Inc.*, No. 3:05-cv-515-H, 2005 WL 3132337, at \*5 (W.D. Ky. Nov. 21, 2005); *see also KFC Corp. v. Goldey*, 714 F. Supp. 264, 267 (W.D. Ky. 1989) (“As to the threatened harm to plaintiff compared with the threatened harm to the defendant, the courts have usually held that where the plaintiff is an authorized trademark holder and the defendant is improperly using the trademark, then the threatened harm to the trademark owner outweighs the threatened harm to the defendant.”).

In fact, the relief requested will only prevent Defendants from doing what they should not be doing in the first place. “Where the only hardship that the defendant will suffer is lost profits from an activity which has been shown likely to be infringing, such an argument in defense ‘merits little equitable consideration.’” *Budish v. Gorden*, 784 F.Supp. 1320, 1338 (N.D. Ohio 1992) (citations omitted). *See also Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 253 F.Supp.2d 943, 973 (E.D. Ky. 2003) (“One cannot build a business based upon infringing

another's intellectual property rights, and then be allowed to complain that making them stop will cause harm"). Furthermore, when a plaintiff has made a substantial investment of time and money in its mark as opposed to the investment by the infringer, the balance of hardships tips in the plaintiff's favor. *See Woodroast Sys., Inc. v. Restaurants Unlimited, Inc.*, 793 F.Supp. 906, 919 (D. Minn. 1992), *aff'd* 994 F.2d 844 (8th Cir. 1993).

HOKC has invested nearly a century in developing the goodwill behind its KENTUCKY COLONELS Mark. Defendants are using HOKC's trademark to lend authenticity to an organization which, by its own admission, is dedicated to promotion of the "careers and successes" of its individual members. Such self-promotion for individual and personal enrichment is completely inconsistent with the mission of the HOKC and contrary to the historical use of the KENTUCKY COLONELS Mark. It is particularly harmful to HOKC's reputation since the individuals and entities misappropriating the Mark are misrepresenting their tax exempt status and have a history of utterly disregarding the law on corporate governance, formation, and status. Accordingly, as the only potential injury to Defendants would be profits lost from their infringing activities, the balance of equities lies heavily in favor of HOKC. The motion for injunctive relief should be granted.

**D. Granting Injunctive Relief Is In the Public Interest.**

The injunctive relief sought by HOKC is clearly in the best interest of the public. Unlike other types of preliminary injunction matters, in a trademark infringement matter, "a third party, the consuming public, is present and its interests are paramount." *See* 1 McCarthy, *supra* p. 8, § 2:22 (quoting *James Burrough Ltd. v. Sign of Beefeater, Inc.*, 540 F.2d 266, 274 (7th Cir. 1976)). When a trademark is infringed, what is actually infringed is the right of the public to be free of confusion and the synonymous right of the trademark owner to control its product's (or service's) reputation. *Id.* As a result, public policy concerns often "weigh in favor of preliminary



injunctive relief because an injunction would halt confusion in the marketplace.” *Ohio State*, 738 F. Supp. 2d at 756-57. In the present case, it is certainly in the public interest to prevent confusion between the services provided by HOKC and the activities of others improperly using the KENTUCKY COLONELS Mark.

HOKC is a non-profit organization that distributes grants to non-profit organizations. To raise money for charity, HOKC solicits contributions from appointed Kentucky Colonels, holds an annual barbeque picnic, and engages in service, sells a wide variety of merchandise that bears the KENTUCKY COLONELS Mark, and other such fundraising activities. On an annual basis, HOKC raises and distributes millions of dollars to charitable and educational organizations across the Commonwealth and beyond, and confusion or harm to its goodwill could impair HOKC’s efforts to raise money for such worthy causes. HOKC’s motion for a temporary restraining order and a preliminary injunction is in the public interest and should be granted.

### **CONCLUSION**

HOKC is suffering irreparable injury from Defendants’ infringement of its trademark, and membership of HOKC is being duped by Defendants for Defendants’ own financial gain. HOKC has offered sufficient evidence to show that Defendants’ use of the KENTUCKY COLONELS Mark is harming HOKC, and is causing actual confusion to the public. HOKC respectfully requests that its motion for a temporary restraining order and a preliminary injunction be granted and that the proposed Orders be entered with all possible haste.

Respectfully submitted,

/s/ Cornelius E. Coryell II

Cornelius E. Coryell II

Michelle Browning Coughlin

Julie Laemmle Watts

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Louisville, KY 40202

(502) 589-5235

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mcoughlin@wyattfirm.com

jwatts@wyattfirm.com

*Counsel for Plaintiff, the Honorable Order of  
Kentucky Colonels, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 21, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that a true and correct copy of the foregoing has been served upon the following, via U.S. Mail, on the 21<sup>st</sup> day of February, 2020:

Kentucky Colonels International  
c/o Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

Ecology Crossroads Cooperative Foundation, Inc.  
c/o Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

Globcal International  
c/o Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

David J. Wright  
302 General Smith Drive  
Richmond, KY 40475

/s/ Cornelius E. Coryell II

*Counsel for Plaintiff, the Honorable Order of  
Kentucky Colonels, Inc.*

100234362.2

# **EXHIBIT 1**

## **TO MOTION FOR RESTRAINING ORDER**

## THE HONORABLE ORDER OF KENTUCKY COLONELS TRADEMARK REGISTRATIONS AND APPLICATIONS

TRADEMARK	Status/ Key Dates	Goods/Services
<b>KENTUCKY COLONELS</b>  RN: 2812681 SN: 76499062	Renewed February 10, 2014  First Use: October 21, 2002  Filed: March 10, 2003  Registered: February 10, 2004	(Int'l Class: 06)  metal key chains; metal money clips; commemorative metal license plates  (Int'l Class: 14)  necklaces; rings being jewelry; ornamental lapel pins; cuff-links; tie-clips  (Int'l Class: 21)  coffee cups; drinking glasses; shot glasses; drinking flasks  (Int'l Class: 22)  multi-purpose cloth bags  (Int'l Class: 25)  clothing, namely, shirts, t-shirts, sweat shirts, jackets, vests, baseball caps [, sun visors ]  (Int'l Class: 26)  embroidered patches for clothing
<b>KENTUCKY COLONELS</b>  RN: 4596450 SN: 86168292	Registered September 2, 2014  First Use: November 20, 2002  Filed: January 17, 2014	(Int'l Class: 34)  cigars
<b>KENTUCKY COLONELS</b>  RN: 5981310 SN: 88423336	Registered February 11, 2020  First Use: December 12, 2017  Filed: May 9, 2019	(Int'l Class: 30)  Barbeque sauce; Candy; Caramel sauce; Chocolate candies; Chocolate confections, namely, bourbon infused candies; Chocolate sauce; Marinades; Salsa

## THE HONORABLE ORDER OF KENTUCKY COLONELS TRADEMARK REGISTRATIONS AND APPLICATIONS

TRADEMARK	Status/ Key Dates	Goods/Services
<b>KENTUCKY COLONELS</b>  SN: 88800020	First Use Commerce: 1951  Filed: February 17, 2020	(Int'l Class: 36)  Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to non-profit organizations
<b>KENTUCKY COLONELS</b>  SN: 88800035	First Use: 1995  Filed: February 17, 2020	(Int'l Class: 41)  Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members
<b>KENTUCKY COLONELS</b>  SN: 88800038	First Use Commerce: 1951  Filed: February 17, 2020	(Int'l Class: 35)  Association services, namely, promoting the interests of individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission; Promoting the interests of members of the organization by means of club services
<b>HONORABLE ORDER OF KENTUCKY COLONELS</b>  RN: 1227024 SN: 73299122	Renewed Principal Register - Sec. 2(F) February 8, 2013  First Use: May 10, 1957  Filed: March 2, 1981  Registered: February 8, 1983	(Int'l Class: 42)  eleemosynary services-namely, founding of scholarship, equipping playgrounds and the like and to collect historical and cultural material pertaining to Commonwealth of Kentucky
<b>HONORABLE ORDER OF KENTUCKY COLONELS</b>  RN: 4939909 SN: 86690496	Registered Principal Register - Sec. 2(F) April 19, 2016  First Use: May 10, 1957  Filed: July 12, 2015	(Int'l Class: 36)  charitable services, namely, providing financial assistance for programs and services of others; providing educational scholarships

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Thursday, February 6, 2014 11:01 PM  
**To:** mwilliams@wyattfirm.com  
**Subject:** Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 2812681: KENTUCKY COLONELS: Docket/Reference No. 031100.70239

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**Serial Number:** 76499062  
**Registration Number:** 2812681  
**Registration Date:** Feb 10, 2004  
**Mark:** KENTUCKY COLONELS  
**Owner:** Honorable Order of Kentucky Colonels, In, etc

Feb 6, 2014

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9**

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
006, 014, 021, 022, 025, 026

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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### **REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### **Grace Period Filings**

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=76499062>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**Int. Cls.: 6, 14, 21, 22, 25 and 26**

**Prior U.S. Cls.: 1, 2, 7, 12, 13, 14, 19, 22, 23, 25, 27, 28,  
29, 30, 33, 37, 39, 40, 42 and 50**

**Reg. No. 2,812,681**

**United States Patent and Trademark Office**

**Registered Feb. 10, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**KENTUCKY COLONELS**

HONORABLE ORDER OF KENTUCKY COLONELS, INC., THE (KENTUCKY CORPORATION)

1717 ALLIANT AVENUE, SUITE 14  
LOUISVILLE, KY 40299

FOR: METAL KEY CHAINS; METAL MONEY CLIPS; COMMEMORATIVE METAL LICENSE PLATES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: NECKLACES; RINGS BEING JEWELRY; ORNAMENTAL LAPEL PINS; CUFF-LINKS; TIE-CLIPS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: COFFEE CUPS; DRINKING GLASSES; SHOT GLASSES; DRINKING FLASKS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: MULTI-PURPOSE CLOTH BAGS, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: CLOTHING, NAMELY SHIRTS, T-SHIRTS, SWEAT SHIRTS, JACKETS, VESTS, BASEBALL CAPS, SUN VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: EMBROIDERED PATCHES FOR CLOTHING, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY", APART FROM THE MARK AS SHOWN.

SER. NO. 76-499,062, FILED 3-10-2003.

MELVIN AXILBUND, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## KENTUCKY COLONELS

**Reg. No. 4,596,450**

**Registered Sep. 2, 2014**

**Int. Cl.: 34**

THE HONORABLE ORDER OF KENTUCKY COLONELS, INC. (KENTUCKY CORPORATION)  
1717 ALLIANT AVENUE  
SUITE 14  
LOUISVILLE, KY 40299

FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

**TRADEMARK**

FIRST USE 11-20-2002; IN COMMERCE 11-20-2002.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,227,024 AND 2,812,681.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY", APART FROM THE MARK AS SHOWN.

SER. NO. 86-168,292, FILED 1-17-2014.

JACLYN KIDWELL WALKER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

## United States Patent and Trademark Office

### KENTUCKY COLONELS

**Reg. No. 5,981,310**

**Registered Feb. 11, 2020**

**Int. Cl.: 30**

**Trademark**

**Principal Register**

The Honorable Order of Kentucky Colonels, Inc. (KENTUCKY CORPORATION)  
1717 Alliant Avenue, Suite 14  
Louisville, KENTUCKY 40299

CLASS 30: Barbeque sauce; Candy; Caramel sauce; Chocolate candies; Chocolate confections, namely, bourbon infused candies; Chocolate sauce; Marinades; Salsa

FIRST USE 12-12-2017; IN COMMERCE 12-12-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4596450, 2812681, 1227024

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"KENTUCKY"

SER. NO. 88-423,336, FILED 05-09-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

**Watts, Julie**

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**From:** TEAS@uspto.gov  
**Sent:** Monday, February 17, 2020 2:51 PM  
**To:** Coughlin, Michelle; Laney, Deb; Trademarks  
**Subject:** Serial number 88800020: Received Your Trademark/Service Mark Application, Principal Register

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Filing Receipt for Trademark/Service Mark Application for Registration  
on the Principal Register  
and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

**1. Your mark.** KENTUCKY COLONELS (Standard Characters, mark.jpg)

The literal element of the mark consists of KENTUCKY COLONELS. The mark consists of standard characters, without claim to any particular font style, size, or color.

**2. Your serial number.** Your application was assigned serial number '88800020'. You must refer to your serial number in all communications about your application.

**3. What happens next—legal examination.** Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

**4. Keep your addresses current in USPTO records.** We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

**5. Check your application status in our database every three to four months.** To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

**6. Warning about private companies offering trademark-related services.** Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

**7. Questions?** Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

**8. Application data.** If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

**The information submitted in the application appears below:**

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

**TEAS Plus Application**

**NOTE:** Data fields with the \* are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	KENTUCKY COLONELS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	The Honorable Order of Kentucky Colonels, Inc.
DBA/AKA/TA/FORMERLY	AKA Kentucky Colonels
*MAILING ADDRESS	943 South 1st Street
*CITY	Louisville
*STATE (Required for U.S. applicants)	Kentucky

<b>*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. and certain international addresses)	40203
<b>*EMAIL ADDRESS</b>	scrose@kycolonels.org
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	non-profit corporation
<b>*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED</b>	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	036
<b>*IDENTIFICATION</b>	Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to <b>non-profit organizations</b>
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1931
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 00/00/1951
<b>SPECIMEN FILE NAME(S)</b>	SPE0-20887237201-20200217 062101419506_._11_ - _Day_o f_Service_ - _Kentucky_Colo
	SPE0-20887237201-20200217 062101419506_._2019-Good- Works-Program- Guidelines.
	SPE0-20887237201-20200217 062101419506_._14_ - _Award ed_Grants_ - _Kentucky_Colo
<b>SPECIMEN DESCRIPTION</b>	Screenshots from Applicant's website showing mark prominently displayed in connection with the services
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	

<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	93081
<b>YEAR OF ADMISSION</b>	2009
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	Kentucky
<b>FIRM NAME</b>	Wyatt Tarrant & Combs LLP
<b>STREET</b>	400 West Market St, Suite 2000
<b>CITY</b>	Louisville
<b>STATE</b>	Kentucky
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	40202
<b>PHONE</b>	502-562-7561
<b>FAX</b>	502-589-0309
<b>EMAIL ADDRESS</b>	mcoughlin@wyattfirm.com
<b>OTHER APPOINTED ATTORNEY</b>	Matthew A. Williams, Max Bridges, Julie A. Laemmle
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	mcoughlin@wyattfirm.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	dlaney@wyattfirm.com; TRADEMARKS@WYATTFIRM.COM
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	225
<b>*TOTAL FEES DUE</b>	225
<b>*TOTAL FEES PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/MBC/

<b>* SIGNATORY'S NAME</b>	Michelle Browning Coughlin
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Kentucky bar member
<b>SIGNATORY'S PHONE NUMBER</b>	502-562-7561
<b>* DATE SIGNED</b>	02/17/2020

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 88800020**

**Filing Date: 02/17/2020**

### **To the Commissioner for Trademarks:**

The applicant, The Honorable Order of Kentucky Colonels, Inc., AKA Kentucky Colonels, a non-profit corporation legally organized under the laws of United States, having an address of

943 South 1st Street

Louisville, Kentucky 40203

United States

scrose@kyclonels.org

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 036: Charitable fundraising services; Charitable fundraising services by means of organizing and conducting special events; Providing grants to non-profit organizations

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 036, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/1931, and first used in commerce at least as early as 00/00/1951, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s)



showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots from Applicant's website showing mark prominently displayed in connection with the services.

Specimen-1 [SPE0-20887237201-20200217062101419506\_.\_11\_-\_Day\_of\_Service\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

Specimen-2 [SPE0-20887237201-20200217062101419506\_.\_2019-Good-Works-Program-Guidelines.pdf ]

Specimen-3 [SPE0-20887237201-20200217062101419506\_.\_14\_-\_Awarded\_Grants\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

### **Claim of Active Prior Registration(s)**

The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.

The owner's/holder's proposed attorney information: Michelle Browning Coughlin. Other appointed attorneys are Matthew A. Williams, Max Bridges, Julie A. Laemmle. Michelle Browning Coughlin of Wyatt Tarrant & Combs LLP, is a member of the Kentucky bar, admitted to the bar in 2009, bar membership no. 93081, and the attorney(s) is located at

400 West Market St, Suite 2000

Louisville, Kentucky 40202

United States

502-562-7561(phone)

502-589-0309(fax)

mcoughlin@wyattfirm.com

Michelle Browning Coughlin submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Michelle Browning Coughlin

PRIMARY EMAIL FOR CORRESPONDENCE: mcoughlin@wyattfirm.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): dlaney@wyattfirm.com;

TRADEMARKS@WYATTFIRM.COM

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;

- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- [X] To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- [X] To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- [X] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /MBC/ Date: 02/17/2020

Signatory's Name: Michelle Browning Coughlin

Signatory's Position: Attorney of record, Kentucky bar member

Signatory's Phone Number: 502-562-7561

---

Thank you,

The TEAS support team

Mon Feb 17 14:51:00 ET 2020

STAMP: USPTO/FTK-4.17.80.94-20200217145059958790-88800020-

710ba2db2408c27d76afc43e67a6942897c5afb72f6862c3530d5ede665ee8ea-DA-50594876-

20200217144333207931

**Watts, Julie**

---

**From:** TEAS@uspto.gov  
**Sent:** Monday, February 17, 2020 3:01 PM  
**To:** Coughlin, Michelle; Laney, Deb; Trademarks  
**Subject:** Serial number 88800035: Received Your Trademark/Service Mark Application, Principal Register

**Filing Receipt for Trademark/Service Mark Application for Registration  
on the Principal Register  
and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

**1. Your mark.** KENTUCKY COLONELS (Standard Characters, mark.jpg)

The literal element of the mark consists of KENTUCKY COLONELS. The mark consists of standard characters, without claim to any particular font style, size, or color.

**2. Your serial number.** Your application was assigned serial number '88800035'. You must refer to your serial number in all communications about your application.

**3. What happens next—legal examination.** Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

**4. Keep your addresses current in USPTO records.** We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

**5. Check your application status in our database every three to four months.** To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

**6. Warning about private companies offering trademark-related services.** Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and

Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

**7. Questions?** Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

**8. Application data.** If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

**The information submitted in the application appears below:**

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

**TEAS Plus Application**

**NOTE:** Data fields with the \* are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	KENTUCKY COLONELS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	The Honorable Order of Kentucky Colonels, Inc.
DBA/AKA/TA/FORMERLY	AKA Kentucky Colonels
*MAILING ADDRESS	943 South 1st Street
*CITY	Louisville
*STATE (Required for U.S. applicants)	Kentucky
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States

<b>*ZIP/POSTAL CODE</b> (Required for U.S. and certain international addresses)	40203
<b>*EMAIL ADDRESS</b>	scrose@kycolonels.org
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	non-profit corporation
<b>*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED</b>	Kentucky
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	041
<b>*IDENTIFICATION</b>	Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1931
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 00/00/1995
<b>SPECIMEN FILE NAME(S)</b>	SPE0-1-4178094-2020021713 5556237299_._PRIVATE_BOUR BON_TASTING_FOR_KENTUCKY_
	SPE0-1-4178094-2020021713 5556237299_._KY_Col_Newsp aper_1995.jpg
	SPE0-4178094-202002171355 56237299_._11_- _Day_of_Se rvice_-_Kentucky_Colonels
	SPE0-1-4178094-2020021713 5556237299_._ireShot_Capt ure_012_- _Kentucky_Colone
<b>SPECIMEN DESCRIPTION</b>	Screenshots from Applicant's website, newspaper clippings, and photographs showing Applicant's mark prominently displayed in connection with the services
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.
<b>*CONSENT (NAME/ LIKENESS)</b> (if applicable)	

<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	93081
<b>YEAR OF ADMISSION</b>	2009
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	Kentucky
<b>FIRM NAME</b>	Wyatt Tarrant & Combs LLP
<b>STREET</b>	400 West Market St, Suite 2000
<b>CITY</b>	Louisville
<b>STATE</b>	Kentucky
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	40202
<b>PHONE</b>	502-562-7561
<b>FAX</b>	502-589-0309
<b>EMAIL ADDRESS</b>	mcoughlin@wyattfirm.com
<b>OTHER APPOINTED ATTORNEY</b>	Matthew A. Williams, Max Bridges, Julie A. Laemmle
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	mcoughlin@wyattfirm.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	dlaney@wyattfirm.com; TRADEMARKS@WYATTFIRM.COM
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	225
<b>*TOTAL FEES DUE</b>	225
<b>*TOTAL FEES PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/MBC/

<b>* SIGNATORY'S NAME</b>	Michelle Browning Coughlin
<b>* SIGNATORY'S POSITION</b>	Attorney of record, Kentucky bar member
<b>SIGNATORY'S PHONE NUMBER</b>	502-562-7561
<b>* DATE SIGNED</b>	02/17/2020

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 88800035**

**Filing Date: 02/17/2020**

### **To the Commissioner for Trademarks:**

The applicant, The Honorable Order of Kentucky Colonels, Inc., AKA Kentucky Colonels, a non-profit corporation legally organized under the laws of Kentucky, having an address of

943 South 1st Street

Louisville, Kentucky 40203

United States

scrose@kycolonels.org

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 041: Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/1931, and first used in commerce at least as early as 00/00/1995, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s)

showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots from Applicant's website, newspaper clippings, and photographs showing Applicant's mark prominently displayed in connection with the services.

Specimen-1 [SPE0-1-4178094-

20200217135556237299\_.\_PRIVATE\_BOURBON\_TASTING\_FOR\_KENTUCKY\_COLONELS.jpg ]

Specimen-2 [SPE0-1-4178094-20200217135556237299\_.\_KY\_Col\_Newspaper\_1995.jpg ]

Specimen-3 [SPE0-4178094-20200217135556237299\_.\_11\_-\_Day\_of\_Service\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

Specimen-4 [SPE0-1-4178094-20200217135556237299\_.\_ireShot\_Capture\_012\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

### **Claim of Active Prior Registration(s)**

The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.

The owner's/holder's proposed attorney information: Michelle Browning Coughlin. Other appointed attorneys are Matthew A. Williams, Max Bridges, Julie A. Laemmle. Michelle Browning Coughlin of Wyatt Tarrant & Combs LLP, is a member of the Kentucky bar, admitted to the bar in 2009, bar membership no. 93081, and the attorney(s) is located at

400 West Market St, Suite 2000

Louisville, Kentucky 40202

United States

502-562-7561(phone)

502-589-0309(fax)

mcoughlin@wyattfirm.com

Michelle Browning Coughlin submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Michelle Browning Coughlin

PRIMARY EMAIL FOR CORRESPONDENCE: mcoughlin@wyattfirm.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): dlaney@wyattfirm.com;

TRADEMARKS@WYATTFIRM.COM

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**



- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- [X] To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- [X] To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- [X] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /MBC/ Date: 02/17/2020

Signatory's Name: Michelle Browning Coughlin

Signatory's Position: Attorney of record, Kentucky bar member

Signatory's Phone Number: 502-562-7561

---

Thank you,

The TEAS support team

Mon Feb 17 15:00:58 ET 2020

STAMP: USPTO/FTK-4.17.80.94-20200217150058043233-88800035-

710d55210a9f87b948240c2a14c4125a44450525514ffe6e933b291284b9581e5f-DA-00574960-20200217145136602336

**Watts, Julie**

---

**From:** TEAS@uspto.gov  
**Sent:** Monday, February 17, 2020 3:04 PM  
**To:** Coughlin, Michelle; Laney, Deb; Trademarks  
**Subject:** Serial number 88800038: Received Your Trademark/Service Mark Application, Principal Register

**Filing Receipt for Trademark/Service Mark Application for Registration  
 on the Principal Register  
 and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

**1. Your mark.** KENTUCKY COLONELS (Standard Characters, mark.jpg)

The literal element of the mark consists of KENTUCKY COLONELS. The mark consists of standard characters, without claim to any particular font style, size, or color.

**2. Your serial number.** Your application was assigned serial number '88800038'. You must refer to your serial number in all communications about your application.

**3. What happens next—legal examination.** Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

**4. Keep your addresses current in USPTO records.** We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

**5. Check your application status in our database every three to four months.** To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

**6. Warning about private companies offering trademark-related services.** Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and

Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

**7. Questions?** Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

**8. Application data.** If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

**The information submitted in the application appears below:**

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

**TEAS Plus Application**

**NOTE:** Data fields with the \* are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	KENTUCKY COLONELS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	The Honorable Order of Kentucky Colonels, Inc.
DBA/AKA/TA/FORMERLY	AKA Kentucky Colonels
*MAILING ADDRESS	943 South 1st Street
*CITY	Louisville
*STATE (Required for U.S. applicants)	Kentucky
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States

<b>*ZIP/POSTAL CODE</b> (Required for U.S. and certain international addresses)	40203
<b>*EMAIL ADDRESS</b>	scrose@kycolonels.org
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	non-profit corporation
<b>*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED</b>	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	035
<b>*IDENTIFICATION</b>	Association services, namely, promoting the interests of <b>individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission</b> ; Promoting the interests of <b>members of the organization</b> by means of <b>club services</b>
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1931
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 00/00/1951
<b>SPECIMEN FILE NAME(S)</b>	SPE0-4178094-202002171355 56237299_._ireShot_Captur e_012_ - _Kentucky_Colonels
	SPE0-4178094-202002171355 56237299_._Newspaper_arti cle_KY_Col_1991.jpg
	SPE0-4178094-202002171355 56237299_._KY_Col_Newspap er_1995.jpg
	SPE0-4178094-202002171355 56237299_._PRIVATE_BOURBO N_TASTING_FOR_KENTUCKY_CO
<b>SPECIMEN DESCRIPTION</b>	Photos of events and screenshots of Applicant's website showing mark prominently displayed in connection with various services offered to members
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.

<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	93081
<b>YEAR OF ADMISSION</b>	2009
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	Kentucky
<b>FIRM NAME</b>	Wyatt Tarrant & Combs LLP
<b>STREET</b>	400 West Market St, Suite 2000
<b>CITY</b>	Louisville
<b>STATE</b>	Kentucky
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	40202
<b>PHONE</b>	502-562-7561
<b>FAX</b>	502-589-0309
<b>EMAIL ADDRESS</b>	mcoughlin@wyattfirm.com
<b>OTHER APPOINTED ATTORNEY</b>	Matthew A. Williams, Max Bridges, Julie A. Laemmle
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Michelle Browning Coughlin
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	mcoughlin@wyattfirm.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	dlaney@wyattfirm.com; TRADEMARKS@WYATTFIRM.COM
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	225
<b>*TOTAL FEES DUE</b>	225
<b>*TOTAL FEES PAID</b>	225
<b>SIGNATURE INFORMATION</b>	

* SIGNATURE	/MBC/
* SIGNATORY'S NAME	Michelle Browning Coughlin
* SIGNATORY'S POSITION	Attorney of record, Kentucky bar member
SIGNATORY'S PHONE NUMBER	502-562-7561
* DATE SIGNED	02/17/2020

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 88800038**

**Filing Date: 02/17/020**

### **To the Commissioner for Trademarks:**

The applicant, The Honorable Order of Kentucky Colonels, Inc., AKA Kentucky Colonels, a non-profit corporation legally organized under the laws of United States, having an address of

943 South 1st Street

Louisville, Kentucky 40203

United States

scrose@kycolonels.org

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 035: Association services, namely, promoting the interests of individuals selected by the Governor of the Commonwealth of Kentucky to receive an honorary commission; Promoting the interests of members of the organization by means of club services

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/1931, and first used in commerce at least as early as 00/00/1951, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Photos of events and screenshots of Applicant's website showing mark prominently displayed in connection with various services offered to members.

Specimen-1 [SPE0-4178094-20200217135556237299\_-\_ireShot\_Capture\_012\_-\_Kentucky\_Colonels\_-\_www.kycolonels.org.pdf ]

Specimen-2 [SPE0-4178094-20200217135556237299\_-\_Newspaper\_article\_KY\_Col\_1991.jpg ]

Specimen-3 [SPE0-4178094-20200217135556237299\_-\_KY\_Col\_Newspaper\_1995.jpg ]

Specimen-4 [SPE0-4178094-

20200217135556237299\_-\_PRIVATE\_BOURBON\_TASTING\_FOR\_KENTUCKY\_COLONELS.jpg ]

### **Claim of Active Prior Registration(s)**

The applicant claims ownership of active prior U.S. Registration Number(s) 2812681 and 4596450.

The owner's/holder's proposed attorney information: Michelle Browning Coughlin. Other appointed attorneys are Matthew A. Williams, Max Bridges, Julie A. Laemmle. Michelle Browning Coughlin of Wyatt Tarrant & Combs LLP, is a member of the Kentucky bar, admitted to the bar in 2009, bar membership no. 93081, and the attorney(s) is located at

400 West Market St, Suite 2000

Louisville, Kentucky 40202

United States

502-562-7561(phone)

502-589-0309(fax)

mcoughlin@wyattfirm.com

Michelle Browning Coughlin submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Michelle Browning Coughlin

PRIMARY EMAIL FOR CORRESPONDENCE: mcoughlin@wyattfirm.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): dlaney@wyattfirm.com;

TRADEMARKS@WYATTFIRM.COM

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- [X] To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- [X] To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- [X] The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /MBC/ Date: 02/17/2020

Signatory's Name: Michelle Browning Coughlin

Signatory's Position: Attorney of record, Kentucky bar member

Signatory's Phone Number: 502-562-7561

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Thank you,

The TEAS support team

Mon Feb 17 15:04:16 ET 2020

STAMP: USPTO/FTK-4.17.80.94-20200217150415959066-88800038-

710b0f5a5a9acc4856c50fad7a13a5a31d43cd95674791ef67749825b8f3b4d5e-DA-04154985-20200217150139845524



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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, December 19, 2012 11:01 PM  
**To:** whollander@wyattfirm.com  
**Subject:** Trademark RN 1227024: Official Notice of Acceptance and Renewal under Sections 8 and 9 of the Trademark Act

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**Serial Number:** 73299122  
**Registration Number:** 1227024  
**Registration Date:** Feb 8, 1983  
**Mark:** HONORABLE ORDER OF KENTUCKY COLONELS  
**Owner:** Honorable Order of Kentucky Colonels, In, etc

Dec 19, 2012

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9**

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
042

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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### **REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

#### **Grace Period Filings**

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=73299122>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**Int. Cl.: 42**

**Prior U.S. Cl.: 100**

**United States Patent and Trademark Office**

**Reg. No. 1,227,024**

**Registered Feb. 8, 1983**

**SERVICE MARK**

**Principal Register**

**HONORABLE ORDER OF KENTUCKY COLONELS**

The Honorable Order of Kentucky Colonels, Inc.  
(Kentucky corporation)  
5737 Watterson Trail  
Louisville, Ky. 40291

For: ELEEMOSYNARY SERVICES—NAME-  
LY, FOUNDING OF SCHOLARSHIP, EQUIP-  
PING PLAYGROUNDS AND THE LIKE AND  
TO COLLECT HISTORICAL AND CULTURAL  
MATERIAL PERTAINING TO COMMON-  
WEALTH OF KENTUCKY, in CLASS 42 (U.S. Cl.  
100).

First use May 10, 1957; in commerce May 10,  
1957.

Sec. 2(f).

Ser. No. 299,122, filed Mar. 2, 1981.

JAMES H. JOHNSON, Examining Attorney

# United States of America

United States Patent and Trademark Office

## HONORABLE ORDER OF KENTUCKY COLONELS

**Reg. No. 4,939,909**

**Registered Apr. 19, 2016**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

THE HONORABLE ORDER OF KENTUCKY COLONELS, INC. (KENTUCKY CORPORATION)  
SUITE 14  
1717 ALLIANT AVENUE  
LOUISVILLE, KY 40299

FOR: CHARITABLE SERVICES, NAMELY, PROVIDING FINANCIAL ASSISTANCE FOR  
PROGRAMS AND SERVICES OF OTHERS; PROVIDING EDUCATIONAL SCHOLARSHIPS  
, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-10-1957; IN COMMERCE 5-10-1957.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,227,024, 2,812,681, AND 4,596,450.

SEC. 2(F).

SER. NO. 86-690,496, FILED 7-12-2015.

CHRISTINA RIEPEL, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

## **EXHIBIT 2**

# **TO MOTION FOR RESTRAINING ORDER**



Friday, February 7, 2020

## Kentucky Colonels International: Restoring Traditions and Customs

### Defending the Ideals of the Kentucky Colonel

#### Becoming a Kentucky Colonel and Ambassador of Goodwill

*Editorial by Col. David J. Wright*

There is really nothing much more important to me today than being a **Kentucky colonel** and working as a recognized goodwill ambassador with the United Nations Sustainable Development Goals Agenda.

Becoming a Kentucky colonel is an esteemed honor, one that I hold in the highest regard. While some people like to joke with me about it, when they learn I am a Kentucky colonel, I also know they are kidding around and their jokes are in good jest and humor, especially when among close friends. It is not a tongue-in-cheek award like the Admiral of Nebraska, or something that should be



Commonwealth of Kentucky Coat of Arms (1876)

taken lightly by those who are commissioned. Becoming a Kentucky colonel is a great honor in-deed and legal status denoted with letters patent.

I was conferred the lifetime commission in 1996 for bringing attention to the Commonwealth of Kentucky by **Governor Paul Patton**. The governor recognized me for a program that I had developed for **Arbor Day** and distributing millions of tree seedlings across the United States for urban reforestation to homeowners and organizations, a program I began in 1994 in Lexington, Kentucky following an ice storm that devastated the area. It came as a great surprise to me at the time and was presented to me by a good friend, the Honorable Col. Judge Ray Corns.

Being a Kentucky colonel has been more important to me than even my university degree, while I may have learned much of what I know from studying philosophy, it is not something I have ever bragged about much or considered noteworthy in my work as an international goodwill ambassador, although I am sure it has been a bonus to my critical thinking process. One thing I do know is that it is "indeed" a great privilege to hold the honorable title of the Kentucky Colonel.

## Starting Kentucky Colonels International (1998)

I was so impressed with becoming a Kentucky colonel that while operating the tree program, I decided to start an unincorporated association (using the skills that I learned as a web developer with the tree program, which by then was online) for others that were recognized as Kentucky colonels by the state's governor. In the process of developing the organization I discovered that the Honorable Order of Kentucky Colonels, to which, I implicitly belonged, was actually a private charitable organization in itself. However, when I became a Kentucky colonel in 1996, I was led to believe that it was somehow a part of the state, since the state sent me the initial information regarding them.

The next thing I knew after becoming a colonel, I began receiving frequent solicitations in the mail for donations from the organization several times a year; to which I donated on several occasions.

In setting up the membership organization having some professional experience in the law, research ability, and an intrepid nature I went to the state capitol to research more and discovered that the Honorable Order had **Amended and Restated Articles of Incorporation** on file there, upon reading them I discovered the organization has no members. This confused me somewhat as they had sent me a paper membership card, which I laminated each year. This led me to visit their office, review government archives, and I even went to the public



library in Louisville to learn all that I could about the organization and the distinguished honor that I was awarded.

What I discovered at the time, was that all Kentucky colonels were automatically considered their members, although the organization *did not have meetings or allow members to actively participate in the decisions made by the operations, management, or administration of the organization* like other membership associations. Their main activity was strictly charitable in nature, raising money for the Good Works Fund, holding an annual fundraising barbeque, and going to the Kentucky Derby; all of which are very nice, but not exactly what I thought being a Kentucky colonel was all about. Based on the research I performed justified me continuing with the endeavor of developing the organization I was forming online at [\[colonel.org\]](https://colonel.org) which was focused on developing membership services like a registry and websites for our members, at the time we already had nearly 100 members.

Considering all of the facts that I discovered about the Honorable Order it is probably more appropriate that they call their so-called members, 'donors or supporters', especially since they do not have bylaws that could be read by anyone except their officers, which they refer to as their Generals. It all sounded official enough, as it already led me to assume that I was part of something important that was really not as official as I believed it was. Looking back at the website on the Internet Archive and the chronological events surrounding its development, I had also offered to volunteer to help them develop a website prior to our beginning in 1998, an offer which they flatly rejected stating that they "did not need a website."

As it seems they like to call their donors and supporters, their members, but do not afford them any privilege or voice to express opinions or participate in any meaningful way. Legally, a membership organization in the United States under the law must provide bylaws to their members, allow members to control the organization, and give members a voice through providing voting privileges. None of these things were true about the Honorable Order, then or now.

## Moving on with a Kentucky Colonel Feather in my Hat

In 2000 and 2001, I received letters warning and threatening me from the legal counsel for "The Honorable Order of Kentucky Colonels, Inc. stating **that the website I created was illegal, violated their trademark rights, and that I should cease and desist.** I never replied or acknowledged the letters; actually, I did not think much of it at all, as I was in a transition period in my life to move overseas and work as an ambassador for the City of Caracas in Venezuela. So, I let



the website I developed expire while I published a message on the website for the members suggesting they support the Honorable Order of Kentucky Colonels. In the meantime I moved to Venezuela to collaborate with the mayor of a city of 5 million people as a professional ambassador to the United States in a Sister Cities project from Caracas to Miami and Fort Lauderdale.

A few years after becoming an official ambassador (thanks to my Kentucky colonelcy), the city's mayor was ousted by the socialist government currently running Venezuela. This caused me to get an extra bitter taste for politics (something I had already acquired in Kentucky), so I moved on to the private sector working as a business consultant and analyst. One of the things that impressed Venezuelan business owners the most was the fact that I was a Kentucky colonel, more so than my experience as their city's former goodwill ambassador. It was at that time that I vowed never to represent or be involved in political or religious agendas or ideals again.

## A New Start for Kentucky Colonels International

Several years later with the advent of social media, I decided to join Facebook and one of the first things I found online were groups with other Kentucky colonels so I joined all of them. The following year I became the administrator of one of them, and in 2008 I began to convince other group administrators and members to become part of a new objective I started online called the Model United Nations Social Networking Embassy (MUNSNE), since I recognized them as Kentucky's goodwill ambassadors. MUNSN evolved to become **Globcal International** which continues today. It was led by myself and other aspiring social media advocates with the ideal of spreading goodwill to affect social change. The organization was so effective in the social media at the time, we went to meet with President Barack Obama at the Summit of the Americas in Trinidad in 2009 for his endorsement.

Globcal International became self-sufficient and it was quickly developing new programs with many others. I decided to focus on the formation of my own project in the Northern Amazon called Ekobius in 2011, while remaining as one of the organization's ambassadors and the administrator of **Kentucky Colonels International**.

Perhaps one of the worst decisions I have ever made with Globcal International, was I decided to give the opportunity of serving as the president to an inspiring young idealist who had great brave ideas he wanted to implement which I could not achieve at the time being located in Venezuela. When we changed the administration to recognize a new presidential figurehead from Saudi Arabia, he

incorporated Global International in Washington, DC. in late 2010 and the effort began to take off further; however because he allowed his personal endeavors to get in the way of the organization, the gusto soon fizzled and in late 2012 I took the organization back to reform it, decentralizing it as an unincorporated offshore organization with several of the original members, which continues today under my authority. The organization has also been reincorporated as of last week in Kentucky as part of the organization that I founded to distribute trees.

On the other hand, one of the best decisions I ever made early on in the formation was when I decided to relaunch Kentucky Colonels International in 2009 as one of the social media objectives of the groups I belonged to on Facebook. Many of the people we have today in Global International are Kentucky colonels, some of whom have become our most valued members.

In retrospect I made a series of high risk decisions starting with leaving Kentucky and moving to Venezuela, (risks that most are fearful of in many respects) but nonetheless, by never giving up on my ideals and doing what is right for others, the strongest and most worthwhile endeavors remain through my persistence and determination.

## Our Motto - One Good Turn Deserves Another

In the *reestablishment* of **Kentucky Colonels International** as an informal objective and unincorporated membership association we were once again becoming very active on Facebook. In 2016, we were approached again by legal counsel representing "The Honorable Order of Kentucky Colonels, Inc." who was insisting, now 15 years later, that we were infringing on their trademark rights again, so we agreed to post a disclaimer on our Facebook page which at the time we understood was to be reciprocal. While we have made this abundantly clear to those who join our groups and read our page, they have never once reciprocated on their website or Facebook page.

In 2018, when our Facebook members began discussing online that we were interested in establishing a registry for Kentucky colonels because they were interested in being better known for their commissions and the reformation of a membership development; we were approached by the Honorable Order's Executive Director, Col. Sherry Crose who expressed a desire to work together with us on the project we were planning and asked us to postpone our development until January of 2019, which we agreed to do. After all they are the kings of the realm, earned the respect of many famous Kentucky colonels, and were being provided all the names and addresses of all the new Kentucky colonels being commissioned by the Governor

through the office of the Secretary of State under state policy. However after not receiving any further collaboration or messages from them, we decided to move forward with the development later in the year.

Around the same time in November 2019 I also wrote an article on the Global International blog expressing our position on the current nomination procedure and potential impropriety that we began to address over these changes made in the procedure which required that *Kentucky colonels make donations to the Honorable Order to be able to nominate new colonels, and which needed to be done online instead of in writing*. These changes were implemented under former Governor Bevin and in my opinion (in retrospect) **were done to give deference to the organization**, *without regard to our formation or any other legitimate organizations* that were set up by Kentucky colonels (each with their legal letters patent) inside Kentucky or abroad. His actions, however, could have been based on the lack of understanding and knowledge which he admitted when he suspended the nominations in 2016 for review by his office, prior to changing the policy.

The first one to sign up for our registry project and membership program being developed was the HOKC Executive Director, Herself, Col. Sherry Crose who submitted the fee, but neglected to complete the form requesting personal information. All the other registrants did complete the form, however we discovered some errors in the form and the process, so we temporarily suspended the program. Meanwhile in late December, I decided to initiate a discussion with the Honorable Order to either assist us in our project or perhaps merge our membership program into their own organization. While contacting the executive director to inform her that she neglected to complete the registry form, after some greetings I suggested we explore the possibilities of a merger to allow them to gradually assume control over our Facebook groups and the online registry program; the HOKC executive requested that we submit a proposal for review by the Generals (their Board of Trustees).

## Never Underestimate Goodwill and Integrity

Over the years as a Kentucky colonel and an ambassador I learned a great deal about honor, respect, transparency, and integrity; which in a sense made me into a watchdog looking out for corrupt and inappropriate behavior to protect the organizations that I founded. Even with volunteers I learned to become very cautious and looked into the background of most of our members, I was careful not to permit those who were involved in shaky political or religious agendas as it could tarnish our image.

In the process of preparing the proposal we discovered that the

Facebook groups we have online were infiltrated by HOKC Generals, the president of their organization, the social media liaison, their grant administrator and other loyalists, none of whom ever presented their commissions, participated in the social media forum, or made any posts in either of the two groups we administer. This gave us reason to believe that they were there snooping on our membership activities, as informants and potential disruptors rather than as our own members. I learned this when I tried to propose a longer, more qualifying method for nominations to the groups that was used by previous governors suggesting written nominations by postal mail, when the organization's grants administrator spoke up commenting defending Governor Bevin's (their own) policy in one of the groups. As a result, the decision was made to remove all of the HOKC staff we could identify prior to submitting the proposal. Before we submitted our proposal to merge, we also reviewed many articles, an op-ed piece by their executive director, and many other documents that the organization has distributed over the decades to better include their needs in the proposal. Nonetheless the proposal we submitted on January 13th was rejected by the 20th, without a counter offer or any collaboration on their part with our membership program.

All of their activities taken against us and decisions made were contrary to the spirit of the state motto, "United We Stand, Divided We Fall." In my opinion, after so many years of controlling the ideal of what a Kentucky colonel is and denoting what a Kentucky colonel should do or does; they are acting as if they the king of the castle or elitists, which they should not. All of their intentions have been focused on alienating us rather than embracing the ideals and altruistic benevolent values which most Kentucky colonels collectively share.

So now here we are now, turning the table around after suffering great harm, being misled, spied on, and mistreated following numerous threats by lawyers advocating for dominance over thousands upon thousands of Kentucky colonels that have been granted "letters patent" to serve as the state's goodwill ambassadors (the only official duty they can exercise). This now puts us in a position to stand up to the HOKC without being bullied anymore or *deceived into believing that our only duty and privilege as Kentucky colonels is to fund their charity and support the causes selected by their generals.*

Kentucky is part of the United States and in the United States we have rights under the Constitution, the right to free speech, the right to be heard and the right to assemble. A good friend, one of our new commissioners, [Honorable Col. J.D Wilkes](#) reminded me of this recently after appearing in a feature article in Louisville a couple weeks ago and getting his article shared on our [Facebook page](#), when we made contact once again. He had joined our original group formation in 1999, something I only learned the other day when

reviewing the Internet Archive.

## Standing Under the Law

Under the rights we possess provided by the First Amendment of the United States' Constitution, the US Code, and the Statutes of the Commonwealth of Kentucky we are here to recover the organization that we should have had, based on all that we have learned and come to understand. Someone needs to answer for the malfeasance aimed towards us in 2001, the freedom of others, respect for the law, and answer in the consequence of the scare tactics they implemented to intimidate us in the past.

People cannot stand under a misguided authority, especially a charity that prospers by conducting deceptive practices. There are too many legitimate causes out there that work very hard for the money, Kentucky colonels are not people that should not be beguiled to believe that by channeling their energy through a single organization is better than the actions they can take independently in their own communities. As we suggested to the new Governor, if there is going to be a quid pro quo attached to make nominations, where, Kentucky colonels must make an annual donation to a Kentucky charity to remain active in *his own registry*, let each colonel choose themselves which charity or cause their money should support; or restore the Commission and its previous nomination procedure to the policy as it stood before Governor Bevin took his elected office.

Based on what we discovered about the HOKC organization, it is abundantly clear that **they have been misleading their donors and supporters for many years** into believing they are members, at least since 1997, where Gary Gupton their former executive director and senior ambassador writes in an [introduction letter](#) to those receiving their commissions, "*The members-only organization is reserved exclusively for those titled as Kentucky Colonels.*" but it is also clear that the letter which was sent out as late as 2015 was fraudulent, because they did not have a website when he supposedly wrote it, moreover he did not have any members.

The HOKC's [Amended and Restated Articles of Incorporation](#) on file in Frankfort, that have been on file since 1992 clearly state in Article 13, "**The Honorable Order of Kentucky Colonels has no members.**" Additionally, a similar statement made in Article 6 states, "**The corporation shall have no voting members.**" Both of these items in this document are a clear violation of what it means to call yourself a membership organization under US law.

The US Code of Federal Regulations (CFR) defines the term



## membership organization as:

"an unincorporated association, trade association, cooperative, corporation without capital stock, or a local, national, or international labor organization that is composed of members, some or all of whom are vested with the power and authority to operate or administer the organization, pursuant to the organization's articles, bylaws, constitution or other formal organizational documents; expressly states the qualifications and requirements for membership in its articles, bylaws, constitution or other formal organizational documents; makes its articles, bylaws, constitution or other formal organizational documents available to its members; expressly solicits persons to become members; expressly acknowledges the acceptance of membership, such as by sending a membership card or including the member's name on a membership newsletter list; and is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual"

The impropriety, deception, and fraudulent presumptive behavior does not end here though, it goes to the core of the organization which provides thousands of donors with membership cards each year that have no validity or privileges connected with them, constantly referring to them as members headed by generals without any real authority over Kentucky colonels themselves. Each Kentucky colonel with his/her letters patent is independent and in reality, reports directly only to the governor. The HOKC is completely independent of the government under the law. Despite this, no one has ever challenged these ideas that they put forth or the decisions being made by their Generals, not even the governors since 1992 are fully aware of what exactly is going on. The **great deception of misleading Kentucky colonels, channeling their ideals, and moderating their honor has been taking place in plain sight well over 25 years**, instead of focusing on bringing prosperity to the honorable title through those to which the privilege truly belongs.

According to the Model Nonprofit Corporation Act, which defines the legal rights of members, includes:

"formal membership nonprofits have a board of directors, and **the members serve as the governing arm of the organization**. The nonprofit's bylaws and articles of incorporation define the rules for membership issues, such as how to become a member, and also detail the rights and responsibilities of members."

They provide medals based on the amount a person donates that have no relation to valor or merit, but are basically for sale so they can

be shown off as if they were earned for some action. Some Kentucky colonels have them and others do not. While this seems strange in itself to those who I have spoken with who earn their brevets and medals, many organizations practice this, so it is probably one of the least questionable practices as to getting one signifies that a person has not done much more than make an above average contribution. Most Masonic Orders disagree with the practice as do others where recognition and degrees are earned as a person ascends the ladder as a member or based on an activity or achievement.

There is no room in America, not even in Kentucky, for a charity to operate ignorant of the needs of their members, **like a burgermeister or a 'good ole boys network'** which makes decisions for the benefit of the inner circle without giving due consideration to its constituents. Its principles are contrary to the democratic and social values of the Commonwealth and nation in which it was founded. In this case guiding an honorable and distinguished title that was bestowed without discrimination to so many fine ladies and gentlemen around the world based on their deeds, at their cost, with the sole purpose of developing and maintaining an organization where its members have no opportunity to participate within, to grow from or prosper within.

**United We Stand, Divided We Fall** - Kentucky entered the Union on June 1, 1792. A little over six months later, on December 20, 1792, the first Kentucky General Assembly adopted the official seal of the Commonwealth, including this phrase as the state motto.

## Taking on a Goliath to Restore the Tradition of the Kentucky Colonel

While writing this article I reflected considerably on the repercussions of my change of opinion about the Honorable Order of Kentucky Colonels as I gave them the same deference that former Governor Bevin did. I sent them a donation in January to reactivate my "so-called" membership, which I did not realize was just a way to gain their recognition as a donor, making myself eligible to nominate other colonels, and not a real member of anything really based on the presents of this editorial. Then I began to think about all the Kentucky colonels out there that are truly honored by being nominated and the governor commissioning them, as well, what it would mean to them to have a genuine membership organization that addresses them and the honorable commission with the integrity and respect they deserve, where they actively participate in the functionality of the organization.

While many people get their certificates and hang them on the wall and leave it at that, others do take great prestige in receiving the award and live up to its real meaning. So, it is for these Kentucky

Colonels that we are moving forward with our plans by forming our own International Commission to develop a genuine membership organization that is rightly so. We have taken several major steps already by getting a new dedicated website and forming a small commission of distinguished leaders to serve as the initial officers that share many of my sentiments and concerns.

We will also accept proposals for new commissioners to become part of our board based on their understanding, respect, and prominence as leaders in their own communities. Together I am confident that we can restore the significance of the Kentucky colonel and perhaps even eliminate the jokes and presumptions of it being a tongue-in-cheek award through the development of our organization.

To get the organization off the ground I have legalized the commission's formation under the same organization that I founded in 1994 by reinstating it with the Secretary of State in Frankfort on January 21st. Now to take it where it needs to go, we need donations from the public and will need to charge monthly or annual dues to members in order to provide member benefits and services beyond the social media. The online services we have been providing through administering the Facebook groups will remain without any membership fees including our blog and a new website being developed at [\[kycolonels.international\]](https://blog.kycolonels.international/).

Most of the ideas we will be proposing for our membership are on the table, while it is difficult for me to organize the project from abroad, the brunt of the work today for many organizations can be completed online. The majority of our officers are located in the United States (none live close to one another), so online development is very essential. We do have our registered agent and an official mailing address is in **Richmond, Kentucky**, which reinforces our formation. The formal membership forum is based on Facebook and remains open to all Kentucky colonels that have been granted a commission, without cost. Also we have Workplace and Google (paid services) we can rely on as well with our commissioners to provide more integral interaction with live online global meetings.

In addition to myself **Col. David Wright**, our current governing officers include: **Col. J.D. Wilkes, Col. Nicholas Wright, Col. Karen Cantrell, Col. Luis Cruz Diaz, Col. David Younce, Col. Michael Sher, Col. Maria Veneke Ylikomi, and Col. Jon Meier** all of whom serve honorably with prestige as commissioners without remuneration as our board. Other Kentucky colonels are currently under consideration as commissioners and officers to help lead our formation as the only **'membership organization'** dedicated to Kentucky colonels serving as goodwill ambassadors for the Commonwealth authorized under the issuance of letters patent.



## Supporting Kentucky Colonels International

On January 30th the formation of Kentucky Colonels International became official. We upgraded our status from an unincorporated membership organization and legalized the commission and foundation as an assumed name corporation in the Commonwealth of Kentucky belonging to Ecology Crossroads (est. 1994), who is our sponsor. To become an independent membership organization like we deserve to be, it is up to our members and other Kentucky colonels to come together and provide us with support we need in the form of donations to better formalize our efforts to succeed. Contributions can be made online through their sponsor using [PayPal](#) or a [credit card](#).

As the state's official goodwill ambassadors we have lots of great progressive ideas to implement through the organization including a promotional campaign that allows Kentucky (and non-Kentucky) businesses, travel destinations, and corporations to become involved. We will also accept contributions from the general public and those seeking nominations to become Kentucky colonels through our programs by supporting us and promoting Commonwealth. You can find us on [Facebook](#), visit our [website](#) or [email us](#).

By [David J. Wright](#) on [February 07, 2020](#) 

Labels: [goodwill ambassador](#) , [Governor of Kentucky](#) , [HOKC](#) , [Honorable Order of Kentucky Colonels](#) , [KCI](#) , [Kentucky Colonel](#) , [Kentucky Colonel Foundation](#) , [Kentucky colonels](#) , [Kentucky Colonels International](#)

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on Monday

Soon after, I returned home to my family, with a determination to bring them as soon as possible to live in Kentucky, which I esteemed a second paradise, at the risk of my life and fortune. -Col. Daniel Boone

Col. Daniel Boone was known as the first settler of Kentucky in 1767, he became one of its leading citizens. He was actually commissioned a Lieutenant-Colonel in 1780, of the Fayette County Militia when Kentucky was made up of three Virginia counties



EN.WIKIPEDIA.ORG

**Daniel Boone - Wikipedia**

Daniel Boone (November 2, 1734 [O....



Kentucky Colonels International  
Restoring Traditions and  
Customs

Defending the Ideals of the  
Kentucky Colonel Becoming  
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Editorial by Col. David J. Wright ...



Reorganizing the Kentucky  
Colonels International  
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Kentucky Colonels: Past, Present  
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**Kentucky Farm Bureau Unveils 2020  
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**Protests Outside Mitch McConnell's  
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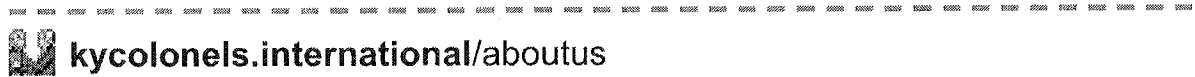
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# **EXHIBIT 3**

## **TO MOTION FOR RESTRAINING ORDER**



# About Us



 [kycolonels.international/aboutus](https://kycolonels.international/aboutus)



## About Kentucky Colonels International

Kentucky Colonels International is a non-profit, charitable membership organization made up of Kentucky colonels promoting and supporting other Kentucky colonels as goodwill ambassadors for the Commonwealth of Kentucky at home and abroad.



## History

Kentucky Colonels International (KCI) is an objective that began in 1998 online to extend goodwill and project fellowship internationally between the Commonwealth of Kentucky to people of other nations and states around the world, in the grand effort to bestow an official high regard upon the title of Kentucky Colonel as an internationally recognized award and proper title. The focus of KCI is upon its colonels being **legally designated as goodwill ambassadors**, nationally and internationally while being **officially recognized** as representatives of traditional Kentucky values when travelling abroad.

Kentucky Colonels International began as an idea conceived by Col. David Wright to establish **an active international membership organization** that members could participate in and perpetuate their recognition as Kentucky colonels in a dignified and professional manner. Perhaps more of an equal social order rather than as military Kentucky colonel brigade, command, sociopolitical group, or a subjective membership structure.

Between 2006 and 2009 the organization advanced its development by administering groups that were forming by Kentucky colonels for Kentucky colonels to share information and come together with other like-minded individuals. Today the organization assists and inspires other Kentucky colonels using the social media and the Internet to carry on what we have started while elevating the distinction of one another.



## Our International Commissioners

Now as an international civil society organization (iCSO) we have nine officers including **Col. Nicholas Wright, Col. Karen Cantrell, Col. Luis Cruz Diaz, Col. David Younce, Col. Michael Sher, Col. Maria Veneke, Col. Jon Meier, Col. Joshua D. Wilkes, and Col. David Wright**; all of them are considered executive council members to carry our formation forward; most of them have extensive experience in international affairs as goodwill ambassadors.



The title of "Kentucky Colonel" has come to be recognized by heads of state, at the United Nations, by international non-governmental organizations, and among royalty through these noteworthy individuals.

The organization's officers have extensive experience in human and civil rights or are cause advocates for social justice issues including the environment, migration, animal welfare, indigenous peoples, women and children. They are all coincidentally Kentucky colonels, mostly from Global International. Global for those who do not know it is a non-state decentralized autonomous organization formed as a cooperative development association that works with the United Nations, sovereign states and other international organizations, it is operated by a team of over fifty goodwill ambassadors representing causes from around the world. Many of them have become Kentucky colonels over the years based on their deeds as members, some of them were already Kentucky colonels.



## Membership

To become a member in our international social fellowship a person must already behold a commission as a Kentucky colonel and make a declaration of their deed for which they received their title. There is no membership fee, all of our activities are conducted online and based on voluntary

contributions by active members and volunteers. Members are admitted based solely on providing a photograph of or with their Kentucky Colonel Commission.

In 2006 our errant group of Kentucky colonels began its journey in the social media on Facebook evolving to our current presence to pull together interested members in an association internationally to promote like-minded ideals, honor and values that are common and well-understood among Kentucky colonels. In 2009 we had 500 of 700 members living outside Kentucky with nearly 30% living overseas in our social media circles, today we are up to 3,500 members world-wide.



## International Registry of Kentucky Colonels

Our formation was developing a Registry Project that we announced in 2018 exclusively for Kentucky Colonels that wanted to be recognized in the international theater for their achievement or use their title internationally as goodwill ambassadors. The registry (a blockchain project) first became available in November 2019 for those who were interested in receiving an additional credential and having their title recognized in a publicly searchable database. Due to budget setbacks and technical problems the project stopped to be professionally redeveloped under our sister organization the Goodwill Ambassador Foundation. The project will now formally get restarted in 2020.

The registry offers colonels a **certificate of registration**, a **lifetime ID card** and additional **Internet services** with Google using a credential called **IDaaS (Identity-as-a-Service)**. The electronic online directory is searchable so Kentucky colonels can have their titles verified by a third party wherever they present it.

The identity service will be compatible with Chrome, iPhone and Android it can be used with any Mac, Windows or Linux based operating system to access special Google services provided by our organization.



## Other Program Services

To better project the image of the Kentucky Colonel title and what it means to us, those who register their title (letters patent) can also demonstrate themselves through a permanent web page which we will develop and maintain on their behalf that is linked to our roster (or can connect their personal website). This is an additional service which is provided to those that live outside (or inside) the Commonwealth of Kentucky.



## More About Us

Kentucky Colonels International is currently organized and **"now is incorporated"** (as of January 30, 2020) as non-governmental and non-state fellowship association

(commission) made up of Kentucky Colonels who have been nominated and awarded the 'Honorable' title for a notable meritorious deed or participation in a newsworthy event deserving the title. The organization in formation that we are developing **involves member participation** as stakeholders, therefore there may eventually be a voluntary membership fee with accountability to our supporters for work that we do with them. Currently there are **no annual fees** for social media participants or online development provided by KCI to its members.

Membership fees or dues which may be requested (in the future) will be used to provide membership and professional public relations services for those who need them. To date we have not needed to request membership fees nor have we charged anyone for the services we provide online.

Meanwhile there is a donation page here on our website to provide better social media and Internet services for our voluntary members, so we will keep up the hope that people will make donations from time to time for the services that we do provide.



## Kentucky Colonels International is not the HOKC

**Kentucky Colonels International (KCI)** is not the **Honorable Order of Kentucky Colonels (HOKC)** nor is it a military brigade of Kentucky colonels; all of our members have been duly recognized by the Honorable Order as supporters

or donors of their independent charitable institution. The HOKC is a private non-profit organization and registered charity in Kentucky, it is **not a state operated institution or charter** of the state, its supporters have no voting powers, participation, or personal influence over the organization or its charitable activities. As is stated in their Articles of Incorporation that are on file in Frankfort, Kentucky; "The Honorable Order of Kentucky Colonels has no members."



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# Contact Information



[kycolonels.international/aboutus/contact](https://kycolonels.international/aboutus/contact)



## Contact Kentucky Colonels International

Though we were established originally in Berea, Kentucky in 1998 at the Indian Fort Outpost, today we are a decentralized autonomous organization developed online with no physical office or street address. Legally we are an organization developed under Ecology Crossroads by Globcal International which maintains its mailing address in Richmond, Kentucky.



## Contact Us

You can contact Kentucky Colonels International seven days a week online using email or Facebook instant messaging. We provide access to membership services to those who are active in the social media on Facebook, Google, LinkedIn, Workplace and Twitter. In 2020 we are beginning an initiative with the United Nations Sustainable Development Goals and UNESCO where members will be able to connect with one another and take actions as Kentucky colonels on the behalf of the Commonwealth of Kentucky in an official capacity as its goodwill ambassadors.



## Contact Persons

Charge d'Affaires - Col. David J. Wright

Executive Liaison - Col. Karen S. Cantrell

Treasurer - Col. Nicholas A. Wright



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# First Members



kycolonels.international/aboutus/memory



## Our First Members

Our organization was started originally in 1998 with the purpose of founding a true membership society. In 2001 our efforts were abruptly halted based on the threat of being sued by the Honorable Order of Kentucky Colonels which claimed that we were infringing on their trademark.

At the time we had reached nearly 100 members, however the record of all of their names cannot be located, what we have found though was our membership roster on the \*Internet Archive which appeared in 2000. We also noticed that some of these members are still with us today and have once again become active in our efforts.



## First Members \*(1998-2001)

- Col. Paul R. Mobley
- Col. Jack Wolfenson
- Col. E. E. Gene Sampson
- Col. Mary Louise Sampson
- Col. Prof. C. E. Lindgren, D.Ed.
- Col. Samuel L. Ferguson
- Col. Gerald Weaver




- Col. Ernest Michael Prince
- Col. Dennis A. Q. Santos, Esq.
- Col. Patrick J. Santos, Esq.
- Col. Barry K. Flores, Esq.
- Col. Joseph S. Carbullido, Esq.
- Col. Phillip P.S. Pearson
- Col. David Paasch
- Col. Douglas D. Caplan
- Col. David J. Wright
- Colonel John W. Corliss
- Colonel Matthew A. Magrum
- Col. James R. Greenhill
- Col. William New
- Col. Larry S. Shields, PhD
- Col. Reva Jean Taylor
- Col. Gene A. Bess
- Col. Roy T. Twombly
- Col. James Christian Selch
- Col. Dwayne Kent Hanson
- Col. Johnny M. Rich
- Col. Derek M. Wingfield
- Col. Timothy D. Hickman
- Col. Edgar A. Brown, Esq.
- Col. Gerri Hobdy
- Col. Roy R. Chance
- Col. Joshua Devan Wilkes, Esq.
- Col. Steven E. Germann
- Col. Hal Croft
- Col. Douglas Jackson
- Col. Robert D Bass, Sr.

- Col. Huiberto J. Oakes
- Col. Marvin D. Burns
- Col. William A. Donovan
- Col. Dana S. Hartwig



Report abuse

# Kentucky Colonels International

 [kycolonels.international/index](http://kycolonels.international/index)

## Kentucky's Goodwill Ambassadors

### Protagonists of Culture, Customs, and Tradition



## Kentucky Colonel

**Kentucky Colonel** is the highest title of honor bestowed by the Commonwealth of Kentucky. Commissions for Kentucky colonels are given by the governor and the secretary of state to individuals in recognition of noteworthy accomplishments, contributions, and outstanding service to community, state, or the nation.

The Governor of Kentucky bestows the honor of a colonel's commission, through the issuance of letters patent. The commission is a legal act of the Office of the Governor and lifetime appointment.



## Our Organization

**Kentucky Colonels International** is now a non-governmental, non-profit fraternal and mutual benefit membership organization. We are incorporated in the Commonwealth of Kentucky and in "good standing" with the Office of the Secretary of State.

Formerly developed as an unincorporated fraternal association in October of 1998; **in January of 2020** our formation advanced to become an international civil society organization and cooperative membership association organized and established under the First Amendment of the United States Constitution, the US Code, and the Revised Statutes of the Commonwealth of Kentucky.

Historic representation of the Kentucky Coat of Arms (c. 1876). State motto, "United We Stand, Divided We Fall"



## About Us

**Kentucky Colonels International**, also known as the (Kentucky Colonel Foundation) was originally established in 1998 to give prominence to the Kentucky Colonel Commission as a meritory award with diplomatic credence that is respected and understood internationally. Our concept is the formation of a membership development program based on a fellowship. The organization is open to all those who have received the prestigious honorary title from the Governor of the Commonwealth in service as his '**aide-in-camp**' which designates them officially as a goodwill ambassador for the state with letters patent (which is a legal document) resulting in a lifetime commission.

Kentucky colonels serve both the state and the acting governor directly without regard to political party, race, gender, civil status, or religion.

As goodwill ambassadors, Kentucky colonels are dedicated to community service, contributing to the welfare of the state, and improving the lives of others to make the world a better and safer place for everyone. Today there are more than 100,000 Kentucky colonels living in 70 countries and more than 12 organizations that have been formed since the turn of the 21st century. Their official (optional) responsibilities include promoting tourism, economic development, participation in community service, and fostering the general prosperity of the Commonwealth of Kentucky and its citizens.



## Our Website

Our website is currently under development, the organization is requesting that members provide photos, news, videos, and other relevant information to make improvements for our online formation. As an organization, we will present a number of stated objectives, goals, and purposes herein which can be viewed publicly and transparently.

Kentucky Colonels International is not a secret society, our development online is to promote members as public figures, community leaders, and goodwill ambassadors that are well-respected, fair, and trustworthy ladies and gentlemen from all walks of life that have been recognized with the honor and virtue of becoming a Kentucky colonel.

We are planning on providing biographical services, news distribution and social media content on the behalf of our members using the website and a social media app that is in the works.



## The Order

Being admitted to the **Order of the Kentucky Colonel** represents that the award recipient has made a noteworthy contribution to society, performed a great deed, accomplished a remarkable personal achievement, or has been recognized for outstanding service to their

community. Kentucky colonels are recognized and commissioned for their lifetime to the order with letters patent which permits them to perform and take actions as a **commissioned civilian officer** of the Commonwealth of Kentucky.



## Nominations

In-deed the award is the highest form of recognition bestowed to individuals by the Commonwealth of Kentucky. It can only be granted by the Governor or the Secretary of State based upon being nominated by another Kentucky colonel or being recognized individually by the state's governor for a noteworthy act that commands the governor's attention. Historically there have been cases where the governor has recognized noteworthy individuals as Kentucky colonels based on formal written suggestions by citizens and officials of the Commonwealth.



## Fellowship

Membership to our non-governmental organization is voluntary and open to all Kentucky colonels around the world that have duly earned the distinguished honor to be part of our fellowship. Members of our organization are encouraged to provide information relative to their status and participate in programs to further their abilities and prominence as honorable ladies and gentlemen serving as the state's goodwill ambassadors. The organization supports the ideals of transparency, hospitality, integrity, respect, honor, and tradition among its members.



## Member Services

The organization provides online digital services to its members in the form of personal identification, a vanity email address, biographical websites, an online membership roster, and an electronic smartphone app (under development in 2020). Other ideas and suggestions are being discussed and based on our organization acquiring funding for development.

Since 2006 the organization has been active providing administrative and moderation services online in the social media with the first Facebook groups and fan page dedicated to promoting the development of fraternity, fellowship, and the sharing of news content for Kentucky colonels.



## International Title Registry

All those who have received a commission may voluntarily become additionally recognized in the International Title Registry (formerly KCI Registry), an ideal originally introduced by our organization, which recognizes all American and international meritory awards of honor and merit from around the world. The combined program is scheduled to be online the middle of 2020.

The International Title Registry will be operated by the Goodwill Ambassador Foundation.

### **Disclaimer**

Kentucky Colonels International (Kentucky Colonel Foundation) is not directly associated or affiliated with private charity, The Honorable Order of Kentucky Colonels, Inc. (HOKC). The HOKC is a non-profit charitable organization located in Louisville, Kentucky that provides assistance in the form of gifts to non-profit organizations and educational institutions in the State of Kentucky. The organization does not have **any members nor provide membership benefits** according to their Restated and Amended Articles of Incorporation that were filed in 1992.. The organization recognizes its donors as honorary members, it does not offer legal membership that is consistent with the Model Nonprofit Act or US law, or allow its members a vote or say in the operation of the organization.



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## Donations

 [kycolonels.international/donate](https://kycolonels.international/donate)



### Donate to the Kentucky Colonel Foundation

Contribute to the development of environmental, humanitarian, and social well-being projects organized and operated by Kentucky Colonels.



### Donate to the Kentucky Colonels International Fund

You can now donate to Kentucky Colonels International online using a major credit card or your PayPal account. PayPal is our payment processor, you are not required to have or sign-up for a PayPal account to make a donation. If you have trouble with the Donate button you can also use [this link](#).

You can also use the QR-Code here on our page to make your donation if you are using a smartphone. Please retain your donation transaction number as evidence of your contribution, it will be provided to you by email.

Read more about the causes we support below.



### Mission



### Mission Statement since 1998

To promote the careers, individual growth, public service projects, and champion the successes of Kentucky Colonels all over the world to enhance the growth of strong sustainable communities and friendships internationally.



### International





## International Projects with Colonels

Kentucky Colonels International is a commission of distinguished Kentucky Colonels that is organized based on brotherhood, fellowship, and friendship through the social media. Though we are not incorporated, we are registered as an international civil society organization (ICSO) under Global International which provides us with recognition and legal standing as an international organization.

The organization supports the development of international cooperation and sustainable development programs involving Kentucky colonels taking on roles to make the world a better place through their individual contributions and dedication towards civic, environmental, humanitarian, and social causes. We support the work of the Goodwill Ambassador Foundation and other programs developed by Kentucky colonels involving service to others.

Kentucky colonels strongly believe in the proverb that says, "one good turn deserves another!"



## Membership



### Membership Requirements

Membership in Kentucky Colonels International is **free** and based online using groups on Facebook. To become a member of either our social or fraternal groups applicants must show their Kentucky Colonel commission certificate, state the name of the governor that they were recognized by, give the date that they were commissioned and make a declaration of their deed. If you are already a Kentucky colonel you can join the [groups from our Facebook page](#).

Donations to KCI are now tax-deductible in 2020, those who make donations of \$25 or more will receive a personal thank you note from a commissioner. Donations of \$1,200+ or the equivalent of 2% of a person's annual salary if US residents will also receive a tax-statement by email at the end of the year so they can deduct their contributions.



## Programs







## Kentucky Colonels International Registry

In the planning stages on several occasions over the years without completion, our registry was proposed once again in 2017 and followed up with email by a great number of people in 2018 and 2019. Now under development once again in 2020 Kentucky Colonels International has lent its technology to develop a new project called the International Title Registry with its sister organization the Goodwill Ambassador Foundation. Details will be posted once the program is funded or reaches 1,000 registrants.

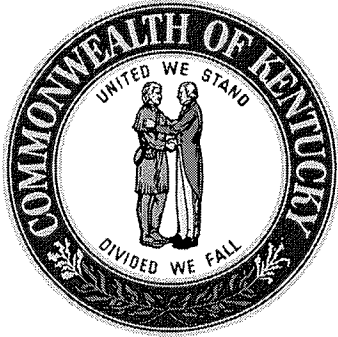


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# Frequently Asked Questions (FAQ)

## Questions and Answers about Kentucky Colonels

Both the public and Kentucky Colonels alike have many questions about Kentucky colonels and about the Order of the Kentucky Colonel. Some questions are considered Frequently Asked Questions (FAQ) so we have developed this FAQ Page to help answer some of them.



State Seal of the Commonwealth of Kentucky

### How do you become a Kentucky Colonel?

Anyone over the age of 18 can become a Kentucky colonel. Only another Kentucky colonel can nominate someone to become a Kentucky colonel or they can be recognized and selected by the Governor of the Commonwealth of Kentucky. The best way to become a Kentucky Colonel is to know one who is willing to nominate you.

### Can you apply to become a Kentucky Colonel?

No, a person cannot apply to become a Kentucky colonel. Kentucky colonelcy is based on being nominated to become recognized by the seated Governor of Kentucky or being recognized by the governor directly.

### Do you have to be from Kentucky to become a Kentucky Colonel?

No, Kentucky colonels can be from anywhere in the world. Currently there are more than 100,000 Kentucky colonels living in more than 70 countries around the world.

The Governor of the Commonwealth of Kentucky can recognize anyone living anywhere in the world based on their deeds, noteworthy actions, or their accomplishments. Generally the governor only recognizes those who either have or who demonstrate their deeds or actions in connection with the state, however as an honorary award the governor frequently has been known to recognize those who have the potential to serve the needs of the state through their recognition.

### What does a Kentucky Colonel actually do?

Kentucky colonels are officially the goodwill ambassadors of the Commonwealth of Kentucky, they are commissioned by the governor as civilian officers who are recognized as the governor's aide-in-camp. Their unnamed task is to promote the cultural and traditional values of the Commonwealth of Kentucky in their everyday lives.

Although Kentucky colonels receive 'letters patent' it is a traditional **award of merit** and an **honorable title** that is bestowed by the head-of-state to recognize the individual to whom it is given based on their deeds, accomplishments, noteworthiness, or contributions to the community, state or nation in which they live.

## Who was the first Kentucky colonel?

There is some debate as to who the first Kentucky colonel was. According to Wikipedia it was Charles Stewart Todd, who was commissioned by Governor Isaac Shelby in 1813 as an aide-de-camp on the Governor's Staff with the rank and grade of colonel. Others say it was Richard M. Johnson who many considered very notorious that came long before Col. Todd. Prior to that before Kentucky as a state in the late 1700s the great Daniel Boone was a Colonel when the state was part of Virginia.

## How many organizations are there for Kentucky colonels?

There are a number of benevolent, civil, charitable, fraternal and membership associations or organizations that have been established around the world which base their membership on a person being recognized as a Kentucky Colonel.

- In Kentucky there are 5 organizations that coordinate local activities.
- World-wide there are 12 or more organizations that are based on a person being recognized by the Governor of Kentucky.

The largest and most dominant of these organizations has been "The Honorable Order of Kentucky Colonels" which is a charitable 501(c)(3) organization which was started in 1932 and was consolidated as a Kentucky corporation in 1957. It is dedicated to funding good works throughout the state of Kentucky and holds several fundraising events per year. They implicitly offer free honorary membership to those who are commissioned and donate to their Good Works Fund each year. The organization is operated by a Board of Trustees which they call their Generals. The organization is community oriented and helps Kentucky colonels find volunteer opportunities locally.

The second largest organization "Kentucky Colonels International" is a fraternal membership and international civil society organization. Which is now under reformation and development which was started originally in 1998. The organization is decentralized online and developed to include all participants no matter where they live in the world. It is the same organization that dominates Facebook and uses the social media to provoke activism.

## How can a Kentucky Colonel use their "Honorable" title?

In the formal sense of protocol, a Kentucky colonel is always addressed or referred to with the title "Honorable" before his or her name inside the state when it is known; outside the state they may use the full title "Kentucky Colonel" before his or her name. Most often among friends and colleagues this is shortened to serve as a moniker or nickname to just "Colonel".

Since the honorable title is a customary and traditional one it is often used to defer respect and honor, however it **should not** be used when presenting oneself or another Kentucky colonel as "Colonel" or "Col." to the United States Government, in another state or in another country because it could be confused with the proper official title of a military colonel. The title may be expressed in other places outside of the realm of Kentucky as "Ambassador" or "Kentucky Colonel" as a formal title. The style can also be represented as a position in representation of the state as an aide-in-camp following a person's proper name as "Kentucky Colonel", as "Goodwill Ambassador", or most precisely "Ambassador of Goodwill for the Commonwealth of Kentucky".

## What are the duties of a Kentucky Colonel?

As a meritory award and honorable title there are no dutiful obligations connected with being recognized as a Kentucky Colonel. Those who are recognized however are expected to be outstanding citizens and public figures, respectful of others, and law abiding.

Kentucky colonels are not paid a salary by the state, however many individuals and public figures including actors, athletes, musicians, professionals, and even diplomats who become Kentucky colonels have been known to present themselves as paid speakers promoting Kentucky history, values, traditions, and customs in public and private venues.

It is also a commission that can be rescinded or revoked based on a person's conduct in society or if it is gained by deception. There are few examples of this occurring, however is not very frequent, as most of those who are recognized truly deserve to be distinguished and carry the recognition with them throughout their lives.

### **Was Colonel Saunders really a Kentucky Colonel?**

Yes, Harland David Sanders received the commission of the Kentucky Colonel in 1935. He is also the most famous of all the Kentucky colonels and decided to use the title as his moniker (nickname) when he opened his restaurant chains. The style he introduced of an all white suit was his own, modeled after the ideal of the southern gentleman with a ribbon tie introduced by Opie Read.

### **How many Kentucky colonels are there?**

There are currently over 100,000 Kentucky colonels, living in more than 70 countries around the world.

### **Other Questions**

These are some of the most frequently asked questions that are posed by the public and by Kentucky colonels themselves about the Kentucky Colonel Commission. If you have other questions you are welcome to write to us and we will do our best answer them.

# Kentucky Colonels' News



kyclonels.international/news



## News about Kentucky Colonels

Before we had the Internet community and regional newspapers were more predominant and Kentucky colonels were noted more frequently and better-known for their local accomplishments. Today it has become less common for newspapers to write about the positive things in life and the accomplishments of our neighbors. To better promote positivity in society we have established a news service which disseminates and recirculates some of the articles that we can find and develop new articles about the accomplishments, deeds and recognition of Kentucky colonels from around the world.

We are working now to extend this service to provide public relations on a broader scale recognizing fellow colonels. See our blog and publicity section for more information.



## News Feed

This is a RSS/Atom news feed that presents selected news articles about Kentucky colonels which have made it to the international news, the stories are extracted using Google

News Search and converted using FeedBurner. The feed displays the top articles of prominent sources that use Google News.

You can subscribe to this RSS feed using a feed reader program using your PC, laptop, tablet or smartphone. [Subscribe here!](#)



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## Kentucky Colonels in the News

- World War II veterans honored as Kentucky Colonels for 'amazing service' - WLKY Louisville  
February 12, 2020
- Kentucky Colonels are real and they have nothing to do with chicken - We Are The Mighty  
December 9, 2019
- Kentucky colonel to hosts annual grant party - WLKY Louisville  
September 15, 2019
- Wade spreads God's word to large audience | Local News - The Messenger  
February 11, 2020
- Curious Louisville: How Do You Become A Kentucky Colonel? - 89.3 WFPL News Louisville  
September 7, 2018
- Southern Gothic Sound: The Legendary Shack Shakers' JD Wilkes On The Past And Present - Louisville Eccentric Observer  
January 15, 2020
- Titus O'Neil Named Kentucky Colonel - ProWrestling.com  
June 25, 2019
- 2020 Kentucky General Assembly Session - Spectrum News 1  
January 6, 2020
- Moneycontrol Ultimate Business Quiz #79: Test your knowledge - Moneycontrol.com  
February 14, 2020
- KY drivers to pay more for some specialty license plates - WAVE 3  
December 26, 2019
- Roland White releases Kentucky Colonels tribute CD - Bluegrass Today  
October 26, 2018

- Kentucky's Pensions are Invested in the Marijuana Industry - Spectrum News 1  
January 13, 2020
- I'd Let Colonel Sanders Zinger My Box In This Very Real Dating Simulator - Pedestrian TV  
September 11, 2019
- Pro-Choice Advocates Speak Out Against Anti-Abortion Bill - Spectrum News 1  
January 9, 2020
- What Colonel Sanders Looks for in a Lover, and Other Things We Learned About KFC's New Dating Simulator - Slate  
September 12, 2019
- Kentucky Farm Bureau Unveils 2020 Legislative Priorities - Spectrum News 1  
January 10, 2020
- Living on dairy farm helped 'Walking Dead' creator get gory - Agri News  
January 16, 2020
- You Can't Be Knighted in the U.S., But You Can Be Named a Sagamore of the Wabash - Atlas Obscura  
November 8, 2017
- Gov. Bevin Ceremonially Signs KY Criminal Record Bill - Spectrum News 1  
August 9, 2019
- Dozens Come Out for Vigil Outside McConnell's Office - Spectrum News 1  
August 7, 2019
- Protests Outside Mitch McConnell's House Ignite War of Words - Spectrum News 1  
August 6, 2019
- Andy Beshear Campaigns With Adam Edelen for Unity Tour - Spectrum News 1  
June 26, 2019
- KY Lawmakers Propose Making Daylight Saving Time Permanent - Spectrum News 1



July 1, 2019

- Republican Party hosts 2019 Lincoln Dinner - WKYT

August 18, 2019

- Retiring Alsco Executive Jim Divers Honored Prior to Alsco 300 - Speedway Digest

July 12, 2019

- Kentucky Showing Progress in Child Welfare - Spectrum News 1

July 5, 2019

- Former Navy SEAL Shares Experiences, Motivational Message At GOP Rally In Murray - WEKU

August 5, 2019

- PHOTOS: Presidential turkey pardons — a look back - Yahoo News

November 27, 2019

- Wickliffe's Economy Boat Store Rededicated After Weathering Storm - The Waterways Journal - The Waterways Journal

October 25, 2019

- Luckett & Farley adds senior architect to Distilled Spirits Design Studio - The Lane Report

August 23, 2019

- KFC's Colonel Sanders and the American Dream - Eater

July 26, 2019

- When a Lexington WWII vet couldn't fly, Honor Flight Kentucky brought the trip to him - WKYT

May 27, 2019

- Photos from the 2019 IBMA Awards - Bluegrass Today

September 27, 2019

- Who Jimmy Page Called the Greatest Guitar Player of All Time - Showbiz Cheat Sheet

January 4, 2020

- Singer-songwriter and Folklorist Nathan Blake Lynn Performs on Next Live Lunch - WKMS  
November 17, 2019
- How to grow mint, the ultimate plant for the incurably incompetent - Country Life  
April 7, 2019
- Boys and Girls Haven gets \$10000 donation after fire destroys foster care building - WDRB  
November 28, 2018
- 2 Capitol officers recognized for life-saving actions - Kentucky Today  
October 5, 2018
- This Week In Weird Twitter, Volume 121 - The Federalist  
February 22, 2019
- 'Rambo' Has PTSD: The Strange Case of an International DEA Murder-For-Hire Drug Sting - VICE News  
December 11, 2014
- WLKY's Debbie Roberson: A Temp Job-Turned-43-Year TV Career - StyleBlueprint  
April 28, 2019
- Adrian Belew on his new record, Pop-Sided - Louisville Eccentric Observer  
April 3, 2019
- UTC softball sweeps Sunday doubleheader to get to 10-1 - WRCB-TV  
February 24, 2019
- Kentucky musicians featured on CMH 23 TV series - kentuckycountrymusic.com  
November 29, 2019
- Flipping the Bird - Forage - SRQ Magazine  
May 7, 2019
- Amaris Ketcham: A Poetic Inventory of the Sandia Mountains at Bookworks, Albuquerque - Weekly Alibi

September 14, 2019

- Benedictine: the Burnley miners' favourite - Stuff.co.nz

January 11, 2020

- Kevin Williams: The Hilarious Guy Behind Gaither Shows - Country Thang Daily

November 7, 2019

- Changes to Kentucky's special license plates to take effect Dec. 30 - WMKY

December 19, 2019

- Ricky Skaggs, Rhonda Vincent and More Earn 2019 International Bluegrass Award Nominations - Wide Open Country

July 25, 2019

- Julie Dolan - WLKY Louisville

July 30, 2018

- Dolly Parton, Ricky Skaggs, Marty Raybon & More Earn International Bluegrass Music Awards Nominations - nashcountrydaily.com

July 24, 2019

- Sturgill Simpson visits schools in Kentucky hometown - WKYT

September 1, 2018

- You can sip a \$1,000 mint julep at the Kentucky Derby — here's what makes it so pricey - CNBC

May 5, 2018

- Final last call at old Century Bar to include Jager, big New Year's bash - dayton.com

December 30, 2019

- Watch Del McCoury & Peter Rowan Pick & Grin At Roots Revival [Videos] - Live for Live Music

October 12, 2019

- Roland White And Friends Bring New Life To An Honored Legacy - Broadway World

September 10, 2018

- KET to host preview of Ken Burns' documentary Country Music in Somerset - kentuckycountrymusic.com

August 7, 2019

- Billy Ray Cyrus to perform at Titans Salute to Service - kentuckycountrymusic.com

November 6, 2019

- The \$1500 Patrón-and-Old Rip Van Winkle Mint Julep - UrbanDaddy

May 4, 2018

- Council of Whiskey Masters Announces Inaugural Advisory Board Members - wineindustryadvisor.com

November 15, 2019

- Adrian Belew Is Now A Colonel In Kentucky - Noise11

June 13, 2017

- KFC bringing Colonels to Super Bowl LI for its 1st appearance as a Super Bowl brand - Marketing Land

February 1, 2017

- That Time When Hunter S. Thompson Stopped For A Photo - Louisville Eccentric Observer

July 17, 2019

- Steve Wariner inducted into Musicians Hall of Fame by Garth Brooks - kentuckycountrymusic.com

October 23, 2019

- Here's What A \$1000 Mint Julep Looks Like - Guestofaguest.com

April 10, 2018

- Australian Author Nick Adams Recently Spoke at the Republican Club of Longboat Key March 12th Dinner at the Longboat Key Club - Broadway World

March 17, 2019

- Tyler Childers releases new single and lyric video with All Your'n - kentuckycountrymusic.com

June 21, 2019

- 'Kentucky Colonel' award for MK Stalin - Daily News & Analysis

February 26, 2012

- 2019 Bluegrass Awards: Del McCoury, Billy Strings Win Big at IBMAs - Rolling Stone

September 27, 2019

- The Kentucky Derby's Most Expensive Mint Juleps Are Off To The Races - Forbes Now

April 30, 2018

- WWE News: Stephanie McMahon Watches Women's World Cup, Titus O'Neil Receives Honor From Kentucky, Samoa Joe Tweets About His Nephew - 411mania.com

June 25, 2019

- July 03, 2015 The American Colonel Who Changed Asia By Colonel Robert Farley Who is the - The Diplomat

July 3, 2015

- New Louisville program transports stranded, homeless people home for free - WDRB

January 18, 2019

- Reverend Peyton's Big Damn Band is pretty small - San Diego Reader

November 6, 2013

- The Mint Julep: 'The Very Dream of Drinks' - The Atlantic

April 30, 2010

- Josh Hutcherson Was Almost Named Colonel Fightmaster and What?! - PureWow

January 9, 2019

- Sextons Creek Names Cardwell Senior VP - Inside INdiana Business

March 23, 2017

- Kentucky Derby Festival crowns new Royalty Court for 2018 - The Lane Report

January 9, 2018

- Learn to Play the Texas Fiddle Favorite “Beaumont Rag” - Acoustic Guitar

August 3, 2019

- Plan your Mint Julep Month with creations from these 11 Charleston bars - Charleston City Paper

April 17, 2019

- Nikki Haley So Sad Dylann Roof Made Confederate Flag All Racist - Wonkette

December 6, 2019

- The Colonel’s Real Secret Blend - Slate Magazine

October 16, 2013

- Colonel Knowledge: J.D. Wilkes and the Dirt Daubers Try to Put the Edge Back in Roots Music - Cleveland Scene Weekly

June 25, 2014

- Darrell Hammond Is Your New Colonel Sanders - Esquire.com

May 19, 2015

- The Manual Podcast - The Manual

August 20, 2019

- KFC Is Giving Away Colonel Sanders Pool Floaties — This is Not a Drill - The Manual

May 24, 2018

- Kentuckians Share Memories of Kennedy Visit, 1963 Assassination - WKU Public Radio

November 21, 2013

- What Goes into Making Woodford Reserve's \$1,000 Mint Julep for the Kentucky Derby - TownandCountrymag.com

May 3, 2018

- A look back at 2019 with Kentucky Country Music - kentuckycountrymusic.com

December 31, 2019

- [Something Old And Something New From The Prolific Jim Lauderdale - WMOT](#)

August 2, 2018

- [Key West Round-Up - Powerboat Racing World](#)

November 12, 2019

- [Poll: Honeymoon Over for Kentucky Governor Matt Bevin - WKMS](#)

May 31, 2016

- [20 Things you didn't know about Dave Adkins - Bluegrass Today](#)

May 24, 2018

- [Chris Stapleton to be featured in special Hall of Fame exhibit - kentuckycountrymusic.com](#)

December 4, 2019

- [Kentucky natives Loretta Lynn and Josh Osborne awarded for songwriting - kentuckycountrymusic.com](#)

September 18, 2019

- [The World Of Maybelle Carter: A Turning The Tables Playlist - WAMU 88.5](#)

August 12, 2019

- [Matt Bevin defends pardon of convicted child rapist in radio interview - msnNOW](#)

December 20, 2019

- [Arts Around Ann Arbor - Pulp](#)

November 27, 2019

- [State, local officials break ground for new Kentucky Owl Park distillery project - Nelson County Gazette](#)

November 9, 2017

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# Kentucky Colonels International Blog

 [kycolonels.international/news/blog](https://kycolonels.international/news/blog)



## KCI Blog

Members and news readers can access our blog using their web browser online or by subscribing to our Feed Burner Feed which renders as RSS, it is also available using you mobile device or can be sent directly by email when we publish new articles by Blogger.



## Member Provided Social Media Content

The **Kentucky Colonels International Blog** is a website used to promote and network news articles that are presented by members for development and integration into the historical record and to present our works in a concise written format for republication and sharing in the social media. The service uses Blogger one of Google's best and most active publishing services.

The blog features our own news releases, republished popular news articles, and articles that are found online which are condensed or rewritten for representation to our readers. The blog also connects and links members that have been



recognized following the distinction of being made a Kentucky colonel that are actively promoting and serving the Commonwealth of Kentucky as its Goodwill Ambassadors.



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# Public Relations

 [kycolonels.international/news/publicity](https://kycolonels.international/news/publicity)



## Publicity for Kentucky Colonels

As a service to our members who support our organization with donations our foundation offers online public relations and promotions of their events and projects where they represent themselves as Kentucky colonels. The content we develop can be used in the social media, online in their websites, and circulated to newspapers or other media providers in their region, nationally or internationally by email and facsimile.

To create a higher profile for our organization that is more broadly recognized on an international scale and bring prominence to the commission of the Kentucky Colonel title our organization has developed an ad hoc decentralized public relations initiative which connects the media with our officers. Currently the program is experimental and not very well funded, we are confident however that with some success the program will gain notoriety.



## News Release Guidelines

We have guidelines for members to be more successful in promoting themselves as Kentucky colonels when they initially receive their commissions and when they are participating in events or activities that they organize.

The information and consulting we provide is only available to members who are officers or by making contributions. If you are a member of a local chapter contact your representative officer for additional details, or if you need our help we will be glad to do do using email.



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# Our Officers



kycolonels.international/officers



## Commissioners

The commissioners are the functional organizing members, though they are subject to change, together they serve initially as co-founders for the consolidation and development of the organization. The initial commissioners were selected based on their training, knowledge, experience, and contributions to this formation. They are all transparent, of high moral character, and serve our commission honorably without remuneration.

- **Col. David J. Wright** - Cited for his achievements as a conservationist with Ecology Crossroads in 1996, when his tree program made the front page of the Louisville Courier-Journal in April, garnering the attention of Judge Ray Corns and Governor Paul Patton who commissioned him a Kentucky colonel, a title he takes in the highest-regard and understanding.

- **Col. Joshua D. Wilkes** - Lauded as a colonel in 1997 by Governor Paul Patton based on his work as a folk artist with the Legendary Shack Shakers. Col. Wilkes takes the honor seriously and uses the title as part of his name. Since becoming a Kentucky colonel he has authored a book about Kentucky's music and a novel about folklore. Today he continues to perform his stylistic themed music in Kentucky and abroad. In 2014 he was selected to represent Paducah in a cultural exchange to Ireland and Scotland with UNESCO.
- **Col David L. Younce** - Earned the award for his dedicated work with non-profits while working with teenagers to help them grow into mature young men and women. The recognition came in 1999 while Col. Younce was working with the Civil Air Patrol he also worked with police cadets and scouts in Oregon during the 70s and 80s, becoming a Kentucky colonel came as a surprise, it is an honor he holds close to his heart and lives up to everyday.
- **Col. Jon Meier** - Commissioned by Governor Steve Beshear in 2008 after being recognized for his service and leadership in the Boy Scouts of America when he obtained the rank of Eagle Scout in Berea, Kentucky. Today the colonel lives and works in Utah as a realtor and maintains the honorable title in high regard as a goodwill ambassador for the Commonwealth.

- **Col. Karen S. Cantrell** - Recognized for her work in the development of charitable efforts and upon becoming the Vice President of the UNA for the Inland Empire in California by Gov. Steve Beshear. Today she is the President of the United Nations Association of the Coachella Valley and continues her work with charities. In her local community she supports the fire department and provides guide dogs for the disabled
- **Col. Luis Cruz Diaz** - Became a Kentucky colonel in recognition for his community service and social media efforts as a consultant when he became the Secretary of Globcal International. Col. Cruz Diaz lives in Puerto Rico and was commissioned by Gov. Steve Beshear where he continues to work in his community and online with the United Nations SDGs.
- **Col. Michael L. Sher** - Indigenous artist and activist from Greater Toronto that was noticed for designing and introducing the International Indigenous Unity Flag as a symbol of unity and solidarity among indigenous people around the world. Since becoming a Kentucky colonel his flag has reached tribal communities living in 6 continents.
- **Col. Nicholas A. Wright** - Awarded the commission of the Kentucky colonel by Governor Steven Beshear based on winning a National Science Foundation (NSF) Scholarship for advancing solar energy technology while attending Western Kentucky University in Bowling Green.

- **Col. Maria Veneke Ylikomi** - From Sweden, Col. Veneke was bestowed the honor for her work in Cambodia as a volunteer and authorship of a book on the four big cats. She is a researcher, writer, peace advocate, and goodwill ambassador in every sense. She travels frequently to places around the world and talks about Kentucky to others when she does.

# Order of the Kentucky Colonel

 [kycolonels.international/order](http://kycolonels.international/order)



## Understanding the Order

The prestigious **Order of the Kentucky Colonel** is the oldest, highest distinguished order of merit and recognition that can be awarded to a civilian in the United States, it has been awarded by the Commonwealth of Kentucky since 1813. Today it is awarded to noteworthy individuals that are nominated by holders of the "honorable" title. To be designated to the **order** a person must demonstrate strong moral character and be noteworthy for having accomplished a good deed or service to community that deserves the recognition of the Governor of Kentucky.



## Realizing the Commission

Only the serving Governor or the Secretary of State of the Commonwealth of Kentucky can designate who will be recognized based on nominations made by other Kentucky colonels that were ordered (commissioned) already, his/her own personal recognition of an individual for their noteworthiness or based on letters written by Kentucky citizens or government officials that warrant attention and recognition.



Once a person is distinguished with an order it is for "life" as a recognition in full regard. An "Order" is not an organization, but a "title" under a "commission" as is the case for the **Order of the Kentucky Colonel**.

Wikipedia says: "An **order** is a visible honor awarded by a sovereign state, monarch, dynastic royal house or organization to a person, typically in recognition of individual merit, that often comes with distinctive insignia such as collars, medals, badges, and sashes worn by recipients.

Modern honor systems of state orders and dynastic orders emerged from the culture of orders of chivalry of the Middle Ages, which in turn emerged from the Catholic religious orders."

In another section it says: "A **state order**, or **national order**, is an order bestowed by a sovereign nation or state as part of an honors and recognition system. These orders, conferred for the merit of the recipient(s), are typically categorized as either orders of chivalry or orders of merit."

The **Order of the Kentucky Colonel** (Commission or Title) should not be confused with **The Honorable Order of Kentucky Colonels, Inc.** (est. 1932), which is a private non-profit charitable organization focused on developing their "Good Works Fund" in Kentucky; their organization operates a donorship program, raises funds for charity, and sell gifts (memorabilia) from their website to those who have been commissioned with the "Order of the Kentucky Colonel" whom are all invited to participate in the activities they promote.



## About the Order

The **Order of the Kentucky Colonel** is one of the greatest accolades of honor and distinction in the United States, it holds a rich history of evolution and tradition which stands apart from all others. It began as a special rank in the Kentucky Militia, evolving to the ideal of a Southern gentleman, finally to become the highest civilian honor resulting in the designation of "goodwill ambassador" for the Commonwealth. The **order** is often misunderstood today as a military order; whereas in reality is a state order, an order of merit, and a civil order.

Recipients who receive and accept the **Order of the Kentucky Colonel** are expected to live up to the honorary recognition reciprocally by being a model citizen that is considerate, fair, generous, kind, and understanding. Those distinguished are entitled to use "Honorable" or "Colonel" before their birth name in civil society and daily life; through the issuance of letters patent they can legally represent the state as its official goodwill ambassadors and are permitted to perpetuate the order by nominating others that they recognize for their deeds and noteworthy accomplishments.



## Entitlements of Letters Patent

Legitimately because of the wording and presentation the certificate is a form of "letters patent" that can be presented diplomatically to another head of state in representation of the Commonwealth of Kentucky. Symbolically it identifies the "Colonel" as an "Aide-in-Camp" to the Kentucky Militia that has been commissioned as an honorary lifetime representative of the Commonwealth acting as a "goodwill ambassador" from the state, designated under one of its Governors.

Letters patent is not diplomatic exequatur, but it is permission to represent Kentucky customs, traditions and values through the honor of a colonelship commission as a goodwill ambassador. Most persons sent by the Governor outside the state are eligible to become Kentucky colonels before or after they are dispatched.

Other states offer awards, honors and titles for their model citizens and for heroic acts as well, it is debatable as to whether they can all be considered to be "letters patent" unless they are employed as such in law, many are not issued as an order understanding a commission, but as a single award of merit.

Most of the awards given by other states and most nations are given similarly as orders of merit, some military orders and others are official state orders issued by the head of state.

The Order of the Kentucky Colonel represents a civil award and decoration, it is not a chivalric, dynastic, fraternal or religious order. People are **not named to become a Kentucky Colonel as a novelty**, but as an honor in recognition of a notable deed; however there is some fun that may found in the ideal of being a Kentucky colonel among friends relative to the Southern gentleman style and the world-famous Col. David Harland Sanders' (founder of KFC) in his expression of a Kentucky Colonel, who became one and used the title 120 years after it was established.



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# Resources

## Resource Listing

There are a great number of resources available to Kentucky colonels who are interested in extending their honorable title through community involvement and benevolent societies around the world that are established by other colonels.

### Websites

- [Kentucky Colonels International \(KCI\)](#)
- [Honorable Order of Kentucky Colonels® \(HOKC\)](#)
- [Kentucky Colonels Switzerland](#)
- [UK Brigade of Kentucky Colonels](#)
- [Kentucky Colonels Amateur Radio Club](#)
- [Kentucky Colonels of Central and Southeastern Kentucky](#)
- [German Brigade of the Honorable Order of Kentucky Colonels](#)
- [Philadelphia Kentucky Colonels](#)

### Facebook Pages

- [Kentucky Colonels International \(KCI\)](#)
- [Honorable Order of Kentucky Colonels \(HOKC\)](#)
- [I'm proud to be a Kentucky Colonel](#)
- [Tri-County Kentucky Colonels](#)
- [Philadelphia Kentucky Colonels](#)
- [Kentucky Colonels Spain](#)
- [Kentucky Colonels Switzerland](#)
- [Antipodean Brigade of Kentucky Colonels](#)
- [Kentucky Colonel Henderson Chapter](#)

### Facebook Groups

- [Kentucky Colonels International](#)
- [Kentucky Colonels On Facebook](#)
- [Honorable Order of Kentucky Colonels, New York City](#)
- [Pennyrile Area of Kentucky Colonels](#)
- [Georgia Masonic Kentucky Colonels](#)
- [Kentucky Colonels of Virginia](#)
- [Kentucky Colonels - Toronto Area, Canada and Abroad](#)
- [Georgia Chapter of Kentucky Colonels](#)
- [Honorable Order of Kentucky Colonels- Central PA](#)
- [KY Colonels in Action](#)

### **Other Useful Resources**

- [The Kentucky Encyclopedia - Kentucky Colonel](#)
- [Wikipedia article about the Kentucky Colonel](#)
- [Wikipedia article about the Goodwill ambassador](#)
- [First website dedicated to Kentucky Colonels \\*\(colonel.org\)](#)

### **Pre-Historical Resources**

- [The Kentucky Colonel: Richard M. Johnson and the Rise of Western Democracy](#)

### **Not so Useful Resources**

- [English Sheepdog Named a Kentucky Colonel](#) (UPI News, 1980)

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# **EXHIBIT 4**

## **TO MOTION FOR RESTRAINING ORDER**

**Donate to  
Ecology Crossroads Cooperative Foundation**

Purpose: Kentucky Colonels International

**\$25.00**

USD

**\$50.00**

USD

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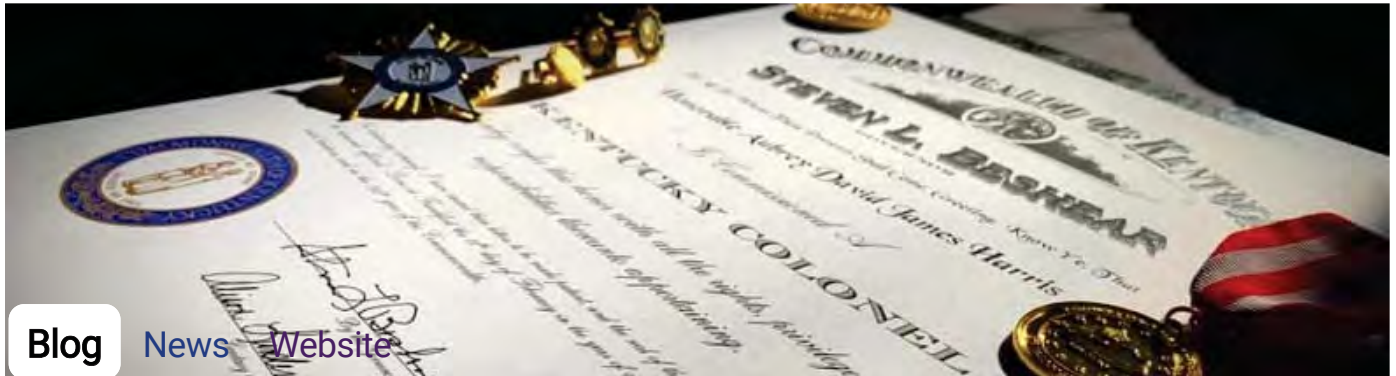


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# **EXHIBIT 5**

## **TO MOTION FOR RESTRAINING ORDER**


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Friday, February 7, 2020

# Kentucky Colonels: Past, Present and Future

## News Release

## News for Immediate Release



Kentucky Colonels in the News

**RICHMOND, Kentucky** — Beginning last year **Global International**, an international civil society organization from Kentucky that is registered with the United Nations entered into discussions to negotiate with **The Honorable Order of Kentucky Colonels**, a Louisville based charity, over a potential merger to assimilate their fraternal membership organization, **Kentucky Colonels International**. The merger proposal came following numerous attempts by the Honorable Order to terminate the operations and development of their fraternal counterpart which began online in Berea in 1998.

The **'Order of the Kentucky Colonel'** was established in 1813 as an award of merit and honorary title given to civilians by Governor Isaac Shelby who commissioned Charles Stewart Todd, one of his officers in his campaign, as an aide-de-camp on the Governor's Staff with the

rank and grade of colonel. Subsequent governors adopted the practice and the title of the '**Kentucky Colonel**' became an integral part of the state's tradition and customs.

In the early part of the 20th century, Kentucky colonels began to come together to form sociopolitical and fraternal organizations in the state, most of which are gone now. Today there are well over 100,000 Kentucky colonels living in more approximately 70 countries around the world and there are at least twelve associations that have been established for social and fraternal purposes to promote fellowship in various countries including Germany, Spain, Italy, Canada, Switzerland, the United Kingdom and several others, there are currently four based in Kentucky including Kentucky Colonels International.

The oldest and largest, of all these organizations is The Honorable Order of Kentucky Colonels which was started by Governor Ruby Laffoon in 1932, who was the same governor that commissioned the famous Harland David Sanders, which later went on to start the restaurant chain known today as KFC. In 1957 the organization consolidated itself as a charitable and educational organization by filing its **Articles of Incorporation** with the state where the Governor of Kentucky once appointed a Commanding General for each of the US States. In 1992 they amended their legal documents privatizing the organization from the government and removed the powers of the governor and members; on page 9 of the organization's **"Restated and Amended Articles of Incorporation"** that are on file in Frankfort, Kentucky, the document states that **"The Honorable Order of Kentucky Colonels has no members."**

After amicable discussions between Col. David Wright, Executive Director of Kentucky Colonels International and Col. Sherry Crose, Executive Director of The Honorable Order of Kentucky Colonels, Inc. which began at the end of 2019 Col. Wright submitted a merger proposal on January 13, 2020 to the executive director of the Kentucky based charity's board which would have allowed the organization to assume control over the international membership association as one of their own programs. On the 20th of January, Col. Crose informed Col. Wright that the merger offer he submitted was rejected by the Honorable Order's Board of Trustees.

The Honorable Order approached Col. Wright in 2001 and 2016 with their legal counsel and once again in 2018 with their executive director in efforts to terminate (interfere) the membership organization's legal formation, ideals, plans, and development, which states that it was formed to create a **"true membership"** organization by *Kentucky colonels for Kentucky colonels using their letters patent issued by the governor*. With these numerous attempts to derail the fraternal international organization, Col. Wright decided to approach them with a fair proposal so the Honorable Order could adopt the international membership program they developed to avoid

further conflict and confrontations.

Col. Wright stated on Facebook and across the social media that he would attempt to resolve the inconsistencies he found with the Honorable Order directly with them, when he denounced them in a [blog article](#) that he wrote in November 2019, voicing his opinion over collaboration between the rival organization with former Governor Matt Bevin who had worked unilaterally with the Honorable Order to enact a decision in 2016 **which forces Kentucky colonels to donate annually to their private charity in order to preserve their privilege to make nominations** of new colonels to the governor's office.

While Col. Wright agrees that colonels should be active as goodwill ambassadors (their official role granted through the title and certificate), requiring that they donate annually to the private charity in order to retain a privilege granted by the governor is unethical and unjust, especially considering that it had not been required for over 200 years by the Commonwealth.

Under the suggestions of his organization's membership Col. Wright decided to try the old adage, "if you can't beat them, join them" and 'reactivated' his own membership by making a donation to the Honorable Order before submitting the merger proposal to them, to demonstrate goodwill. Now however, since they rejected the proposal the colonel has decided to "go public" with the facts, stating that "the Honorable Order is perpetrating a fraud by misleading other Kentucky colonels to believe they are members of an organization that does not have any members or any provide benefits as a membership organization as defined by US law" as evidenced in a [recent editorial](#) and this news release.

Most of the details regarding the merger proposal are covered under a confidentiality agreement made between the two organizations, so only publicly accessible information can be discussed by either party. What can be said is that Col. Wright is currently taking progressive steps to formalize Kentucky Colonels International, he has reinstated his umbrella organization Ecology Crossroads on January 21st in Kentucky's capitol, and has registered a new website domain. He has also formed an international commission which includes J.D. Wilkes, Karen Cantrell, and other notable colonels listed on the [website](#).

Col. Wright also addressed his concerns of the impropriety with Governor Andy Beshear in a confidential letter delivered to his dispatch on January 21st after reinstating his non-profit. Concerns he raised include the sharing of private personal address information of future colonels with the Honorable Order and removal of the charity from the government website as it shows preference to them and leads colonels to believe that they offer a genuine membership privilege or are somehow an official agency of the state. ###

Copy of this News Release originally written on February 06, 2020 can be found online in the following formats: [ [PDF](#) | [Web](#) | [Docs](#) ]  
Members of the news media can [contact us by email](#) or at the phone number provided in the PDF version..

By [David J. Wright](#) on [February 07, 2020](#) 

Labels: [Col. David Wright](#) , [Globcal International](#) , [Governor of Kentucky](#) , [Honorable Order of Kentucky Colonels](#) , [Kentucky Colonels International](#) , [membership organization](#) , [Order of the Kentucky Colonel](#)

## Kentucky Colonels International: Restoring Traditions and Customs

### Defending the Ideals of the Kentucky Colonel

### Becoming a Kentucky Colonel and Ambassador of Goodwill

*Editorial by Col. David J. Wright*

There is really nothing much more important to me today than being a [Kentucky colonel](#) and working as a recognized goodwill ambassador with the United Nations Sustainable Development Goals Agenda.

Becoming a Kentucky colonel is an esteemed honor, one that I hold in the highest regard. While some people like to joke with me about it, when they learn I am a Kentucky colonel, I also know they



Commonwealth of Kentucky Coat of Arms (1876)



are kidding around and their jokes are in good jest and humor, especially when among close friends. It is not a tongue-in-cheek award like the Admiral of Nebraska, or something that should be taken lightly by those who are commissioned. Becoming a Kentucky colonel is a great honor in-deed and legal status denoted with letters patent.

I was conferred the lifetime commission in 1996 for bringing attention to the Commonwealth of Kentucky by **Governor Paul Patton**. The governor recognized me for a program that I had developed for **Arbor Day** and distributing millions of tree seedlings across the United States for urban reforestation to homeowners and organizations, a program I began in 1994 in Lexington, Kentucky following an ice storm that devastated the area. It came as a great surprise to me at the time and was presented to me by a good friend, the Honorable Col. Judge Ray Corns.

Being a Kentucky colonel has been more important to me than even my university degree, while I may have learned much of what I know from studying philosophy, it is not something I have ever bragged about much or considered noteworthy in my work as an international goodwill ambassador, although I am sure it has been a bonus to my critical thinking process. One thing I do know is that it is "indeed" a great privilege to hold the honorable title of the Kentucky Colonel.

## Starting Kentucky Colonels International (1998)

I was so impressed with becoming a Kentucky colonel that while operating the tree program, I decided to start an unincorporated association (using the skills that I learned as a web developer with the tree program, which by then was online) for others that were recognized as Kentucky colonels by the state's governor. In the process of developing the organization I discovered that the Honorable Order of Kentucky Colonels, to which, I implicitly belonged, was actually a private charitable organization in itself. However, when I became a Kentucky colonel in 1996, I was led to believe that it was somehow a part of the state, since the state sent me the initial information regarding them.

The next thing I knew after becoming a colonel, I began receiving frequent solicitations in the mail for donations from the organization several times a year; to which I donated on several occasions.

In setting up the membership organization having some professional experience in the law, research ability, and an intrepid nature I went to the state capitol to research more and discovered that the Honorable Order had **Amended and Restated Articles of Incorporation** on file there, upon reading them I discovered the organization has no

members. This confused me somewhat as they had sent me a paper membership card, which I laminated each year. This led me to visit their office, review government archives, and I even went to the public library in Louisville to learn all that I could about the organization and the distinguished honor that I was awarded.

What I discovered at the time, was that all Kentucky colonels were automatically considered their members, although the organization *did not have meetings or allow members to actively participate in the decisions made by the operations, management, or administration of the organization* like other membership associations. Their main activity was strictly charitable in nature, raising money for the Good Works Fund, holding an annual fundraising barbeque, and going to the Kentucky Derby; all of which are very nice, but not exactly what I thought being a Kentucky colonel was all about. Based on the research I performed justified me continuing with the endeavor of developing the organization I was forming online at [\[colonel.org\]](https://colonel.org) which was focused on developing membership services like a registry and websites for our members, at the time we already had nearly 100 members.

Considering all of the facts that I discovered about the Honorable Order it is probably more appropriate that they call their so-called members, 'donors or supporters', especially since they do not have bylaws that could be read by anyone except their officers, which they refer to as their Generals. It all sounded official enough, as it already led me to assume that I was part of something important that was really not as official as I believed it was. Looking back at the website on the Internet Archive and the chronological events surrounding its development, I had also offered to volunteer to help them develop a website prior to our beginning in 1998, an offer which they flatly rejected stating that they "did not need a website."

As it seems they like to call their donors and supporters, their members, but do not afford them any privilege or voice to express opinions or participate in any meaningful way. Legally, a membership organization in the United States under the law must provide bylaws to their members, allow members to control the organization, and give members a voice through providing voting privileges. None of these things were true about the Honorable Order, then or now.

## Moving on with a Kentucky Colonel Feather in my Hat

In 2000 and 2001, I received letters warning and threatening me from the legal counsel for "The Honorable Order of Kentucky Colonels, Inc. stating **that the website I created was illegal, violated their trademark rights, and that I should cease and desist.** I never



replied or acknowledged the letters; actually, I did not think much of it at all, as I was in a transition period in my life to move overseas and work as an ambassador for the City of Caracas in Venezuela. So, I let the website I developed expire while I published a message on the website for the members suggesting they support the Honorable Order of Kentucky Colonels. In the meantime I moved to Venezuela to collaborate with the mayor of a city of 5 million people as a professional ambassador to the United States in a Sister Cities project from Caracas to Miami and Fort Lauderdale.

A few years after becoming an official ambassador (thanks to my Kentucky colonelcy), the city's mayor was ousted by the socialist government currently running Venezuela. This caused me to get an extra bitter taste for politics (something I had already acquired in Kentucky), so I moved on to the private sector working as a business consultant and analyst. One of the things that impressed Venezuelan business owners the most was the fact that I was a Kentucky colonel, more so than my experience as their city's former goodwill ambassador. It was at that time that I vowed never to represent or be involved in political or religious agendas or ideals again.

## A New Start for Kentucky Colonels International

Several years later with the advent of social media, I decided to join Facebook and one of the first things I found online were groups with other Kentucky colonels so I joined all of them. The following year I became the administrator of one of them, and in 2008 I began to convince other group administrators and members to become part of a new objective I started online called the Model United Nations Social Networking Embassy (MUNSNE), since I recognized them as Kentucky's goodwill ambassadors. MUNSN evolved to become **Globcal International** which continues today. It was led by myself and other aspiring social media advocates with the ideal of spreading goodwill to affect social change. The organization was so effective in the social media at the time, we went to meet with President Barack Obama at the Summit of the Americas in Trinidad in 2009 for his endorsement.

Globcal International became self-sufficient and it was quickly developing new programs with many others. I decided to focus on the formation of my own project in the Northern Amazon called Ekobius in 2011, while remaining as one of the organization's ambassadors and the administrator of **Kentucky Colonels International**.

Perhaps one of the worst decisions I have ever made with Globcal International, was I decided to give the opportunity of serving as the president to an inspiring young idealist who had great brave ideas he

wanted to implement which I could not achieve at the time being located in Venezuela. When we changed the administration to recognize a new presidential figurehead from Saudi Arabia, he incorporated Global International in Washington, DC. in late 2010 and the effort began to take off further; however because he allowed his personal endeavors to get in the way of the organization, the gusto soon fizzled and in late 2012 I took the organization back to reform it, decentralizing it as an unincorporated offshore organization with several of the original members, which continues today under my authority. The organization has also been reincorporated as of last week in Kentucky as part of the organization that I founded to distribute trees.

On the other hand, one of the best decisions I ever made early on in the formation was when I decided to relaunch Kentucky Colonels International in 2009 as one of the social media objectives of the groups I belonged to on Facebook. Many of the people we have today in Global International are Kentucky colonels, some of whom have become our most valued members.

In retrospect I made a series of high risk decisions starting with leaving Kentucky and moving to Venezuela, (risks that most are fearful of in many respects) but nonetheless, by never giving up on my ideals and doing what is right for others, the strongest and most worthwhile endeavors remain through my persistence and determination.

## Our Motto - One Good Turn Deserves Another

In the *reestablishment* of **Kentucky Colonels International** as an informal objective and unincorporated membership association we were once again becoming very active on Facebook. In 2016, we were approached again by legal counsel representing "The Honorable Order of Kentucky Colonels, Inc." who was insisting, now 15 years later, that we were infringing on their trademark rights again, so we agreed to post a disclaimer on our Facebook page which at the time we understood was to be reciprocal. While we have made this abundantly clear to those who join our groups and read our page, they have never once reciprocated on their website or Facebook page.

In 2018, when our Facebook members began discussing online that we were interested in establishing a registry for Kentucky colonels because they were interested in being better known for their commissions and the reformation of a membership development; we were approached by the Honorable Order's Executive Director, Col. Sherry Crose who expressed a desire to work together with us on the project we were planning and asked us to postpone our development until January of 2019, which we agreed to do. After all they are the

kings of the realm, earned the respect of many famous Kentucky colonels, and were being provided all the names and addresses of all the new Kentucky colonels being commissioned by the Governor through the office of the Secretary of State under state policy. However after not receiving any further collaboration or messages from them, we decided to move forward with the development later in the year.

Around the same time in November 2019 I also wrote an article on the Global International blog expressing our position on the current nomination procedure and potential impropriety that we began to address over these changes made in the procedure which required that *Kentucky colonels make donations to the Honorable Order to be able to nominate new colonels, and which needed to be done online instead of in writing*. These changes were implemented under former Governor Bevin and in my opinion (in retrospect) **were done to give deference to the organization**, *without regard to our formation or any other legitimate organizations* that were set up by Kentucky colonels (each with their legal letters patent) inside Kentucky or abroad. His actions, however, could have been based on the lack of understanding and knowledge which he admitted when he suspended the nominations in 2016 for review by his office, prior to changing the policy.

The first one to sign up for our registry project and membership program being developed was the HOKC Executive Director, Herself, Col. Sherry Crose who submitted the fee, but neglected to complete the form requesting personal information. All the other registrants did complete the form, however we discovered some errors in the form and the process, so we temporarily suspended the program. Meanwhile in late December, I decided to initiate a discussion with the Honorable Order to either assist us in our project or perhaps merge our membership program into their own organization. While contacting the executive director to inform her that she neglected to complete the registry form, after some greetings I suggested we explore the possibilities of a merger to allow them to gradually assume control over our Facebook groups and the online registry program; the HOKC executive requested that we submit a proposal for review by the Generals (their Board of Trustees).

## Never Underestimate Goodwill and Integrity

Over the years as a Kentucky colonel and an ambassador I learned a great deal about honor, respect, transparency, and integrity; which in a sense made me into a watchdog looking out for corrupt and inappropriate behavior to protect the organizations that I founded. Even with volunteers I learned to become very cautious and looked into the background of most of our members, I was careful not to permit those who were involved in shaky political or religious agendas

as it could tarnish our image.

In the process of preparing the proposal we discovered that the Facebook groups we have online were infiltrated by HOKC Generals, the president of their organization, the social media liaison, their grant administrator and other loyalists, none of whom ever presented their commissions, participated in the social media forum, or made any posts in either of the two groups we administer. This gave us reason to believe that they were there snooping on our membership activities, as informants and potential disruptors rather than as our own members. I learned this when I tried to propose a longer, more qualifying method for nominations to the groups that was used by previous governors suggesting written nominations by postal mail, when the organization's grants administrator spoke up commenting defending Governor Bevin's (their own) policy in one of the groups. As a result, the decision was made to remove all of the HOKC staff we could identify prior to submitting the proposal. Before we submitted our proposal to merge, we also reviewed many articles, an op-ed piece by their executive director, and many other documents that the organization has distributed over the decades to better include their needs in the proposal. Nonetheless the proposal we submitted on January 13th was rejected by the 20th, without a counter offer or any collaboration on their part with our membership program.

All of their activities taken against us and decisions made were contrary to the spirit of the state motto, "United We Stand, Divided We Fall." In my opinion, after so many years of controlling the ideal of what a Kentucky colonel is and denoting what a Kentucky colonel should do or does; they are acting as if they the king of the castle or elitists, which they should not. All of their intentions have been focused on alienating us rather than embracing the ideals and altruistic benevolent values which most Kentucky colonels collectively share.

So now here we are now, turning the table around after suffering great harm, being misled, spied on, and mistreated following numerous threats by lawyers advocating for dominance over thousands upon thousands of Kentucky colonels that have been granted "letters patent" to serve as the state's goodwill ambassadors (the only official duty they can exercise). This now puts us in a position to stand up to the HOKC without being bullied anymore or *deceived into believing that our only duty and privilege as Kentucky colonels is to fund their charity and support the causes selected by their generals.*

Kentucky is part of the United States and in the United States we have rights under the Constitution, the right to free speech, the right to be heard and the right to assemble. A good friend, one of our new commissioners, [Honorable Col. J.D Wilkes](#) reminded me of this recently after appearing in a feature article in Louisville a couple weeks ago and getting his article shared on our [Facebook page](#), when

we made contact once again. He had joined our original group formation in 1999, something I only learned the other day when reviewing the Internet Archive.

## Standing Under the Law

Under the rights we possess provided by the First Amendment of the United States' Constitution, the US Code, and the Statutes of the Commonwealth of Kentucky we are here to recover the organization that we should have had, based on all that we have learned and come to understand. Someone needs to answer for the malfeasance aimed towards us in 2001, the freedom of others, respect for the law, and answer in the consequence of the scare tactics they implemented to intimidate us in the past.

People cannot stand under a misguided authority, especially a charity that prospers by conducting deceptive practices. There are too many legitimate causes out there that work very hard for the money, Kentucky colonels are not people that should not be beguiled to believe that by channeling their energy through a single organization is better than the actions they can take independently in their own communities. As we suggested to the new Governor, if there is going to be a quid pro quo attached to make nominations, where, Kentucky colonels must make an annual donation to a Kentucky charity to remain active in *his own registry*, let each colonel choose themselves which charity or cause their money should support; or restore the Commission and its previous nomination procedure to the policy as it stood before Governor Bevin took his elected office.

Based on what we discovered about the HOKC organization, it is abundantly clear that **they have been misleading their donors and supporters for many years** into believing they are members, at least since 1997, where Gary Gupton their former executive director and senior ambassador writes in an [introduction letter](#) to those receiving their commissions, *"The members-only organization is reserved exclusively for those titled as Kentucky Colonels."* but it is also clear that the letter which was sent out as late as 2015 was fraudulent, because they did not have a website when he supposedly wrote it, moreover he did not have any members.

The HOKC's [Amended and Restated Articles of Incorporation](#) on file in Frankfort, that have been on file since 1992 clearly state in Article 13, **"The Honorable Order of Kentucky Colonels has no members."** Additionally, a similar statement made in Article 6 states, **"The corporation shall have no voting members."** Both of these items in this document are a clear violation of what it means to call yourself a membership organization under US law.

The US Code of Federal Regulations (CFR) defines the term



**membership organization as:**

"an unincorporated association, trade association, cooperative, corporation without capital stock, or a local, national, or international labor organization that is composed of members, some or all of whom are vested with the power and authority to operate or administer the organization, pursuant to the organization's articles, bylaws, constitution or other formal organizational documents; expressly states the qualifications and requirements for membership in its articles, bylaws, constitution or other formal organizational documents; makes its articles, bylaws, constitution or other formal organizational documents available to its members; expressly solicits persons to become members; expressly acknowledges the acceptance of membership, such as by sending a membership card or including the member's name on a membership newsletter list; and is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual"

The impropriety, deception, and fraudulent presumptive behavior does not end here though, it goes to the core of the organization which provides thousands of donors with membership cards each year that have no validity or privileges connected with them, constantly referring to them as members headed by generals without any real authority over Kentucky colonels themselves. Each Kentucky colonel with his/her letters patent is independent and in reality, reports directly only to the governor. The HOKC is completely independent of the government under the law. Despite this, no one has ever challenged these ideas that they put forth or the decisions being made by their Generals, not even the governors since 1992 are fully aware of what exactly is going on. The **great deception of misleading Kentucky colonels, channeling their ideals, and moderating their honor has been taking place in plain sight well over 25 years**, instead of focusing on bringing prosperity to the honorable title through those to which the privilege truly belongs.

According to the Model Nonprofit Corporation Act, which defines the legal rights of members, includes:

"formal membership nonprofits have a board of directors, and **the members serve as the governing arm of the organization**. The nonprofit's bylaws and articles of incorporation define the rules for membership issues, such as how to become a member, and also detail the rights and responsibilities of members."

They provide medals based on the amount a person donates that have no relation to valor or merit, but are basically for sale so they can

be shown off as if they were earned for some action. Some Kentucky colonels have them and others do not. While this seems strange in itself to those who I have spoken with who earn their brevets and medals, many organizations practice this, so it is probably one of the least questionable practices as to getting one signifies that a person has not done much more than make an above average contribution. Most Masonic Orders disagree with the practice as do others where recognition and degrees are earned as a person ascends the ladder as a member or based on an activity or achievement.

There is no room in America, not even in Kentucky, for a charity to operate ignorant of the needs of their members, **like a burgermeister or a 'good ole boys network'** which makes decisions for the benefit of the inner circle without giving due consideration to its constituents. Its principles are contrary to the democratic and social values of the Commonwealth and nation in which it was founded. In this case guiding an honorable and distinguished title that was bestowed without discrimination to so many fine ladies and gentlemen around the world based on their deeds, at their cost, with the sole purpose of developing and maintaining an organization where its members have no opportunity to participate within, to grow from or prosper within.

**United We Stand, Divided We Fall** - Kentucky entered the Union on June 1, 1792. A little over six months later, on December 20, 1792, the first Kentucky General Assembly adopted the official seal of the Commonwealth, including this phrase as the state motto.

## Taking on a Goliath to Restore the Tradition of the Kentucky Colonel

While writing this article I reflected considerably on the repercussions of my change of opinion about the Honorable Order of Kentucky Colonels as I gave them the same deference that former Governor Bevin did. I sent them a donation in January to reactivate my "so-called" membership, which I did not realize was just a way to gain their recognition as a donor, making myself eligible to nominate other colonels, and not a real member of anything really based on the presents of this editorial. Then I began to think about all the Kentucky colonels out there that are truly honored by being nominated and the governor commissioning them, as well, what it would mean to them to have a genuine membership organization that addresses them and the honorable commission with the integrity and respect they deserve, where they actively participate in the functionality of the organization.

While many people get their certificates and hang them on the wall and leave it at that, others do take great prestige in receiving the award and live up to its real meaning. So, it is for these Kentucky

Colonels that we are moving forward with our plans by forming our own International Commission to develop a genuine membership organization that is rightly so. We have taken several major steps already by getting a new dedicated website and forming a small commission of distinguished leaders to serve as the initial officers that share many of my sentiments and concerns.

We will also accept proposals for new commissioners to become part of our board based on their understanding, respect, and prominence as leaders in their own communities. Together I am confident that we can restore the significance of the Kentucky colonel and perhaps even eliminate the jokes and presumptions of it being a tongue-in-cheek award through the development of our organization.

To get the organization off the ground I have legalized the commission's formation under the same organization that I founded in 1994 by reinstating it with the Secretary of State in Frankfort on January 21st. Now to take it where it needs to go, we need donations from the public and will need to charge monthly or annual dues to members in order to provide member benefits and services beyond the social media. The online services we have been providing through administering the Facebook groups will remain without any membership fees including our blog and a new website being developed at [\[kycolonels.international\]](https://blog.kycolonels.international).

Most of the ideas we will be proposing for our membership are on the table, while it is difficult for me to organize the project from abroad, the brunt of the work today for many organizations can be completed online. The majority of our officers are located in the United States (none live close to one another), so online development is very essential. We do have our registered agent and an official mailing address is in **Richmond, Kentucky**, which reinforces our formation. The formal membership forum is based on Facebook and remains open to all Kentucky colonels that have been granted a commission, without cost. Also we have Workplace and Google (paid services) we can rely on as well with our commissioners to provide more integral interaction with live online global meetings.

In addition to myself **Col. David Wright**, our current governing officers include: **Col. J.D. Wilkes, Col. Nicholas Wright, Col. Karen Cantrell, Col. Luis Cruz Diaz, Col. David Younce, Col. Michael Sher, Col. Maria Veneke Ylikomi**, and **Col. Jon Meier** all of whom serve honorably with prestige as commissioners without remuneration as our board. Other Kentucky colonels are currently under consideration as commissioners and officers to help lead our formation as the only '**membership organization**' dedicated to Kentucky colonels serving as goodwill ambassadors for the Commonwealth authorized under the issuance of letters patent.



## Supporting Kentucky Colonels International

On January 30th the formation of Kentucky Colonels International became official. We upgraded our status from an unincorporated membership organization and legalized the commission and foundation as an assumed name corporation in the Commonwealth of Kentucky belonging to Ecology Crossroads (est. 1994), who is our sponsor. To become an independent membership organization like we deserve to be, it is up to our members and other Kentucky colonels to come together and provide us with support we need in the form of donations to better formalize our efforts to succeed. Contributions can be made online through their sponsor using [PayPal](#) or a [credit card](#).

As the state's official goodwill ambassadors we have lots of great progressive ideas to implement through the organization including a promotional campaign that allows Kentucky (and non-Kentucky) businesses, travel destinations, and corporations to become involved. We will also accept contributions from the general public and those seeking nominations to become Kentucky colonels through our programs by supporting us and promoting Commonwealth. You can find us on [Facebook](#), visit our [website](#) or [email us](#).

By [David J. Wright](#) on [February 07, 2020](#) 

Labels: [goodwill ambassador](#) , [Governor of Kentucky](#) , [HOKC](#) , [Honorable Order of Kentucky Colonels](#) , [KCI](#) , [Kentucky Colonel](#) , [Kentucky Colonel Foundation](#) , [Kentucky colonels](#) , [Kentucky Colonels International](#)

Thursday, January 30, 2020

## Reorganizing the Kentucky Colonels International Commission and Foundation

### A Digital Presence for Kentucky's Goodwill Ambassadors

### Kentucky Colonels International

Having a good social media presence has become an essential part of an organizational repertoire in today's society. Social networking has proven to be very big business for some companies who provide users with tools to communicate online so they can better organize and develop their programs and promote their purposes.

In 1998 we presented the first website for Kentucky Colonels to present and network themselves, however it was short lived because a larger and more powerful organization decided to challenge our development in 2001. In 2007 we began our comeback on Facebook, but as a volunteer organization and social formation, since then we never had as much time or money to invest as was necessary to further develop our formation. (More about this will be presented in our next articles.)

## New Website and Blog

We are introducing a new website and blog under the domain name

**[kycolonels.international]**

that is based on providing member support. The new

endeavor will help to recover the work we

began in 1998 and extend our presence as Kentucky's official goodwill ambassadors.



The new website and blog will be driven by our own Honorary Commission of Kentucky colonels who we are calling our officers. Together they will be responsible for driving our formation as a legal "membership organization" under the First Amendment of the United States Constitution, the Code of Federal Regulations (CFR) and the Kentucky Revised Statutes (KRS).

Some of the immediate goals will be to provide our formal members with **online credentials**, an **email address handler using their own personal names** with our website domain name, **access to Google Suite using IDaaS**, as well as **biographical pages** for members who participate distinguishing their deeds and honorable commission as a Kentucky colonel. Other membership benefits will also be provided as they are developed.

We are off to a great start with more than several thousand pages of data that can be entered and used in our website. Our purposes

however are primarily oriented towards providing membership services and developing a member organization, so we have only included the most formal and official information in our immediate presentation. The website is really off to a great start, all members are encouraged to support its development!

Our goal is to present the organization with the utmost transparency, sincerity, dignity and formality to elevate the honorable title accompanied by the official commission to the level of integrity and respect they deserve. In the future we will consider a section of the website to be focused some of the *informal humor* that has developed surrounding the honorable title which many say has beguiled it making it a tongue-in-cheek award for many who receive it.

## Reorganization and Reformation

We began our development in 1998 as the **only organization** (at the time) established as a *genuine membership organization* formed specifically to develop mutual and fraternal social benefits for our members. Since we began and conceded defeat in 2001 to the HOKC (the charity) other organizations that have been set-up for similar purposes which have surpassed our development forming membership associations under legal charters in Canada, Switzerland, Germany, and the United Kingdom.

To propel our noble effort we need member support from the Facebook groups we have helped to develop since 2007 and from the public through our Facebook fanpage which now has a link for supporters to make discretionary donations. We also have a page on our new website where members and supporters can donate to give our formation the independence it deserves. Supporters and members can also make a [donation here using PayPal or a credit card](#).

## Supporting our Development

While we need donations to make our formation better and more resilient, we also need to build on what we already have begun in the social media to strengthen our organization. Those who are already members and page followers are encouraged to network our program to other Kentucky colonels that they know and encourage them to join our association through our groups and support our foundation online to follow and share our Facebook page and Twitter page.

On Facebook you will find two social groups, the private groups are open only to Kentucky colonels who have already received commissions.

- [Kentucky Colonels International](#) (Facebook Group established 2006)
- [Kentucky Colonels on Facebook](#) (Facebook Group established 2009)

For the public, members and non-members we have our website, blog, a Facebook page and Twitter which was recently recovered. We have not begun to use Twitter but plan to soon interactively to promote the website and the accomplishments of our members.

- [Kentucky Colonels International Commission and Foundation](#) (Website)
- [Kentucky Colonels International Blog](#) (Google News and Blogger )
- [Kentucky Colonels International](#) (Facebook Page established 2009)
- [Kentucky Colonels International](#) (Twitter Feed established 2009)

We have taken all of the initial steps required in law to begin the reformation process with Globcal International which also supports the Goodwill Ambassador Foundation as Kentucky Colonels International's founding sponsor, our primary contact in Kentucky is the Ecology Crossroads Cooperative Foundation originally established in 1994.

## Our Organizational Commission

Currently we have nine (9) commissioners that are recognized as our initial officers. During our formation process we are accepting proposals for additional commissioners, chancellors which represent country chapters, ambassadors in charge of activity and event committees, as well as consular officers that work with ambassadors.

The commissioning officers that have already been selected are people with experience in leadership as goodwill ambassadors or leaders in their own communities, they have committed or donated \$1,000 or more to our organization or charitable causes to hold their position as officers in recent years. They include colonels Nicholas Wright, Karen Cantrell, Luis Cruz Diaz, David Younce, Michael Sher, Maria Veneke Ylikomi, Jon Meier, Joshua Wilkes, and David Wright who serves as the Secretariat of our international membership organization.

Those who are interested in serving as an officer or being recognized as commissioners can [contact us directly by email](#) elaborating their qualifications by providing their Facebook profile, writing something about how they became colonels, tell us how they can contribute to the formation or would like to become officers, and by providing some basic biographical information. All those who are selected as commissioners will be asked to serve for a minimum of five years.

By [David J. Wright](#) on [January 30, 2020](#). 

Labels: [blog](#) , [Facebook fanpage](#) , [Facebook groups](#) , [Kentucky Colonel Foundation](#) , [Kentucky Colonels International](#) , [membership program](#) , [new website](#) , [social media development](#) , [US Constitution](#)

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**Kentucky Colonels  
International**

on Monday

Soon after, I returned home to my family, with a determination to bring them as soon as possible to live in Kentucky, which I esteemed a second paradise, at the risk of my life and fortune. -Col. Daniel Boone

Col. Daniel Boone was known as the first settler of Kentucky in 1767, he became one of its leading citizens. He was actually commissioned a Lieutenant-Colonel in 1780, of the Fayette County Militia when Kentucky was made up of three Virginia counties



EN.WIKIPEDIA.ORG

**Daniel Boone - Wikipedia**

Daniel Boone (November 2, 1734 [O....



Kentucky Colonels International  
Restoring Traditions and  
Customs

Defending the Ideals of the  
Kentucky Colonel Becoming  
Kentucky Colonel and Ambassador of Good  
Editorial by Col. David J. Wright ...



Reorganizing the Kentucky  
Colonels International  
Commission and Foundation

A Digital Presence for Kentucky  
Goodwill Ambassadors Kentucky  
Colonels International Having a good social  
media presence has become...



Kentucky Colonels: Past, Present  
and Future

Kentucky Colonels in the News  
News Release News for  
Immediate Release RICHMOND  
Kentucky — Beginning last year Global  
International...

**More Than 300 Candidates File To  
For Office In Kentucky - Spectrum  
News 1 - 1/13/2020**

**Inaugural Bluegrass Hall of Fame  
Induction Celebration in March -  
Bluegrass Today - 2/18/2020**

**Group Proposes Fair Maps Act -  
Spectrum News 1 - 1/13/2020**

**Kentucky Black Caucus Outlines 2020  
Priorities - Spectrum News  
1 - 1/13/2020**

**Kentucky Farm Bureau Unveils 2020  
Legislative Priorities - Spectrum News  
1 - 1/10/2020**

## Contact Form

Name

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# **EXHIBIT 6**

## **TO MOTION FOR RESTRAINING ORDER**

Kentucky Colonels International



Julie

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2



Kentucky Colonels  
International

@KentuckyColonels

Home

About

Community

Groups

Photos

Posts

Reviews

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## About

Suggest Edits

### BUSINESS INFO

Started on October 21, 1998

#### Mission

To promote the careers, individual growth, public service projects, and generally champion the successes of Kentucky Colonels all over the world to enhance the growth of strong sustainable communities and friendships internationally.

### CONTACT INFO

[m.me/KentuckyColonels](https://m.me/KentuckyColonels)

[contact@kycolonels.international](mailto:contact@kycolonels.international)

<https://kycolonels.international>

### MORE INFO

#### Release Date

2009

#### About

International Commission of the Order of the Kentucky Colonel (est in 1813) responsible for promoting the traditions and customs of Commonwealth of Kentucky as the state's goodwill ambassadors and recognized patrons.

#### Impressum

Kentucky Colonels International is a non-governmental and non-state fraternal membership commission and foundation of Global International that has been developed to bring international attention to those who have been commissioned as Kentucky colonels following recognition by the Governor of the Commonwealth of Kentucky for performing a meritorious deed, community leadership, an act of goodwill or demonstrating selflessness that deserves the attention of the Commonwealth of Kentucky.

The organization is open to all ladies and gentlemen who have received the honorable commission of the Kentucky Colonel from the governor wherever they may live in the world.

The organization is incorporated in the Commonwealth of Kentucky and exists as a decentralized autonomous organization through its sponsors and members in other countries around the world.

#### Company Overview

### STORY

#### Kentucky Colonels International

Kentucky Colonels International is a non-governmental commission and non-profit membership organization based on a fellowship of "Kentucky Colonels" from around the world that have been recognized by the Governor of Kentucky for their contributions to society and our civilization through their deeds. Our organization was introduced in 1998 as the f...

[See More](#)

Kentucky Colonels International



Julie

Home

Create

2



## Kentucky Colonels International

@KentuckyColonels

Home

About

Community

Groups

Photos

Posts

Reviews

Create a Page

Kentucky Colonels International is a non-profit organization that has developed a national membership order and registry of Kentucky colonels from around the world.

KCI is based on activities involving charity, fraternity and goodwill; it is not affiliated with the Honorable Order of Kentucky Colonels (HOKC) and is developed under Global International as a non state commission. Membership is voluntary and open to all persons that hold the commission of Kentucky Colonel!

**Nonprofit Cooperative Commission of Kentucky Colonels** around the world promoting the ideals of goodwill, charity, respect, honor, trust and integrity.

**Founding Date**

1813



**Awards**

Commission of the Kentucky Colonel



**Products**

Members of the Order of the Kentucky Colonel are available for speaking engagements and as participating guests at events to represent and discuss the Commonwealth of Kentucky or to promote charitable events.



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# **EXHIBIT 7**

## **TO MOTION FOR RESTRAINING ORDER**



HELP

MENU

[Home](#) > [Charities and Non-Profits](#) > [Search for Charities](#) > Tax Exempt Organization Search

# Results for Tax Exempt Organization Search

## Select Database

Search All



## Search By

Organization Name



## Search Term

Kentucky Colonels International

## City

Enter City

## State

All States



## Country

United States



Search

Reset

## [Search Tips](#)

**Your search did not return any results. Please try again.**

**Need Help?** See [Search Tips](#) for guidance on effective searching, search criteria and logic, and selecting search terms.

## Additional information

- [Frequently asked questions](#) - Exempt Organizations Select Check

- [Revocations of 501\(c\)\(3\) Determinations](#)
- [Suspensions Pursuant to Code Section 501\(p\)](#)
- [Exempt Organizations Business Master File Extract \(EO BMF\)](#): a list of organizations recognized as exempt by the IRS
- [Tax Exempt Organization Search: Bulk Data Downloads](#)

Page Last Reviewed or Updated: 6-Sept-2019

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## Our Agency

## Know Your Rights

## Resolve an Issue

## Other Languages

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Taxpayer Bill of Rights

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U.S. Treasury

Work at IRS

Office of Appeals

??

Treasury Inspector

Help

Taxpayer Advocate Service

Identity Theft Protection

???

General for Tax Administration

Contact Your Local Office

Accessibility

Report Phishing

P??????

USA.gov

Tax Stats, Facts & Figures

Civil Rights

Tax Fraud & Abuse

Ti?ng Vi?t

Freedom of Information Act

No Fear Act

Privacy Policy

# **EXHIBIT 8**

## **TO MOTION FOR RESTRAINING ORDER**



HELP

MENU

[Home](#) > [Tax Exempt Organization Search](#) > Ecology Crossroads Cooperative[< Back to Search Results](#)

# Ecology Crossroads Cooperative

EIN: 61-1259384 | Berea, KY, United States

## Auto-Revocation List

Organizations whose federal tax exempt status was automatically revoked for not filing a Form 990-series return or notice for three consecutive years. Important note: Just because an organization appears on this list, it does not mean the organization is currently revoked, as they may have been reinstated.

**Exemption Type:** 501(c)(3)**Exemption Reinstatement Date:****Revocation Date:** 11-15-2010**Revocation Posting Date:** 07-13-2011*Page Last Reviewed or Updated: 6-Sept-2019*

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About IRS

Taxpayer Bill of Rights

Respond to a Notice

Español

U.S. Treasury



# **EXHIBIT 9**

## **TO MOTION FOR RESTRAINING ORDER**

## Current Non-Profit Entities Filing IRS Tax Form 990

Updated: 2/10/2020

ID	Name	DBA	Contributions	Revenue	Yr La Filed
10352	EB Research Partnership, Inc.		\$5,298,198.00	\$5,363,294.00	2018
242	Echo Inc		\$3,507,996.00	\$4,099,565.00	2018
4521	Ecohealth Alliance, Inc.		\$16,013,638.00	\$16,432,816.00	2017
4457	Economic Development Properties, Inc		\$0.00	\$41,344.00	2018
10814	EdChoice Kentucky, Inc.		\$216,685.00	\$216,685.00	2018
4819	Edge Outreach, Inc.	Water Step	\$742,605.00	\$885,730.00	2018
3890	Edith & Henry Heuser Hearing Institute, Inc.		\$0.00	\$872,951.00	2017
12833	Edmonton-Metcalf County Chamber of Commerce, Inc.		\$33,800.00	\$42,031.00	2018
6525	Edsils Place Apartments, Inc.		\$51,640.00	\$99,587.00	2017
12304	Educate West Point Incorporated		\$0.00	\$0.00	2018
13576	Educating With Hope, Inc.		\$0.00	\$0.00	2018
12746	Education Development Center, Inc		\$153,875,475.00	\$155,645,130.00	2017
13408	Education For All Children		\$1,003,338.00	\$1,092,665.00	2018
13836	Educational Excellence Foundation of Gallatin County, Inc.		\$84,757.00	\$84,757.00	2018
10747	Educational Foundation of Alpha Gamma Rho		\$2,434,734.00	\$3,015,432.00	2017
11908	Educational Justice		\$703,346.00	\$703,346.00	2018
4794	Educational Media Foundation		\$184,987,293.00	\$189,010,764.00	2018
13834	Edward Jones Disaster Relief Fund		\$366,752.00	\$367,433.00	2018
10139	Ehlers-Danlos National Foundation		\$1,257,357.00	\$1,606,827.00	2018
6321	Eight Days of Hope, Inc.		\$6,510,908.00	\$6,507,614.00	2018
12461	EKentucky Advanced Manufacturing Institute, Inc.		\$2,220,675.00	\$2,249,492.00	2018
13821	EL Education, Inc.		\$7,716,967.00	\$22,600,614.00	2017
11870	Elana Brophy Memorial Foundation Inc		\$0.00	\$0.00	2018
12386	Elderheart, Inc.	Mission 22	\$1,646,208.00	\$1,633,179.00	2018
2953	Elderhostel, Inc. dba Road Scholar		\$2,492,011.00	\$389,880,650.00	2018
5029	Electronic Frontier Foundation, Inc.		\$12,915,696.00	\$15,913,065.00	2017
4805	Elim Christian Services		\$4,728,480.00	\$25,451,243.00	2017
788	Elizabeth Glaser Pediatric AIDS Foundation		\$199,285,861.00	\$199,909,040.00	2018
11051	Elizabeth Taylor AIDS Foundation		\$2,081,762.00	\$2,485,336.00	2018
1032	Elizabethtown Country Club		\$0.00	\$870,563.00	2017
310	Elizabethtown Hardin County		\$0.00	\$418,516.00	2018

## Current Non-Profit Entities Filing IRS Tax Form 990

Updated: 2/4/2020

ID	Name	DBA	Contributions	Revenue	Yr La Filed
7370	Home Builders Association of Western Kentucky, Inc.		\$91,577.00	\$159,709.00	2018
8679	Home for Little Wanderers, Inc.		\$8,973,302.00	\$54,754,622.00	2017
13078	Home Instruction for Parents of Preschool Youngsters (HIPPI) USA		\$212,378.00	\$1,135,761.00	2017
440	Home of the Innocents, Inc		\$6,326,055.00	\$38,442,346.00	2017
13527	Home Port Alliance for the USS New Jersey, Inc.		\$2,599,984.00	\$4,456,910.00	2018
441	Homeless and Housing Coalition of Kentucky		\$1,890,644.00	\$2,325,115.00	2018
9617	Homeownership Preservation Foundation		\$1,496,579.00	\$7,194,035.00	2018
9956	Homes For Hope		\$3,891,229.00	\$3,901,613.00	2018
4690	Homes for Our Troops, Inc		\$28,648,056.00	\$29,430,045.00	2017
10853	Homes For Veterans A NJ Non Profit Corporation		\$1,684,305.00	\$1,684,305.00	2018
13248	Homes On Wheels Alliance, Inc. (HOWA)		\$0.00	\$0.00	2018
2576	Honor Bound Foundation, inc.		\$8,376,875.00	\$8,548,754.00	2017
8751	Honor Flight Bluegrass Chapter		\$358,972.00	\$358,972.00	2018
5285	Honorable Order of Kentucky Colonels, Inc.		\$2,088,553.00	\$2,953,193.00	2018
14086	HonorHealth Foundation		\$19,393,100.00	\$27,145,462.00	2018
1492	Hooved Animal Humane Society		\$458,916.00	\$472,891.00	2018
12130	Hooves & Paws Animal Rescue, Inc.		\$854,634.00	\$859,332.00	2018
10715	Hope 4 Kids International Arizona		\$3,863,857.00	\$3,880,376.00	2018
5655	Hope Center Foundation, Inc.		\$75,000.00	\$314,425.00	2018
13529	Hope Floats Foundation, Inc.		\$0.00	\$0.00	2018
7176	Hope For Haiti, Inc.		\$14,379,438.00	\$14,813,049.00	2018
8740	Hope for the Hungry		\$950,601.00	\$951,582.00	2018
9385	Hope for the Warriors		\$5,825,881.00	\$5,961,030.00	2018
6820	Hope for Tomorrow, Inc.		\$20,493.00	\$20,493.00	2018
5650	Hope Foundation, Inc.		\$4,776,898.00	\$8,713,150.00	2018
13847	Hope Harbor, Inc.		\$1,069,748.00	\$1,101,542.00	2018
9875	Hope Haven Charitable Trust	Hope Haven (R) LTD.	\$1,139,890.00	\$1,087,099.00	2018
10223	Hope Health Clinic, Inc.		\$380,020.00	\$422,469.00	2018
9290	Hope House Ministries, Inc.		\$677,224.00	\$978,323.00	2018
2764	Hope International		\$18,193,260.00	\$18,178,977.00	2018
10538	Hone Kahanana		\$36,260.00	\$36,260.00	2018

## Current Non-Profit Entities Filing IRS Tax Form 990

Updated: 2/10/2020

ID	Name	DBA	Contributions	Revenue	Yr La Filed
7412	Give An Hour Nonprofit Corporation		\$2,025,440.00	\$2,027,362.00	2018
6079	Give Back Foundation, LLC		\$87,223,329.00	\$100,173,020.00	2018
383	Give Kids the World Inc		\$45,523,855.00	\$58,474,847.00	2017
11922	Give Lively Foundation, Inc.		\$15,312.00	\$15,312.00	2018
10588	Give2Asia		\$10,724,453.00	\$10,802,230.00	2017
13632	GiveClear Foundation		\$0.00	\$0.00	2018
13967	GivePower Foundation		\$1,878,370.00	\$1,881,226.00	2018
11626	Glacier National Park Conservancy		\$2,774,876.00	\$4,822,831.00	2018
13827	Glasgow Barren County Chamber of Commerce		\$104,437.00	\$275,281.00	2018
384	Glasgow Christian Academy		\$72,322.00	\$542,147.00	2018
386	Glasgow Kiwanis Club		\$0.00	\$57,209.00	2017
13398	Glendover Community Basketball League, Inc.		\$0.00	\$0.00	2019
6816	Glenmary Sisters Charitable Trust		\$0.00	\$232,169.00	2018
2499	Global Action		\$596,861.00	\$594,356.00	2017
10699	Global Business Institute, Inc.		\$0.00	\$0.00	2018
7415	Global FoodBanking Network		\$4,323,967.00	\$4,367,691.00	2017
13716	Global Forest Generation, Inc.		\$511,831.00	\$511,831.00	2018
11508	Global Foundation For Peroxisomal Disorders		\$519,446.00	\$533,082.00	2018
5803	Global Fund for Children		\$8,261,719.00	\$8,361,619.00	2017
2663	Global Fund for Women, Inc.		\$19,801,611.00	\$21,214,065.00	2017
12259	Global Game Changers Education Initiative, Inc.		\$953,328.00	\$963,670.00	2018
10035	Global Genes		\$4,955,803.00	\$4,930,932.00	2018
4382	Global Giving Foundation, Inc.		\$58,582,313.00	\$60,847,693.00	2018
8603	Global Greengrants Fund		\$11,813,488.00	\$11,855,904.00	2017
3633	Global Hunger Project	The Hunger Project	\$14,786,808.00	\$0.00	2018
466	Global Impact		\$62,519,692.00	\$71,810,887.00	2017
9749	Global Lyme Alliance, Inc.		\$4,889,010.00	\$4,623,616.00	2018
7902	Global Media Outreach		\$5,837,890.00	\$5,447,172.00	2018
9613	Global Mother Divine Org	TM Program For Women Professional	\$76,886.00	\$484,939.00	2018
5021	Global Partners In Care	Global Partners In Care	\$491,601.00	\$491,601.00	2018

## Current Non-Profit Entities Filing IRS Tax Form 990

Updated: 2/10/2020

ID	Name	DBA	Contributions	Revenue	Yr La Filed
11660	Kentucky Clovers 10U		\$0.00	\$0.00	2018
504	Kentucky Coalition of Nurse Practitioners and Midwives		\$60,949.00	\$569,974.00	2018
10177	Kentucky Coalition, Inc.		\$2,865,477.00	\$3,244,594.00	2018
12057	Kentucky College of Art and Design, Inc.		\$1,431,409.00	\$1,443,960.00	2017
3369	Kentucky Community & Technical College System Foundation, Inc.		\$217,864.00	\$234,278.00	2018
10689	Kentucky Concrete Association		\$501,331.00	\$987,624.00	2018
7403	Kentucky Concrete Pavement Association, Inc.		\$207,842.00	\$207,842.00	2018
6236	Kentucky Conference for Community and Justice dba The Plantory	The Plantory	\$95,893.00	(\$8,310.00)	2018
11406	Kentucky Conservation Committee		\$59,818.00	\$92,798.00	2018
11405	Kentucky Conservation Foundation, Inc.		\$268,854.00	\$289,903.00	2018
108	Kentucky Conservation Officers Association		\$77,198.00	\$174,116.00	2017
506	Kentucky Corn Growers Association, Inc.		\$72,316.00	\$1,974,376.00	2018
8203	Kentucky Council for Children with Behavioral Disorders, Inc.		\$0.00	\$7,185.00	2018
7821	Kentucky Council of Area Development Districts, Inc.		\$162,774.00	\$197,138.00	2018
5710	Kentucky Council of Cooperatives, Inc.		\$0.00	\$0.00	2018
13513	Kentucky Council of The Blind		\$0.00	\$0.00	2018
1011	Kentucky Council on Child Abuse, Inc.	Prevent Child Abuse Kentucky	\$994,303.00	\$1,201,338.00	2017
1501	Kentucky Council on Problem Gambling, Inc.		\$67,412.00	\$67,412.00	2018
3933	Kentucky Country Day School, Inc.		\$1,349,874.00	\$20,892,961.00	2017
14138	Kentucky Dance Coaches Organization Inc.		\$3,550.00	\$40,911.00	2018
508	Kentucky Dance Council, Inc.	Louisville Ballet	\$2,747,847.00	\$4,559,310.00	2017
5146	Kentucky Datasam Initiative, Inc.		\$0.00	\$163,634.00	2018
3101	Kentucky Derby Festival Foundation		\$97,284.00	\$131,916.00	2017
1786	Kentucky Derby Festival, Inc		\$0.00	\$7,112,744.00	2017
12101	Kentucky Derby Museum Corporation		\$1,649,558.00	\$8,483,226.00	2017
13117	Kentucky Dermatological Association		\$28,929.00	\$34,058.00	2018
9706	Kentucky Diabetes Camp for Children, Inc.	Camp Hendron	\$629,435.00	\$685,268.00	2017
7932	Kentucky Distillers' Association		\$1,828,237.00	\$2,314,006.00	2018
511	Kentucky Educational Television Foundation		\$7,222,564.00	\$7,945,627.00	2017

# **EXHIBIT 10**

## **TO MOTION FOR RESTRAINING ORDER**



## Current Non-Profit Entities Filing IRS Tax Form 990

Updated: 2/10/2020

ID	Name	DBA	Contributions	Revenue	Yr. Last Filed
11660	Kentucky Clovers 10U		\$0.00	\$0.00	2018
504	Kentucky Coalition of Nurse Practitioners and Midwives		\$60,949.00	\$569,974.00	2018
10177	Kentucky Coalition, Inc.		\$2,865,477.00	\$3,244,594.00	2018
12057	Kentucky College of Art and Design, Inc.		\$1,431,409.00	\$1,443,960.00	2017
3369	Kentucky Community & Technical College System Foundation, Inc.		\$217,864.00	\$234,278.00	2018
10689	Kentucky Concrete Association		\$501,331.00	\$987,624.00	2018
7403	Kentucky Concrete Pavement Association, Inc.		\$207,842.00	\$207,842.00	2018
6236	Kentucky Conference for Community and Justice dba The Plantory	The Plantory	\$95,893.00	(\$8,310.00)	2018
11406	Kentucky Conservation Committee		\$59,818.00	\$92,798.00	2018
11405	Kentucky Conservation Foundation, Inc.		\$268,854.00	\$289,903.00	2018
108	Kentucky Conservation Officers Association		\$77,198.00	\$174,116.00	2017
506	Kentucky Corn Growers Association, Inc.		\$72,316.00	\$1,974,376.00	2018
8203	Kentucky Council for Children with Behavioral Disorders, Inc.		\$0.00	\$7,185.00	2018
7821	Kentucky Council of Area Development Districts, Inc.		\$162,774.00	\$197,138.00	2018
5710	Kentucky Council of Cooperatives, Inc.		\$0.00	\$0.00	2018
13513	Kentucky Council of The Blind		\$0.00	\$0.00	2018
1011	Kentucky Council on Child Abuse, Inc.	Prevent Child Abuse Kentucky	\$994,303.00	\$1,201,338.00	2017
1501	Kentucky Council on Problem Gambling, Inc.		\$67,412.00	\$67,412.00	2018
3933	Kentucky Country Day School, Inc.		\$1,349,874.00	\$20,892,961.00	2017
14138	Kentucky Dance Coaches Organization Inc.		\$3,550.00	\$40,911.00	2018
508	Kentucky Dance Council, Inc.	Louisville Ballet	\$2,747,847.00	\$4,559,310.00	2017
5146	Kentucky DataSeam Initiative, Inc.		\$0.00	\$163,634.00	2018
3101	Kentucky Derby Festival Foundation		\$97,284.00	\$131,916.00	2017
1786	Kentucky Derby Festival, Inc		\$0.00	\$7,112,744.00	2017
12101	Kentucky Derby Museum Corporation		\$1,649,558.00	\$8,483,226.00	2017
13117	Kentucky Dermatological Association		\$28,929.00	\$34,058.00	2018
9706	Kentucky Diabetes Camp for Children, Inc.	Camp Hendron	\$629,435.00	\$685,268.00	2017
7932	Kentucky Distillers' Association		\$1,828,237.00	\$2,314,006.00	2018
511	Kentucky Educational Television Foundation		\$7,222,564.00	\$7,945,627.00	2017

# **EXHIBIT 11**

## **TO MOTION FOR RESTRAINING ORDER**



**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.****General Information**

<b>Organization Number</b>	0329183
<b>Name</b>	ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.
<b>Profit or Non-Profit</b>	N - Non-profit
<b>Company Type</b>	KCO - Kentucky Corporation
<b>Status</b>	A - Active
<b>Standing</b>	G - Good
<b>State</b>	KY
<b>File Date</b>	4/12/1994
<b>Organization Date</b>	4/12/1994
<b>Last Annual Report</b>	1/21/2020
<b>Principal Office</b>	302 GENERAL SMITH DR RICHMOND, KY 40475
<b>Registered Agent</b>	MAYA-LIS A. WRIGHT 302 GENERAL SMITH DRIVE RICHMOND, KY 40475

**Current Officers**

<b>President</b>	<u>DAVID J WRIGHT</u>
<b>Vice President</b>	<u>Nicholas A Wright</u>
<b>Secretary</b>	<u>TONY B LY</u>
<b>Treasurer</b>	<u>NICHOLAS A WRIGHT</u>
<b>Director</b>	<u>DAVID J WRIGHT</u>
<b>Director</b>	<u>MIKE GALLAGHER</u>
<b>Director</b>	<u>KAREN CANTRELL</u>
<b>Director</b>	<u>JAVIER VASQUEZ</u>
<b>Director</b>	<u>TONY B LY</u>
<b>Director</b>	<u>Nicholas A WRIGHT</u>

**Individuals / Entities listed at time of formation**

<b>Director</b>	<u>RYAN FINNERAN</u>
<b>Director</b>	<u>MAXINE E ROSE-LENETT</u>
<b>Director</b>	<u>SALVATORE PERICE</u>
<b>Director</b>	<u>CALVIN D WILLIAMS</u>
<b>Director</b>	<u>DAVID J WRIGHT</u>
<b>Incorporator</b>	<u>RYAN FINNERAN</u>
<b>Incorporator</b>	<u>MAXINE E ROSE-LENETT</u>
<b>Incorporator</b>	<u>SALVATORE PERICE</u>
<b>Incorporator</b>	<u>CALVIN D WILLIAMS</u>
<b>Incorporator</b>	<u>DAVID J WRIGHT</u>

**Images available online**

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

<u>Certificate of Assumed Name</u>	1/30/2020	1 page	<u>tiff</u>	<u>PDF</u>
<u>Certificate of Assumed Name</u>	1/30/2020	1 page	<u>tiff</u>	<u>PDF</u>
<u>Registered Agent</u>	1/28/2020 2:35:00 PM	1 page	<u>PDF</u>	
<u>name/address change</u>				
<u>Reinstatement Certificate of</u>	1/21/2020 3:02:44 PM	2 pages	<u>PDF</u>	

<u>Existence</u>				
<u>Reinstatement</u>	1/21/2020 3:01:57 PM	2 pages	<u>PDF</u>	
<u>Administrative Dissolution</u>	10/12/2015	1 page	<u>tiff</u>	<u>PDF</u>
<u>Return</u>				
<u>Administrative Dissolution</u>	9/12/2015	1 page	<u>PDF</u>	
<u>Sixty Day Notice Return</u>	7/28/2015	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Annual Report Return</u>	4/28/2015	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Reinstatement Certificate of</u>				
<u>Existence</u>	4/22/2014 1:23:01 PM	2 pages	<u>PDF</u>	
<u>Reinstatement</u>	4/22/2014 1:21:21 PM	2 pages	<u>PDF</u>	
<u>Administrative Dissolution</u>	11/2/1999	1 page	<u>tiff</u>	<u>PDF</u>
<u>Administrative Dissolution</u>	11/2/1999	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Return</u>				
<u>Sixty Day Notice Return</u>	9/1/1999	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Certificate of Assumed Name</u>	1/12/1999	1 page	<u>tiff</u>	<u>PDF</u>
<u>Certificate of Assumed Name</u>	1/12/1999	1 page	<u>tiff</u>	<u>PDF</u>
<u>Reinstatement</u>	12/15/1998	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Statement of Change</u>	12/15/1998	1 page	<u>tiff</u>	<u>PDF</u>
<u>Certificate of Assumed Name</u>	12/15/1998	1 page	<u>tiff</u>	<u>PDF</u>
<u>Administrative Dissolution</u>	11/3/1998	1 page	<u>tiff</u>	<u>PDF</u>
<u>Administrative Dissolution</u>	11/3/1998	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Return</u>				
<u>Sixty Day Notice Return</u>	9/1/1998	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Annual Report</u>	7/1/1998	1 page	<u>tiff</u>	<u>PDF</u>
<u>Annual Report</u>	7/1/1997	1 page	<u>tiff</u>	<u>PDF</u>
<u>Sixty Day Notice Return</u>	9/1/1996	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Sixty Day Notice Return</u>	9/1/1996	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Annual Report</u>	7/1/1996	1 page	<u>tiff</u>	<u>PDF</u>
<u>Certificate of Assumed Name</u>	12/20/1995	1 page	<u>tiff</u>	<u>PDF</u>
<u>Sixty Day Notice Return</u>	9/1/1995	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Annual Report</u>	7/1/1995	2 pages	<u>tiff</u>	<u>PDF</u>
<u>Articles of Incorporation</u>	4/12/1994	5 pages	<u>tiff</u>	<u>PDF</u>

## Assumed Names

<u>GLOBAL INTERNATIONAL</u>	Active
<u>KENTUCKY COLONELS INTERNATIONAL</u>	Active
<u>ARBORDAY.COM</u>	Inactive
<u>ARBOR DAY</u>	Inactive
<u>ARBOR DAY FREE TREE PROGRAM</u>	Inactive
<u>ARBOR DAY, INC.</u>	Inactive
<u>ARBOR DAY</u>	Inactive

## Activity History

Filing	File Date	Effective Date	Org. Referenced
Added assumed name	1/30/2020 4:18:38 PM	1/30/2020	<u>GLOBAL INTERNATIONAL</u>
Added assumed name	1/30/2020 4:16:10 PM	1/30/2020	<u>KENTUCKY COLONELS INTERNATIONAL</u>
Registered agent address change	1/28/2020 2:35:00 PM	1/28/2020 2:35:00 PM	
Registered agent address change	1/21/2020 3:03:15 PM	1/21/2020	
Reinstatement	1/21/2020 3:02:38 PM	1/21/2020	
Admin Dis. A. report not in	9/12/2015	9/12/2015	
Reinstatement	4/22/2014 1:22:58 PM	4/22/2014	
Admin Dis. A. report not in	11/2/1999	11/2/1999	

Added assumed name	1/12/1999	1/12/1999	<u>ARBOR DAY FREE TREE PROGRAM</u>
Added assumed name	1/12/1999	1/12/1999	<u>ARBOR DAY, INC.</u>
Reinstatement	12/15/1998	12/15/1998	
Registered agent address change	12/15/1998	12/15/1998	
Added assumed name	12/15/1998	12/15/1998	<u>ARBORDAY.COM</u>
Added assumed name	12/15/1998	12/15/1998	<u>ARBOR DAY</u>
Admin Dis. A. report not in	11/3/1998	11/3/1998	
Sixty day notification	9/1/1998	9/1/1998	
Principal office change	9/3/1996	9/3/1996	

## Microfilmed Images

**Microfilm images are not available online. They can be ordered by faxing a Request For Corporate Documents to the Corporate Records Branch at 502-564-5687.**

Administrative Dissolution Return	11/2/1999	2 pages
Administrative Dissolution	11/2/1999	1 page
Sixty Day Notice Return	9/1/1999	2 pages
Certificate of Assumed Name	1/12/1999	1 page
Certificate of Assumed Name	1/12/1999	1 page
Certificate of Assumed Name	12/15/1998	1 page
Certificate of Assumed Name	12/15/1998	1 page
Statement of Change	12/15/1998	1 page
Reinstatement	12/15/1998	2 pages
Administrative Dissolution Return	11/3/1998	2 pages
Administrative Dissolution	11/3/1998	1 page
Sixty Day Notice Return	9/1/1998	2 pages
Annual Report	7/1/1998	1 page
Annual Report	7/1/1997	1 page
Sixty Day Notice Return	9/1/1996	2 pages
Annual Report	7/1/1996	1 page
Certificate of Assumed Name	12/20/1995	1 page
Sixty Day Notice Return	9/1/1995	2 pages
Annual Report	7/1/1995	2 pages
Articles of Incorporation	4/12/1994	5 pages



**COMMONWEALTH OF KENTUCKY**  
**MICHAEL ADAMS, SECRETARY OF STATE**

**0329183.09**sburgin  
ASN

Michael G. Adams  
Kentucky Secretary of State  
Received and Filed:  
1/30/2020 4:16 PM  
Fee Receipt: \$20.00

Division of Business Filings  
P.O. Box 718,  
Frankfort, KY 40602  
(502) 564-3490  
www.sos.ky.gov

**Certificate of Assumed Name**  
**(Domestic or Foreign Business Entity)**

**ASN**

Pursuant to the provisions of KRS 365, the undersigned applies to assume a name and, for that purpose, submits the following statement:

1. The assumed name is: Kentucky Colonels International
2. The name of the business entity (and in the case of general partnership, the partners) that is/are adopting the assumed name:

Ecology Crossroads Cooperative Foundation, Inc.

Name must be identical to the name on record with the Secretary of State.)

3. The "real name" is (you must check one):

- |   |  |
|---|--|
| <input type="checkbox"/> a Domestic General Partnership                   | <input type="checkbox"/> a Foreign General Partnership                   |
| <input type="checkbox"/> a Domestic Limited Liability Partnership         | <input type="checkbox"/> a Foreign Limited Liability Partnership         |
| <input type="checkbox"/> a Domestic Limited Partnership                   | <input type="checkbox"/> a Foreign Limited Partnership                   |
| <input type="checkbox"/> a Domestic Business Trust                        | <input type="checkbox"/> a Foreign Business Trust                        |
| <input checked="" type="checkbox"/> a Domestic Corporation                | <input type="checkbox"/> a Foreign Corporation                           |
| <input type="checkbox"/> a Domestic Limited Liability Company             | <input type="checkbox"/> a Foreign Limited Liability Company             |
| <input type="checkbox"/> a Domestic Statutory Trust                       | <input type="checkbox"/> a Foreign Statutory Trust                       |
| <input type="checkbox"/> a Domestic Limited Cooperative Association       | <input type="checkbox"/> a Foreign Limited Cooperative Association       |
| <input type="checkbox"/> a Domestic Unincorporated Non-profit Association | <input type="checkbox"/> a Foreign Unincorporated Non-profit Association |

4. This application will be effective upon filing, unless a delayed effective date and/or time is provided. The effective date or the delayed effective cannot be prior to the date the application is filed. The effective date is: \_\_\_\_\_.

5. The business is organized and existing in the state or country of Kentucky

6. The mailing address is:

302 General Smith Drive Richmond Kentucky 40475  
Street Address or Post Office Box Numbers City State Zip

I declare under penalty of perjury under the laws of Kentucky that the forgoing is true and correct.

Nicholas Wright  
Authorized Party Signature

Nicholas Wright  
Printed Name

Vice-President/Treasurer  
Title

January 28, 2020  
Date

1/28/2020  
0329183

**Commonwealth of Kentucky**  
**Michael G. Adams, Secretary of State**

0329183  
Michael G. Adams  
KY Secretary of State  
Received and Filed  
1/28/2020 2:35:00 PM  
Fee receipt: \$10.00

N601

Michael G. Adams  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3490  
<http://www.sos.ky.gov>

**Statement of Change of  
Registered Office, Registered  
Agent, or Both**

**RAC**

Pursuant to the provisions of KRS chapters 271B, 273, 275, or 362, the undersigned hereby applies to change the registered office, registered agent, or both on behalf of

**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.**

which is organized in the state of Kentucky, and for that purpose submits the following statements:

**1. Name of current registered agent**

AMERICAN BUSINESS & TECHNOLOGY  
INCORPORATED

**2. Registered agent is hereby changed to:**

MAYA-LIS A. WRIGHT

**3. Address of current registered office**

306 ESTILL STREET  
BEREA, KY 40403

**4. Registered office is hereby changed to:**

302 GENERAL SMITH DRIVE  
RICHMOND, KY 40475

**5. Signature of officer or chairman of the board**

DAVID J. WRIGHT, PRESIDENT

Signature and Title

Type or print name and title

1/28/2020 2:35 PM

Date

**6. Consent of new agent**

I consent to serve as the new registered agent on behalf of this corporation.

MAYA-LIS A. WRIGHT

Signature and Title

Type or print name and title

0329183.09

vmiller  
RST

**Commonwealth of Kentucky**  
**Michael G. Adams, Secretary of State**

**Michael G. Adams**  
**Kentucky Secretary of State**  
Received and Filed:  
1/21/2020 3:02 PM  
Fee Receipt: \$190.00

Michael G. Adams  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3490  
<http://www.sos.ky.gov>

**Certificate of Existence**

I, Michael G. Adams, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.**

has eliminated all the grounds for dissolution, paid all fees and penalties owed to the Secretary of State, and met all other requirements for reinstatement. The effective date of reinstatement is January 21, 2020.

I further certify that ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC. is a corporation duly incorporated and existing under the laws of the Commonwealth of Kentucky, whose date of incorporation is April 12, 1994, and whose period of duration is perpetual.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 21<sup>st</sup> day of January, 2020.



*Michael G. Adams*

Michael G. Adams  
Secretary of State  
Commonwealth of Kentucky  
0329183

Organization ID # 0329183  
 State of origin KY  
 Filing fee \$190.00

**Commonwealth of Kentucky**  
**Michael G. Adams, Secretary of State**

0329183.09

vmiller  
NPRF

Michael G. Adams  
 Kentucky Secretary of State  
 Received and Filed:  
 1/21/2020 3:01 PM  
 Fee Receipt: \$190.00

Michael G. Adams  
 Secretary of State  
 P. O. Box 718  
 Frankfort, KY 40602-0718  
 (502) 564-3490  
<http://www.sos.ky.gov>

**Reinstatement Application and  
 Reinstatement Annual Report**  
**For the years 2015 through 2020**

**RST****Exact organization name and principal office address**

**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.**  
**2036 BIG HILL RD**  
**BEREA KY 40403**

The principal office address and registered agent name/office address cannot be changed on this form. When reinstating, you cannot modify the addresses until the reinstatement is filed. Once the reinstatement is filed, the statement of change can be filed online at [app.sos.ky.gov/ftsearch](http://app.sos.ky.gov/ftsearch) or can be downloaded from our website.

**Registered Agent and Registered Office Address**

**AMERICAN BUSINESS & TECHNOLOGY INCORPORATED**  
**306 ESTILL STREET**  
**BEREA, KY 40403**

If the above company is included in a parent company's Kentucky tax return as a disregarded company's information here (optional):  
 FEIN: \_\_\_\_\_ Name: \_\_\_\_\_

**Principal Officers** - List the name, address and title of all current officers. All organizations must list at least one (1) officer, even in the case of a sole officer. If not specified, officer addresses default to the principal office address. Corporations are required to list a Secretary or other officer serving as records custodian

President	DAVID J WRIGHT	DAVID J WRIGHT
Vice President	BRUCE LEE BENEFIEL	NICHOLAS A WRIGHT
Secretary	TONY B LY	
Treasurer	NICHOLAS A WRIGHT	NICHOLAS A WRIGHT

**Directors** - Non-profit corporations must have at least three (3) directors. All directors of the non-profit must be listed. If Not specified, director addresses default to the principal office address.

DAVID J WRIGHT	DAVID J WRIGHT
MAYA-LIS WRIGHT	NICHOLAS A WRIGHT
MIKE GALLAGHER	MIKE GALLAGHER
KAREN CANTRELL	KAREN CANTRELL
JAVIER VASQUEZ	JAVIER VASQUEZ

The above entity was administratively dissolved on September 12, 2015 because the entity did not file its annual report for the year 2015. The undersigned states that the grounds for dissolution either did not exist or have been eliminated, and the entity's name satisfies the requirements of KRS 273.3181. Enclosed is a check in the amount of \$190.00, payable to Kentucky State Treasurer.

Under penalty of perjury, the below signed hereby authorizes the Kentucky Department of Revenue to release any applicable tax information pertaining to ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC. to the Secretary of State, as required for reinstatement pursuant to KRS 271B.14-220.

If not an officer of said entity, please provide a Declaration of Power of Attorney with the Reinstatement Application.

X Cool Nicholas Wright  
 Signature of officer Or chairman of the board (Required)

Vice President  
 Title (Required)

Jan. 21, 2020  
 Date (Required)



**KENTUCKY DEPARTMENT OF REVENUE**  
**DIVISION OF CORPORATION TAX**  
501 HIGH STREET, STATION 52  
FRANKFORT, KENTUCKY 40601-2103

Website: [www.revenue.ky.gov](http://www.revenue.ky.gov)  
Phone: 502-564-8139  
Fax: 502-564-0058

**ECOLOGY CROSSROADS COOPERATIVE**  
**FOUNDATION, INC.**  
**2036 BIG HILL RD**  
**BEREA KY 40403**

Notice Date: January 21, 2020  
KY SoS Org. ID: 0329183

**RE:** *Letter of Good Standing Request - Approved*

---

**SUMMARY** You requested a letter of good standing, and your entity is in **good standing** with the Department of Revenue.

---

**OUR DETERMINATION** We verified the following information.

1. You are registered with the Department of Revenue.
2. An authorized person requested this letter.
3. You filed income and LLE tax returns as required, or you are exempt from filing.
4. You have no outstanding tax assessments with the Division of Collections or have a valid pay agreement in place.

This notice will remain current for 30 days from the notice date above.

---

**WHAT YOU NEED TO DO**

1. **If you are attempting to reinstate your entity**, please provide a copy of this letter to the Kentucky Secretary of State within 30 days of the notice date above.
2. **If you are a for-profit corporation**, you will also need to provide the Secretary of State a letter of good standing from the Division of Unemployment Insurance. Their telephone number is 502-564-6835.
3. **If you are a non-profit entity**, please remember to file a copy of your tax returns with the Kentucky Attorney General. The charity filing requirements website is: <http://ag.ky.gov/family/consumerprotection/charity/Pages/registration.aspx>.

---

**CONTACT  
INFORMATION**

If you have any questions regarding this notice, please contact me. Thank you.

Agent: Dottye REV3769, Taxpayer Specialist I  
Email: [Dottye.Roberts@ky.gov](mailto:Dottye.Roberts@ky.gov)  
Direct: 502-564-0102

---



KENTUCKY SECRETARY OF STATE  
P.O. BOX 718  
FRANKFORT, KY 40602



0329183

First Class Mail  
US Postage Paid  
Frankfort, KY  
Permit No. 888

**Certificate of Dissolution**

I, Alison Lundergan Grimes, Secretary of State  
of the Commonwealth of Kentucky, do hereby  
certify that according to the records in the  
Office of the Secretary of State,

**IMPORTANT NOTICE****ECOLOGY CROSSROADS  
COOPERATIVE FOUNDATION, INC.**

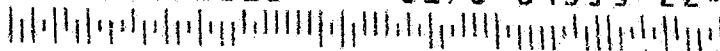
did not file its 2015 annual report within sixty  
days after it was due. Accordingly, the  
Secretary of State administratively dissolved  
the company on September 12, 2015.

**ECOLOGY CROSSROADS COOPERATIVE  
FOUNDATION, INC.**  
2036 BIG HILL RD  
BEREA KY 40403

NIXIE 402 FE 1009 0010/05/13

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 40602071818 \*0170-04359-22-41



## Success

Your gift payment was successfully sent.

GIFT AMOUNT

\$50.00

PAYMENT METHOD



5278

PAYMENT DATE

02/10

RECIPIENT

502-319-5166

[RETURN TO BOOST HOME](#)



Learn about your California consumer privacy rights. [Submit a request for Boost Mobile not to sell your personal information.](#)

C

X

Learn about your California consumer privacy rights. Submit a request for Boost Mobile not to sell your personal information.

KENTUCKY SECRETARY OF STATE  
P.O. BOX 718  
FRANKFORT, KY 40602



0329183

First Class Mail  
US Postage Paid  
Frankfort, KY  
Permit No. 888

**Certificate of Dissolution**

I, Alison Lundergan Grimes, Secretary of State  
of the Commonwealth of Kentucky, do hereby  
certify that according to the records in the  
Office of the Secretary of State,

**IMPORTANT NOTICE**

**ECOLOGY CROSSROADS  
COOPERATIVE FOUNDATION, INC.**

did not file its 2015 annual report within sixty  
days after it was due. Accordingly, the  
Secretary of State administratively dissolved  
the company on September 12, 2015.

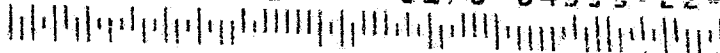
**ECOLOGY CROSSROADS COOPERATIVE  
FOUNDATION, INC.  
2036 BIG HILL RD  
BEREA KY 40403**

NIXIE 402 FE 1009 0010/05/13

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD



BC: 40602071818 \*0170-04359-22-41



KENTUCKY SECRETARY OF STATE  
P.O. BOX 718  
FRANKFORT, KY 40602



0329183

First Class Mail  
US Postage Paid  
Frankfort, KY  
Permit No. 888

**Certificate of Dissolution**

I, Alison Lundergan Grimes, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

**IMPORTANT NOTICE**

**ECOLOGY CROSSROADS  
COOPERATIVE FOUNDATION, INC.**

did not file its 2015 annual report within sixty days after it was due. Accordingly, the Secretary of State administratively dissolved the company on September 12, 2015.

**ECOLOGY CROSSROADS COOPERATIVE  
FOUNDATION, INC.  
2036 BIG HILL RD  
BEREA KY 40403**



*Alison Lundergan Grimes*  
Alison Lundergan Grimes  
Secretary of State

**Commonwealth of Kentucky**  
**Alison Lundergan Grimes, Secretary of**

0329183.09 amcray  
RST  
Alison Lundergan Grimes  
Kentucky Secretary of State  
Received and Filed:  
4/22/2014 1:22 PM  
Fee Receipt: \$340.00

Alison Lundergan Grimes  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3490  
<http://www.sos.ky.gov>

**Certificate of Existence**

I, Alison Lundergan Grimes, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.**

has eliminated all the grounds for dissolution, paid all fees and penalties owed to the Secretary of State, and met all other requirements for reinstatement. The effective date of reinstatement is April 22, 2014.

I further certify that ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC. is a corporation duly incorporated and existing under the laws of the Commonwealth of Kentucky, whose date of incorporation is April 12, 1994, and whose period of duration is perpetual.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 22<sup>nd</sup> day of April, 2014.



*Alison Lundergan Grimes*  
Alison Lundergan Grimes  
Secretary of State  
Commonwealth of Kentucky  
0329183



Alison Lundergan Grimes  
Secretary Of State  
Filings Division  
P.O. Box 718  
Frankfort, KY 40602-0718

0329183  
IMPORTANT NOTICE

### NOTICE

#### Keep this copy for your records

The image on the reverse side of this card serves as your confirmation and copy that the business filing submitted was successfully filed with the Office of the Secretary of State in accordance to Kentucky Revised Statutes.

#### How to obtain a full page copy of your business filing

To download full page copies of the document to take to the County

Clerk's Office, please visit our web site at

[www.sos.ky.gov](http://www.sos.ky.gov). If you would like to request copies of the document from our office, please download the Records Request Form at [www.sos.ky.gov](http://www.sos.ky.gov) and submit to our Records department.

If you have additional questions concerning your filing, please contact our office at 502-564-3490.

ECOLOGY CROSSROADS COOPERATIVE  
FOUNDATION, INC.  
302 GENERAL SMITH DR  
RICHMOND KY 40475

0329183.09

amcray  
NPRF

Organization ID # 0329183

State of origin KY

Filing fee \$340.00

## Commonwealth of Kentucky

Alison Lundergan Grimes, Secretary of State

Alison Lundergan Grimes  
Kentucky Secretary of State

Received and Filed:

4/22/2014 1:21 PM

Fee Receipt: \$340.00

Alison Lundergan Grimes  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3480  
<http://www.sos.ky.gov>Reinstatement Application and  
Reinstatement Annual Report  
For the years 1999 through 2014

RST

Exact organization name and principal office address

ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.

302 General Smith Drive

Richmond, KY 40475

The principal office address and registered agent name/office address cannot be changed on this form. When reinstating, you cannot modify the addresses until the reinstatement is filed. Once the reinstatement is filed, the statement of change can be filed online at [app.sos.ky.gov/research](http://app.sos.ky.gov/research) or can beRegistered Agent and Registered Office Address

ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.

Maya-Lis Wright; 302 General Smith Drive, Richmond, KY 40475

**Principal Officers** - List the name, address and title of all current officers. All organizations must list at least one (1) officer, even in the case of a sole officer. If not specified, officer addresses default to the principal office address. Corporations are required to list a Secretary or other officer serving as records custodian

President	Col. David J. Wright	Fundo Ekobius, Via Gavilan Kilometer 24, Ekobius, Atures, Amazonas, Venezuela 7101— Tel. +58 212-516-0361
Vice-President	Bruce Lee Benefiel	925 S. Sailfish Dr., Gilbert, Arizona 85233 — Tel.+01 480-633-7179
Secretary	Tony B. Ly	23 County Fair Road Norwich, Connecticut 06360 — Tel.+01 408 230-9520
Treasurer	Nicholas A. Wright	Bell Valley Apartments, 198 Bell Valley Drive, Nashville, Tennessee 37209— Tel. +01 859-358-0117

**Directors** - Non-profit corporations must have at least three (3) directors. All directors of the non-profit must be listed. If not specified, director addresses default to the principal office address.

Col. David J. Wright	Fundo Ekobius, Via Gavilan Kilometer 24, Ekobius, Atures, Amazonas, Venezuela 7101— Tel. +58 2125160361
Maya-Lis Wright	302 General Smith Drive Richmond, Kentucky 40475—Tel. +01 859-358-0568
Mike Gallagher	1730 West 4th Street Wilmington, Delaware 19805 — Tel. +01 667-213-0075
Karen Cantrell	The Fashion House, 73608 Hwy 111, Suite 1, Palm Desert, California 92260— Tel +01 760-773-4949
Javier Vasquez	1730 West 4th Street Wilmington, Delaware 19805 — Tel. +01 302-377-9163

Tony B. Ly 23 County Fair Road Norwich, Connecticut 06360 — Tel.+01 408 230-9520

The above entity was administratively dissolved on November 2, 1999 because the entity did not file its annual report for the year 1999. The undersigned states that the grounds for dissolution either did not exist or have been eliminated, and the entity's name satisfies the requirements of KRS 273.3181. Enclosed is a check in the amount of \$340.00, payable to Kentucky State Treasurer.

Under penalty of perjury, the below signed hereby authorizes the Kentucky Department of Revenue to release any applicable tax information pertaining to ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC. to the Secretary of State, as required for reinstatement pursuant to KRS 271B.14-220.

If not an officer of said entity, please provide a Declaration of Power of Attorney with the Reinstatement Application.

X *Col. David J. Wright*

Signature of officer or chairman of the board (Required)

President, Executive Director

Title (Required)

2/22/2014

Date (Required)





**THOMAS B. MILLER**  
Commissioner

**FINANCE AND ADMINISTRATION CABINET  
DEPARTMENT OF REVENUE  
OFFICE OF INCOME TAXATION**

**ELYSE WEIGEL**  
Deputy Commissioner

**BOB BROOKS**  
Executive Director

April 22, 2014

**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.  
302 GENERAL SMITH DR  
RICHMOND KY 40475**

Re: Request for a Letter of Good Standing

Based upon the Department of Revenue records and the information submitted, **ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.** is exempt from filing a Kentucky Corporation Income Tax Return pursuant to KRS 141.040, KRS 141.0401 and KRS 136.070. This exemption does not apply to any other taxes administered by the Commonwealth of Kentucky. The Department of Revenue requests the company's charter be reinstated provided all other requirements of the Secretary of State have been met by the corporation. This letter is valid for 30 days from the date of this letter.

Any changes in the corporation's articles of incorporation, by-laws, method of reporting, name or address, or ruling by the Internal Revenue Service must be reported to this office.

Sincerely,

Theresa Collins, Taxpayer Services Specialist II  
Division of Corporation Tax  
501 High Street, Mail Sta. 52  
Frankfort, KY 40601  
502-564-7288  
FAX# 502-564-0058

Kentucky Secretary of State organization number 0329183

**Commonwealth of Kentucky**  
**John Y. Brown III**  
**Secretary of State**

**Certificate of Dissolution**

**AMERICAN BUSINESS & TECHNOLOGY INCORPORATED**  
**306 ESTILL STREET**  
**BEREA, KY 40403**

**0329183**

I, John Y. Brown, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the office of the Secretary of State,

**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.**

did not file its 1999 annual report within sixty days after it was due. Accordingly, the Secretary of State administratively dissolved the corporation on November 2, 1999.



IN WITNESS THEREOF, I have  
hereunto set my hand and affixed my  
official seal this 2<sup>nd</sup> day of November,  
1999.

*John Y. Brown III*

John Y. Brown III  
Secretary of State

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**Commonwealth of Kentucky  
John Y. Brown III  
Secretary of State**

**Certificate of Dissolution**

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BEREA, KY 40403**

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official seal this 2<sup>nd</sup> day of November,  
1999.

*John Y. Brown III*

John Y. Brown III  
Secretary of State

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JOHN V. BROWN III  
SECRETARY OF STATE  
P.O. BOX 1150  
FRANKFORT, KY 40602-1150



REGISTER TO VOTE

A hand pointing to the text "RETURNED TO SENDER" and "FORWARDING ORDER EXPIRED".

NOV 12 1999

STOCK HARRY OF STATE  
TO MEMORIAL HATH OFF

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves comparing the actual outcomes with the objectives and goals to determine the effectiveness of the project and identify areas for improvement.

[apps.sos.ky.gov/ImageWebViewer/\(S\(oldhmd55nqikqa45wcgpex45\)\)/obdbdisplayimage.aspx?id=1936854&page=2](https://apps.sos.ky.gov/ImageWebViewer/(S(oldhmd55nqikqa45wcgpex45))/obdbdisplayimage.aspx?id=1936854&page=2)

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329183

**Commonwealth of Kentucky**  
**John Y. Brown III**  
**Secretary of State**



#8 cc  
2015 NOV 18 1998

**Application for Reinstatement**  
(Nonprofit)

**ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.**

was administratively dissolved under KRS 273.3181 on November 3, 1998 because the corporation failed to:

- file its annual report for the year 1998;

The undersigned hereby applies for reinstatement of said corporation and further states as follows:

1. the grounds for dissolution either did not exist or have been eliminated;
2. the corporation's name\* satisfies the requirements of KRS 273.3181.

The following documents and fees are enclosed with this application:

- (1) A certificate from the Kentucky Revenue Cabinet reflecting all taxes owed by the corporation have been paid;
- (2) Reinstatement Annual Report;
- (3) A check in the amount of **\$12.00** which includes:
  - (a) **\$8.00** reinstatement penalty fee;
  - (b) **\$4.00** Annual report fee for 1 year;
- (4) Form SS0602\*\* - Complete this form if a change has been made to the current registered office or agent, or both. Add \$9.00 to the total listed in section (3) if a change is made as part of this reinstatement;
- (5) Articles of Amendment to the Articles of Incorporation, if the corporation's name is unavailable for use at the time of reinstatement, add \$9.00 to the total in section (3) if an amendment is being filed as part of this reinstatement;
- (6) Articles of Amendment to the Articles of Incorporation, if the corporation's period of duration due to expiration, add \$9.00 to the total in section (3) if an amendment is being filed as part of this reinstatement.

12<sup>TH</sup> day of November 1998  
*Col David J. Wright*  
President

\*Corporate Name

\*\*See Form SS0602 for instructions. If the corporation's name is being changed, the corporation must file a separate application for name change with the Secretary of State.

Submit Form SS02 564 34901 to make certain that its name is being changed.

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COMMONWEALTH OF KENTUCKY  
REVENUE CABINET  
FRANKFORT  
40620

November 16, 1998

RECEIVED  
w/c  
DEC 15 3 15 PM '98  
DA

COLONEL DAVID WRIGHT  
ECOLOGY CROSSROADS  
COOPERATIVE FOUNDATION  
P O BOX 231  
BEREA KY 40403

Dear Colonel Wright:

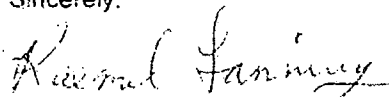
YOUR November 13, 1998 REQUEST FOR LETTER OF GOOD STANDING

The Revenue Cabinet acknowledges receipt of your request for a letter of good standing for Ecology Crossroads Cooperative Foundation. Revenue records indicate that the corporation has not filed Kentucky Corporation Income and License Tax returns.

Based on the information submitted, this office has determined that returns are not required as of the date of this letter. The Cabinet requests that the corporation's charter be reinstated providing all other requirements of the Secretary of State have been met by the corporation.

This letter must be submitted to the office of the Secretary of State within thirty (30) days to be accepted for reinstatement.

Sincerely,



Ms. Raemel Fanning, Revenue Auditor II  
Corporation Tax Section  
Division of Compliance & Taxpayer Assistance  
200 Fair Oaks Lane, Second Floor  
P O Box 1302, Station 52  
Frankfort KY 40602  
(502) 564-8139 ext. \*4754

**AN EQUAL OPPORTUNITY EMPLOYER M/F/D**

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COMMONWEALTH OF KENTUCKY  
JOHN Y. BROWN III  
SECRETARY OF STATE

CERTIFICATE OF DISSOLUTION

S. ANDREA WRIGHT  
2972 MOUNT MCKINLEY WAY  
LEXINGTON KY 40515

Record No: 0329183

Name of Corporation:  
ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.

Pursuant to the provisions of KRS 271B.14-210 and KRS 273.3181, the above-named corporation has been administratively dissolved effective November 3, 1998 for the following reason indicated:

- X   1. The corporation did not file its annual report with the Secretary of State within sixty days after it was due.
2. The corporation was without a registered agent or registered office in this state for sixty days or more.
3. The corporation did not notify the Secretary of State within sixty days that its registered agent or registered office had been changed, that its registered agent had resigned, or that its registered office had been discontinued.
4. The corporation's period of duration stated in its articles of incorporation expired.

A corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs.

*John Y. Brown III*  
John Y. Brown III  
Secretary of State





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JOHN Y. BROWN III  
SECRETARY OF STATE  
P.O. BOX 1150  
FRANKFORT, KY 40602-1150

ATTENTION! DATED MATERIALS ENCLOSED

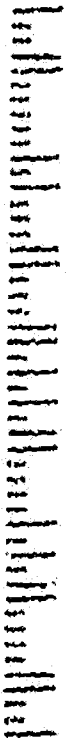
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FORWARDING ORDER EXPIRED  
LIBERTY ROAD STATION

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SECRETARY OF STATE  
COMMONWEALTH OF KY

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329183

CERTIFICATE OF ORGANIZATION AND ARTICLES OF INCORPORATION  
ECOLOGY CROSSROADS COOPERATIVE FOUNDATION, INC.

The Articles of Incorporation of the undersigned, all being of full legal age, and all being citizens or legal residents of the United States, do, voluntarily, under and by virtue of the laws of the United States of America, hereby associate themselves with the desire and intention to form a non-profit charitable membership organization in the benefit and interest of the public.

The Undersigned, in order to form a non-profit corporation for the purposes hereinafter stated, do so, under and pursuant to the provisions and outline of the Model Nonprofit Corporation Act (ABA), the Non-Profit Corporation Laws and Revised Statutes (KRS Chapter 273) of the State of Kentucky; other applicable laws of the State and the laws of the United States of America, and further do hereby make and adopt the following Certificate of Organization and Articles of Incorporation. We the Incorporators do hereby certify as follows:

ARTICLE I

The name of the corporation is the **Ecology Crossroads Cooperative Foundation, Inc.** hereafter known as the "Corporation". The Corporation shall commence business with the filing of these articles and from thereon be perpetual in its existence.

ARTICLE II

The initial registered office and the initial principal office of the Corporation in the State of Kentucky is located at 2972 Mount McKinley Way, Lexington, Fayette County, 40515. The regular mailing address of the Corporation is Post Office Box 12395, Lexington, Kentucky 40583-2395. The name of the Corporation's registered resident agent on whom process may be served at such addresses is that of the Acting Secretary of Records, at the time of this Incorporation that persons' name is S. Andrea Wright.

ARTICLE III

The Corporation is a non-profit cooperative and public membership association organized and created exclusively for educational, environmental, literary, agricultural, cultural, scientific and charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

The purposes for which the Corporation is formed, and the business and the objects to be carried on and promoted by it, are as follows:

- A) To educate the general public regarding environmentally sensitive matters in need of attention, with special attention on local, national, and global ecological knowledge and understanding.
- B) To provide and disseminate factual literature, resources, and information free of charge and/or at little cost in an effort to educate and inform the public regarding natural resource conservation, to foster that which is environmentally sound for the earth, and to promote ecologically sustainable values and social responsibility among the general population.
- C) To introduce sustainable development techniques, environmentally safe products and green technologies to developing and underdeveloped areas of the world; including private property, public property, farms, communities, counties, states, federations and/or countries.
- D) To extend the specific educational programs related to our purposes of universities and colleges to areas where universities do not exist through various modern technologies such as satellite and computer communications as well as future technologies as they are developed and become available.
- E) To establish and/or assist others in the establishment of easements and land trusts that favor the preservation and natural ecology of indigenous environmental habitats for their use and continued existence as such, with special attention on stewardship land trust establishment, reforestation, wildlife management, ecological restoration, habitat enhancement and land preservation in general.

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F) To stimulate and extend the appreciation of native flora and fauna of the Americas with special attention on keystone, rare, endangered and threatened species and their environments.

G) To demonstrate, identify, research, promote, cultivate, champion, advocate, provide prototype and exhibit ecologically sustainable community development both in theory and practice, and to provide homes and develop community life within these establishments for the benefit of the public.

H) To sponsor, establish, organize, promote and operate social, cultural, scientific, charitable and educational activities which are beneficial to this organization, the public interest and the members of the organization.

I) To provide, distribute, manufacture and/or demonstrate on a non-profit basis natural, organic and other related products, foods and services free and/or at a low-cost to the members of the organization and general public.

J) To establish and promote environmentally and ecologically sustainable intentional communities, membership housing cooperatives, and low-cost rural housing and housing programs with emphasis on agricultural reliance, self-sufficiency, natural resource conservation and land stewardship.

K) To construct, develop, operate, maintain, occupy, control and improve and to buy, take, purchase, exchange, own, sell, convey, assign, lease or sublease and hold unlimitedly or otherwise alienate or dispose of, within and without the State of Kentucky and elsewhere, to mortgage or otherwise encumber and otherwise to handle and to deal in real estate, real property or land either improved or unimproved, and any interest rights therein incident to the provision of such aforementioned rural community or low cost housing program developed.

L) To borrow or raise moneys for any of the purposes of this corporation and from time to time issue warrants, bonds, debentures, notes or other evidences of indebtedness, secured or unsecured, of this corporation for moneys so borrowed, in furtherance of any or all of the objects of the Corporation's business; to secure the same by mortgage, deed of trust, pledge or other lien upon any or all of the property rights, privileges or franchises of this corporation wheresoever situated, acquired or to be acquired, and to pledge, sell, or otherwise dispose of any or all of such bonds, debentures, notes and other obligations of this corporation for its corporate purposes.

M) To build, erect, construct, purchase, lease, or otherwise acquire, own, provide, establish, maintain, hold and operate homes, schools, child nurseries, factories, laboratories, warehouses, agencies, depots, buildings, structures, offices, works, stores, plants, commissaries, and all other things of whatsoever kind and nature, suitable, necessary, useful, convenient or advisable in connection with any or all of the objects hereinbefore or hereinafter set forth.

N) To employ, engage, hire and to appoint corporations, firms and individuals in any and all parts of the world to act as agents for this corporation in such capacity and on such conditions as may be determined from time to time by the Board of Trustees (directors), with the approval of the Regular Members. The procedure necessary to obtain the approval of the membership shall be provided in the by-laws.

O) To enter into, make, perform and carry out contracts of every sort and kind which may be necessary or convenient for the purposes of this corporation with any person, firm, association, corporation private, public or municipal, body politic, any State, territory or municipality of the United States or any foreign government, colony or body politic, or with the United States of America, any political, administrative or governmental subdivision therein, or any corporation formed within or by or supervised by the laws of the United States of America, or by any foreign government, colony or body politic as allowed.

P) To seek, apply for, obtain or cause to be obtained, assistance in the form of volunteer work, in-kind contributions, bequests, gifts, grants, other contributions, loans, donations, awards and property of any nature or kind without limitation as to its amount or value from individuals, private foundations, non-profit organizations, corporations and governments and to hold, invest, reinvest, manage, use, option, donate or otherwise dispose of such property or income, principal and proceeds of such in order to accomplish any of the purposes set forth herein.

Q) To enter into any kind of activity, engage itself in any business enterprise(s) whatsoever which this corporation may deem proper or convenient in connection with any of the foregoing purposes or otherwise, or which may be calculated directly or indirectly to promote the interests of this corporation, or to enhance the value of its property or business, to have and to exercise all of the powers conferred by the laws of the United States of America upon corporations formed under the laws pursuant to and under which this corporation is formed, as such laws are now in effect or may at any time hereafter be amended to the accomplishment of the non-profit purposes of the corporation.

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R) To establish if ever necessary an ecumenical missionary church, and in connection therewith suitable and customary organizations, for the purpose of remote public worship and religious moral enlightenment, according to the rules and discipline of non-denominational churches under the supervision of those who attend to take charge of the affairs of the church.

S) The funds of the corporation and/or benefits of membership of the corporation shall not be restricted in use to any people or be discriminate on the basis of race, faith, religion, color, life-style, ancestry, national origin, political party, sex, marital status, belief, creed, physical or mental handicap. Funds and benefits shall always be administered on an open nondiscriminatory and interdenominational basis.

T) To operate and conduct the corporation's activities within the applicable guidelines, principles and ethics of 'The International Bill of Human Rights', 'The Rio Declaration on Environment and Development' as well as 'Agenda 21: Programme of Action for Sustainable Development', all of which are documents of the United Nations and any future revisions and/or amendments of these documents.

U) To provide missionary relief, education, assistance, humanitarian aid and guidance to neighbors in need without reserve to the organization through cooperative means on an open free non-discriminatory, non-secular, eclectic and ecumenical basis.

V) To solicit, receive, invest, administer and distribute funds for the above purposes, and for no other purposes.

#### ARTICLE IV

No part of the earnings of this Corporation shall ever inure to the particular benefit of, or be distributable to any Member, Trustee, Officer or individual having a personal or private interest in the activities of this Corporation, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments, reimbursements and distributions in furtherance of the purposes set forth in Article III hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in the opposition to any candidate for any public office. Said Corporation shall not be authorized to accept gifts or contributions for other than the purposes hereinbefore stated. As a means of accomplishing the foregoing purposes, said Corporation shall have the power to do any and all such acts as are necessary or conducive to the attainment of any of the objects and purposes set forth herein, to the same extent and as fully as any natural person might or could do; provided, however, that notwithstanding any provision of these articles or any provisions of applicable state or federal law. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501 (c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170 of the Internal Revenue Code or any future federal tax code.

The Corporation shall be subject to the following restrictions:

A) The Corporation shall distribute it's income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by section 4942 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

B) The Corporation shall not engage in any act of self-dealing as defined in section 4941 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax law.

C) The Corporation shall not retain any excess business holdings as defined in section 4943 (c) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax law.

D) The Corporation shall not make any investments in such manner as to subject it to tax under section 4944 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax law.

E) The Corporation shall not make any taxable expenditures as defined in section 4945 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax law.

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#### ARTICLE V

The Corporation shall be a membership cooperative association and individual membership organization and shall have no authority to issue any capital stock. The members shall have no right, title or interest whatsoever in the corporation, in its income, property, assets nor shall any member solely or collectively have right or claim to any legal portion or interest. The specific conditions of membership and the voting powers of the members shall be set forth in the By-Laws of the Corporation.

#### ARTICLE VI

The business and affairs of the Corporation, and the control and disposition of its property and funds, shall be managed by or under the direction of the Board of Trustees of the Corporation. The qualification, tenure, number, election, selection, powers, and duties of the Board of Trustees shall be provided in the By-Laws of the Corporation. No officer, trustee, member or employee of the Corporation shall receive any pecuniary profit from the operations thereof, except reasonable compensation for services actually rendered on behalf of the Corporation.

A Trustee of the Corporation or an Officer of the Corporation shall not be personally liable to the Corporation or its members for monetary damages for breach of fiduciary duty as a Trustee or Officer, except that of liability (i) for any breach of the Trustee's or Officer's duty of loyalty to the Corporation or its members, (ii) for acts or omissions not in good faith or which involve intentional misconduct, (iii) under any section of the laws pertaining to non-profit corporations, or (iv) for any transaction from which the Trustee or Officer derived any improper personal benefit. If the Laws of the State are amended after the filing of these Articles of Incorporation of which this article is a part to authorize corporate action further eliminating or limiting the personal liability of Trustees or Officers, then the liability of a Trustee or Officer of the Corporation shall be eliminated, enhanced or limited to the fullest accordance by such Laws as pertaining to non-profit corporations, as so amended.

Any repeal or modification of the foregoing paragraph by the members of the Corporation shall not adversely affect any right or protection of a Trustee or Officer of the Corporation at the time of such repeal or modification.

#### ARTICLE VII

The Incorporators of the Corporation of whom are also the initial Board of Trustees of the Corporation, shall serve as Trustees until the first annual meeting of the members of the Corporation or until their successors are elected and qualify, whichever occurs first. Their names and addresses are as follows:

Ryan Finneran • 1236 Gainesway Drive, Lexington, Kentucky 40517  
Maxine E. Rose-Lenett • 14344 Encanto Drive, Victorville, California 92392  
Salvatore Perice • 132 Wagonwheel Court, Marlton, New Jersey 08053  
Calvin D. Williams • 11 Cemetery Lane, Belize City, Belize, Central America  
David J. Wright • 2972 Mount McKinley Way, Lexington, Kentucky 40515  
S. Andrea Wright • 2972 Mount McKinley Way, Lexington, Kentucky 40515

#### ARTICLE VIII

Each Initial Trustee / Incorporator named has consented to their appointment through mutual association and the filing of these Articles of Incorporation. The number of Trustees may be increased or decreased from time to time in accordance with the By-Laws, but shall never be less than three. The Regular Members shall elect the Trustees every year on a five year rotational basis. The By-Laws may provide for ex officio and honorary Trustees, and their rights and privileges.

#### ARTICLE IX

This Corporation has been founded, chartered and organized initially by its Incorporators whom for as long as this Corporation remains in existence will be known as its Founders. This article shall not be changed, altered, amended, deleted or otherwise modified, unless done unanimously by said Founders. Henceforth each founder shall be known and may use within their affiliation of the organization the title of Co-Founder as long as they remain involved with the organization.

#### ARTICLE X

The Officers of the Corporation shall consist of a President, Vice-President, Secretary, Treasurer and such other Officers, Assistant Officers, Committee Chairpersons, and Honorary Officers as may be provided in the By-Laws. Each Officer shall be

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electd by the Board of Trustees (and may be removed by the Board of Trustees) at such time and in such manner as may be prescribed by the By-Laws.

**ARTICLE XI**

In the event of liquidations, dissolution, or winding up of this Corporation, whether voluntary, involuntary, or by operation of law, except as otherwise provided by law, the Board of Trustees and Officers of this Corporation shall have the power to dispose of the total assets of the Corporation in such manner as they, in the exercise of any absolute and uncontrolled discretion, may by a majority vote determine; provided, however, that such disposition shall be calculated to carry out the objects and purposes for which the Corporation is formed and only such objects and purposes; provided further, that the recipients of such disposition shall be limited exclusively to the Federal Government, a State or local government, or to any organization which, at the time of disposition, is qualified exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provision of any subsequent United States Internal Revenue Law.

**ARTICLE XII**

The By-Laws of the Corporation are to be made and adopted by the Board of Trustees, and may be altered, amended or rescinded by the Board of Trustees.

**ARTICLE XIII**

This Corporation reserves the right to amend, alter, change, or repeal any provision contained in these Articles of Incorporation or any amendment to them, and all rights and privileges conferred upon the Members, Trustees and Officers are subject to this reservation, unless otherwise noted, in the manner now or hereafter prescribed by statute. All the rights conferred herein are granted subject to this reservation; provided, however, that no amendment shall authorize the Board of Trustees or it's Officers to conduct the affairs of the Corporation in any manner for any purpose which would cause it to lose its tax-exempt status under the provisions of the applicable Internal Revenue Codes, or the corresponding provisions of any future federal tax laws, as amended.

**ARTICLE XIV**

This Corporation shall begin to and continue to conduct its activities as a non-profit charitable entity as defined by section 501(c)(3) the Internal Revenue Service Code. The Corporation will further carry on its practices to apply to be recognized as a publicly supported organization and in due process become classified as either a 509(a)(1) or 509(a)(2) organization within one year of such qualification expectation. The organization will immediately apply for an Internal Revenue Service (E.I.N.) Employer's Identification Number on the same day of this incorporation, this number will be used as the organization's tax identification number and as appropriate tax exemption number during the corporation's interim preëemptive non-profit status.

**ARTICLE XV**

The Corporation shall hereforth proceed with its authority to organize and conduct business under the statutes cited herein, applicable laws that may apply or come to apply to the operation of the corporation, including for such puposes laws of the lands it may eventually operate within.

In the hand of authorized representative Incorporators and Founders, this Certificate of Organization and Articles of Incorporation hath been finally filed with the Secretary of State of Kentucky in person at the State's Capitol in Frankfort on the twelfth day of April, in the nineteen hundred and ninety fourth year of the common era.

S. Andrea Wright  
S. Andrea Wright

Calvin Williams

Calvin D. Williams



Maxine E. Rose Lennet

Maxine E. Rose-Lennet

David J. Wright

Rev. David J. Wright

Multi-page document. Select page: 1 2 3 4 5

# **EXHIBIT 12**

## **TO MOTION FOR RESTRAINING ORDER**



WIKIPEDIA

# Kentucky Colonel

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**Kentucky Colonel** is the highest title of honor bestowed by the Commonwealth of Kentucky. Commissions for Kentucky colonels are given by the governor and the secretary of state to individuals in recognition of noteworthy accomplishments, contributions to Kentucky society, remarkable deeds, and outstanding service to a community, state, or the nation. The Governor of Kentucky bestows the honor of a colonel's commission, by issuance of letters patent.



Historic Coat of Arms

## Contents

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### History

- Official modern role

### Recipients

- Nominations

### Kentucky colonel organizations

- Kentucky Colonels International
- The Honorable Order of Kentucky Colonels

### Colonel toast

### Cultural influence

- Business
- Sports
- Music

### See also

### References

- Bibliography

### External links

## History

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The title "Kentucky Colonel" was formalized in 1813, but it was previously used informally to refer to people with honored reputations, often related to military service in the American Revolution. It was also often associated with landowners respected in their communities.<sup>[1]</sup> When the Kentucky Militia was deactivated following the War of 1812, Governor Isaac Shelby commissioned Charles Stewart Todd, one of his officers in the campaign, as an aide-de-camp on the Governor's Staff with the rank and grade of colonel.<sup>[1]</sup>

Early colonels served military roles in the state. In the latter part of the 19th century, the position took on a more ceremonial function. Colonels in uniform attended functions at the Governor's mansion and stood as symbolic guards at state events. By the late 19th century, the title had become more of an honorary one. Since commissioned Kentucky Colonels are considered honorary aides-de-camp to the Governor and members of his staff, all are entitled to the style of "Honorable" as indicated on their commission certificates. This is rarely used, however; Kentucky colonels are usually just referred to and addressed as "Colonel". In writing, usage is *Kentucky colonel* when the term is not being used as a specific title for an individual.<sup>[2][3][4][5]</sup>

In 1885, Governor William O'Connell Bradley commissioned the first honorary Kentucky colonels as a meritory award bestowed upon citizens for their individual contributions to the state, good deeds, and noteworthy actions. In 1890, a book was published by Opie Read, called 'A Kentucky Colonel' which evolved a new public perception of what a Kentucky colonel was, posing himself more as a refined, well-mannered southern gentleman, rather than a figure in the Kentucky militia. This view was further established by Zoe Anderson Norris with a series of twelve stories ([https://exploreuk.uky.edu/catalog/xt7t2g8079\\_49#page/1/mode/1up](https://exploreuk.uky.edu/catalog/xt7t2g8079_49#page/1/mode/1up)) published in *The Sun* (New York) in 1905 describing scenes and incidents in a Kentucky Colonel's life in the Southland, adding to the allure of the somewhat mythical life of the most distinguished Kentucky colonels.<sup>[6]</sup>

In the late 1920s into early 1930s, Kentucky colonels began to come together to form sociopolitical, fraternal organizations, founding the Honorable Order of Kentucky Colonels in 1932 by Gov. Ruby Laffoon.<sup>[7]</sup>

Prior to 1932, only about 1,000 people had received commissions as Kentucky colonels. Governor Ruby Laffoon, in office from 1931 to 1935, dramatically increased the number of colonels by issuing more than 5,000 commissions; one of the most famous of these was restaurateur Harland Sanders, who was commissioned in 1935. When Governor Happy Chandler took office in 1935, he took a much different view on the distinction of a Kentucky colonel commission. Governor Chandler issued only about a dozen new commissions annually on Derby Day. Governor Keen Johnson followed Governor Chandler's lead during his time in office from 1939 to 1943, commissioning only those select individuals who were deemed to have exhibited noteworthy accomplishments and outstanding service to a community, state or the nation.<sup>[8]</sup> The subsequent governors, however, were typically much more liberal in issuing Kentucky colonel commissions.

Under Governor Steve Beshear in 2008, so many commissions were being issued that state budget cuts led to a major change in the design of the commission certificate, the governor issued as many as 16,500 colonelships.<sup>[9]</sup> The certificate was downsized from the 10-by-15-inch (25 by 38 cm) size to 8.5 by 14 inches (22 by 36 cm). The wording remained the same on the certificate; however, the traditional gold seal and ribbon were replaced with a state seal that is embossed. Reducing materials for the new certificates was expected to save \$5,000; the substantial savings was for excluding the labor formerly needed to apply the gold seal and ribbon by hand. The Honorable Order of Kentucky Colonels objected to the changes in the certificates, and the order offered to pay \$5,000 a year to keep the traditional certificates. Due to the substantial savings in labor to produce the new certificates, the Secretary of State's office proceeded with the changes.<sup>[10]</sup>

## Official modern role

Today, Kentucky colonels serve the Commonwealth of Kentucky officially as its goodwill ambassadors that are responsible for preserving the traditions, culture, and customs of the state. Because they are issued letters patent by the head-of-state colonels as goodwill ambassadors, they are legally charged with promoting the interests of the state, tourism, economic development, and its prosperity under the duly elected governor. Colonels are found to frequently become involved in volunteerism and community service with non-profit causes and events inside and outside of Kentucky.<sup>[11]</sup>

## Recipients

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The honor has been given to a broad variety of notable people – including various celebrities, artists, writers, athletes, performers, businesspeople, US and foreign politicians, and members of foreign royal families – some of whom have no obvious connection to Kentucky.<sup>[12]</sup> It has also been bestowed upon various people who are not generally considered especially notable – they have been people from "all walks of life",<sup>[1]</sup> as the selection process is intended to identify those with a reputation for high moral standards and a record of noteworthy accomplishments.

## Nominations

An individual can only become a Kentucky colonel if they are nominated by another colonel or personally identified by the Commonwealth's governor or his staff to be recognized with the award. In 2014 Governor Matt Bevin changed the nomination process so that only 'active colonels' who make annual contributions to the charitable organization, The Honorable Order of Kentucky Colonels could make nominations.<sup>[13]</sup> In 2019, the unincorporated fraternal membership organization Kentucky Colonels International raised concerns over the changes instituted by Governor Bevin indicating that the commission is a lifetime appointment as an honorary award that should not require colonels who have received the honorable title to donate annually in order to make nominations and retain their status or privileges.<sup>[14]</sup>

## Kentucky colonel organizations

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Today there are a number of charitable, fraternal, and social organizations around the world that are either dedicated to, show deference to, or provide fellowship to Kentucky colonels. The social formation of these organizations created by those who have received the title has been facilitated by the use of social media allowing new fellowships and chapters to be created. There are currently organized fellowships (civil societies) located in the United Kingdom, Philadelphia, New York, Switzerland,<sup>[15]</sup> Spain, Toronto, Germany, and several other places.<sup>[16][17]</sup> Such groups have sometimes teamed together to support humanitarian causes like tornado disaster relief in Kentucky in 2012 and in Oklahoma in 2013. This has resulted in individuals spreading social media messages using Facebook diplomacy to generate goodwill towards the state of Kentucky and further recognition of the honorary title.<sup>[18]</sup>

## Kentucky Colonels International

One of these organizations is Kentucky Colonels International<sup>[19][20]</sup> which was a part of Globalc International<sup>[21]</sup> until January 2020. The membership organization originally started in 1998 and was active online until 2001.<sup>[22]</sup> In 2009, the organization reappeared on Facebook as a non-state decentralized civil society organization which lists, promotes and connects various organizations,

international chapters, and online groups that have been developed and identified in the sphere of the Internet and the social media.<sup>[14]</sup> In January 2020 the organization reformed, incorporating itself as an assumed name corporation of Ecology Crossroads<sup>[23]</sup> (a Kentucky nonprofit). By February, they had set-up a commission of nine Kentucky colonels charged with the task of reorganizing the development as a brotherhood and fellowship of Kentucky colonels operating as a membership organization under the First Amendment of US Constitution, the US Code, and Kentucky law.<sup>[24]</sup> Their commission includes some of the original members, most notable of their officers are American folk musician, J.D. Wilkes of Paducah, Kentucky and Karen S. Cantrell<sup>[25]</sup> of Rancho Mirage in California. Col. Cantrell is also the president of the United Nations Association of the Coachella Valley who has been well-noted for her work in philanthropy.<sup>[26]</sup> The organization is decentralized using the Internet, has a website, blog, social media groups, and maintains its mailing address in Richmond, Kentucky.<sup>[20]</sup> According to their blog the organization's existence and formation has been challenged by the Honorable Order of Kentucky Colonels in 2001, 2016 and in 2019.<sup>[23]</sup>

## The Honorable Order of Kentucky Colonels

The Honorable Order of Kentucky Colonels (HOKC) is the largest and most well-known organization of Kentucky colonels; the organization maintains a very impressive supporter list. After a person receives a commission, they automatically become an honorary lifetime member of organization which is located in Louisville, Kentucky. Recipients are invited to donate and participate in charitable efforts throughout the state.<sup>[1][27]</sup> The Governor of Kentucky serves as the "Commander-in-Chief" of the Honorable Order, and its board of trustees recognized as its 'Generals' serve on a volunteer basis.<sup>[1]</sup> The mission of the organization is to aid and promote the Commonwealth of Kentucky and its citizens.<sup>[28]</sup> The organization raises money to support Kentucky charities, educational organizations, and to conduct other good works that will help the citizens of Kentucky. The organization's charitable efforts have also sometimes extended past the borders of the Commonwealth, such as contributing to natural disaster relief in neighboring states. By 1979, annual donations exceeded \$500,000, and by 1992, they exceeded \$1 million.<sup>[7]</sup> In 2019 the organization made grants to 265 organizations in the state in excess of 2.1 million dollars.<sup>[29]</sup>

An early example of charitable activities organized by the charitable organization was relief efforts for the Ohio River flood of 1937, which had a devastating effect on northern Kentucky and other states along the Ohio River. Colonels Fred Astaire, Eddie Cantor, and Irving Mills were especially instrumental in fund-raising for this project.<sup>[30]</sup>

## Colonel toast

In 1936, New York advertising agency owner Colonel Arthur Kudner wrote a toast to Kentucky colonels. The toast was quickly adopted by the HOKC, and it was widely promoted and published for use by colonels. The toast has since been ceremoniously presented at each of the Kentucky Colonels' Derby Eve Banquets:

I give you a man dedicated to the good things of life, to the gentle, the heartfelt things, to good living, and to the kindly rites with which it is surrounded. In all the clash of a plangent world he holds firm to his ideal – a gracious existence in that country of content "where slower clocks strike happier hours". He stands in spirit on a tall-columned veranda, a hospitable glass in his hand, and he looks over the good and fertile earth, over

ripening fields, over meadows of rippling bluegrass. The rounded note of a horn floats through the fragrant stillness. Afar, the sleek and shining flanks of a thoroughbred catch the bright sun. The broad door, open wide with welcome ... the slow, soft-spoken word ... the familiar step of friendship ... all of this is his life and it is good. He brings fair judgment to sterner things. He is proud in the traditions of his country, in ways that are settled and true. In a trying world darkened by hate and misunderstanding, he is a symbol of those virtues in which men find gallant faith and of the good men might distill from life. Here he stands, then. In the finest sense, an epicure ... a patriot ... a man. Gentlemen, I give you, the Kentucky Colonel.<sup>[31][32]</sup>

## Cultural influence

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Those who have received the commission of the Kentucky Colonel have often used the title to promote their business or ideals while promoting the state and its traditions resulting in developing a long term impact on Kentucky culture associated with the honor.

### Business

The title of the founder and symbolic icon of the fast-food restaurant chain KFC, Colonel Harland Sanders, comes from his status as a Kentucky colonel. He became so well known that he was sometimes referred to simply as "The Colonel".

Another example of use of the Kentucky colonel title in business marketing is seen in the ongoing historic association between Kentucky and bourbon whiskey production. As of 2013, approximately 95 percent of all bourbon was produced in Kentucky, and the state had 4.9 million barrels of bourbon in the process of aging.<sup>[33][34]</sup> The historic distiller James B. Beam is referred to as "Colonel James B. Beam" for the marketing of the Jim Beam brand (the largest-selling brand of bourbon).<sup>[35]</sup> The Sazerac Company similarly refers to the distiller Albert Blanton as "Colonel Blanton" for their marketing of the Blanton's brand. In both cases, the "Colonel" title refers to being a Kentucky colonel. A brand of Kentucky bourbon called Kentucky Colonel was produced in the 1980s,<sup>[36]</sup> and at least two current brands of Kentucky bourbon have the word "Colonel" in their name, the Colonel E. H. Taylor and Colonel Lee bourbon brands.

### Sports

A number of sports teams in Kentucky, especially in Louisville, its largest city, have been known as the Kentucky Colonels or the Louisville Colonels. These include the Kentucky Colonels professional basketball team of 1967–1976, the Kentucky Colonels professional basketball team of 2004, and the Eastern Kentucky Colonels athletic teams of Eastern Kentucky University.

### Music

A popular bluegrass band of the 1960s was also called the Kentucky Colonels. It included Clarence White, who was later with The Byrds and who also worked extensively as a session musician with various highly prominent performers.



## See also

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- Colonel (title)
- Titles of honor
- Goodwill ambassador
- Nebraska Admiral
- Arkansas Traveler
- Rhode Island Commodore
- Order of the Long Leaf Pine (of North Carolina)
- Order of the Palmetto (of South Carolina)
- Sagamore of the Wabash (of Indiana)
- Kentucky Colonels (disambiguation)

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## External links

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- Website of The Honorable Order of Kentucky Colonels (<https://kycolonels.org/>)
  - Kentucky Secretary of State's site regarding the Order (<http://sos.ky.gov/admin/Executive/Pages/Kentucky-Colonels.aspx>)
  - Website of Kentucky Colonels International (<https://kycolonels.international/>)
- 

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF	)	
KENTUCKY COLONELS, INC.	)	
	)	
PLAINTIFF	)	
	)	
v.	)	CIVIL ACTION NO. 3:20CV-132-JRW
	)	
KENTUCKY COLONELS	)	
INTERNATIONAL, et al.	)	
	)	
DEFENDANT	)	

**TEMPORARY RESTRAINING ORDER**

Upon the motion of Plaintiff, The Honorable Order of Kentucky Colonels, Inc. (“HOKC”), for a temporary restraining order pursuant to Fed. R. Civ. P. 65(b) and 15 U.S.C. § 1116, and the Court having reviewed the Verified Complaint, the motion of HOKC, and the documents submitted therewith, the Court hereby finds and concludes as follows:

A. HOKC has presented proof which establishes a prima facie case of trademark infringement. Specifically, HOKC has introduced Defendants’ internet publications, social media postings and solicitations of donations wherein Defendants made use of the KENTUCKY COLONELS trademark. HOKC has offered evidence of consumer confusion of the origin and/or affiliation of Defendants’ services. The Court finds it more likely than not that HOKC will succeed on the merits of their trademark infringement case at trial.

B. HOKC has presented proof establishing a threat of irreparable harm posed by Defendants’ continued infringement upon the trademark of HOKC. HOKC has demonstrated the

threat to its interests in its trademark and in its goodwill and commercial relations with the community. Given these threats of irreparable injury, the Court finds that HOKC does not have an adequate remedy at law.

C. The Court finds that HOKC will suffer more from the denial of the Temporary Restraining Order than Defendants will suffer from its issuance.

D. The Court finds that it is in the interest of the public to issue this temporary restraining order.

E. The foregoing shall constitute the Court's findings of fact and conclusions of law.

IT IS HEREBY ORDERED, pending further hearing and determination of this action, as follows:

1. Defendants and anyone acting on their behalf, including their officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with them, are enjoined from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including but not limited to KENTUCKY COLONELS INTERNATIONAL, on or in connection with the sale of any goods or services and the solicitation of charitable donations.

2. Defendants and anyone acting on their behalf, including their officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are enjoined from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including but not limited to KENTUCKY COLONELS INTERNATIONAL, in such a way as is likely to cause consumers to

be confused, mistaken, or deceived into believing that HOKC has sponsored, approved, licensed or is in any way affiliated with Defendants.

3. Plaintiff shall, within forty-eight (48) hours, post security, in the form of a cash bond or corporate surety or other form approved by the Court, in the amount of \$\_\_\_\_\_ for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained, pending the hearing and determination of the continuation of this order.

4. A hearing in this matter shall be held on Plaintiff's application for a preliminary injunction on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ a.m./p.m.

IT IS SO ORDERED.

100236153

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF	)	
KENTUCKY COLONELS, INC.	)	
	)	
PLAINTIFF	)	
	)	
v.	)	CIVIL ACTION NO. 3:20CV-132-JRW
	)	
KENTUCKY COLONELS	)	
INTERNATIONAL, et al.	)	
	)	
DEFENDANT	)	

**ORDER GRANTING PRELIMINARY INJUNCTION**

Upon the motion of Plaintiff, The Honorable Order of Kentucky Colonels, Inc. (“HOKC”) for a preliminary injunction pursuant to Fed. R. Civ. P. 65 and 15 U.S.C. §1116, the Court having reviewed the Verified Complaint, the motion of HOKC, the documents submitted therewith, and having held a hearing on the motion and heard arguments of counsel, the Court hereby finds and concludes as follows:

A. HOKC has presented proof which establishes a prima facie case of trademark infringement. HOKC has introduced evidence that it owns numerous federal trademark registrations and applications for marks incorporating the KENTUCKY COLONELS Mark in connection with the goods and services it provides to its members and the public, as well as the charities served through its philanthropic work; that Defendants are using an identical mark, or nearly identical mark, offering what purports to be identical or nearly identical services; and that Defendants are doing so without

authorization and contrary to the express wishes of HOKC. The Court finds that HOKC has a likelihood of success on the merits of its infringement case at trial;

B. HOKC has demonstrated the likelihood of consumer confusion and the threat to its interests and goodwill in its trademark, which is presumed to be an irreparable injury. Given this presumption of an irreparable injury, the Court finds that HOKC does not have an adequate remedy at law;

C. The Court finds that HOKC will suffer more from the denial of the requested injunctive relief than Defendants will suffer from its issuance; and

D. The Court finds that it is in the interest of the public to issue this preliminary injunction.

The foregoing shall constitute the Court's findings of fact and conclusions of law.

IT IS HEREBY ORDERED, pending further hearing and determination of this action, as follows:

1. Defendants and anyone acting on their behalf, including their officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are enjoined from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL, on or in connection with the sale of any goods or services and the solicitation of charitable donations.

2. Defendants and anyone acting on their behalf, including their officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are enjoined from using the KENTUCKY COLONELS

Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL in such a way as is likely to cause consumers to be confused, mistaken, or deceived into believing that HOKC has sponsored, sanctioned, approved, licensed, or is any way affiliated with Defendants.

3. Defendants are ordered to provide a full accounting of all revenues, receipts, sales, and donations related to their use of “Kentucky Colonels International” from the first date Defendants used HOKC’s Mark.

100238596

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF	)	
KENTUCKY COLONELS, INC.	)	
	)	
PLAINTIFF	)	
	)	
v.	)	CIVIL ACTION NO. 3:20CV-132-DJH
	)	
KENTUCKY COLONELS	)	
INTERNATIONAL, et al.	)	
	)	
	)	
DEFENDANTS	)	

**SUPPLEMENT TO PLAINTIFF'S MOTION FOR  
TEMPORARY RESTRAINING ORDER**

Plaintiff, The Honorable Order of Kentucky Colonels ("HOKC"), by counsel, pursuant to the Court's Order dated February 21, 2020 [DN 12] directing it to supplement its Motion for Temporary Restraining Order, hereby states and certifies as follows:

1. HOKC cannot contact Defendant Kentucky Colonels International ("KCI") by telephone as it does not have a phone number for KCI because, contrary to the representations made on the internet Website maintained by KCI (the "KCI Website"), KCI is not a tax exempt entity or registered as a charity with the Office of the Kentucky Attorney General. In addition, no telephone number is included in the material filed with the Kentucky Secretary of State by KCI or its alleged affiliates, Globcal International ("Globcal") and Ecology Crossroads Cooperative Foundation, Inc. ("Ecology Crossroads"). Finally, the KCI Website does not include a phone number for KCI, Globcal, or Ecology Crossroads.

2. In addition to service of the Verified Complaint and Motion for Temporary Restraining Order by mail, HOKC has made numerous and significant efforts to contact KCI about this action. On February 22, 2020, the undersigned sent an email to the address provided on the KCI Website, [contact@kycolonels.international](mailto:contact@kycolonels.international), advising KCI of the filing of the Verified Complaint and the Motion for Temporary Restraining Order, and informing KCI that HOKC is seeking a hearing on the Motion for Temporary Restraining Order at the Court's earliest convenience [a copy of that email is attached as Exhibit 1].<sup>1</sup> That email also provided KCI with contact information for HOKC's counsel and attached copies of the Verified Complaint and Motion for Temporary Restraining Order.
3. Shortly after sending the email to [contact@kycolonels.international](mailto:contact@kycolonels.international), the undersigned received a delivery notification email response. [See delivery notification attached as Exhibit 2]. The undersigned has not received a response to the email.
4. On February 24, 2020, HOKC attempted to hand-deliver a package of material to KCI's registered agent for service of process, Maya-Lis A. Wright at 302 General Smith Drive, Richmond, Kentucky 40475. That package consisted of (1) a letter advising KCI of the filing of the Verified Complaint and the Motion for Temporary Restraining Order and informing KCI that HOKC is seeking a hearing on the Motion for Temporary Restraining Order at the Court's earliest convenience; (2) a copy of the Verified Complaint with

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<sup>1</sup> Because of the volume of exhibits attached to the Verified Complaint and Motion for Temporary Restraining Order, those exhibits are not attached to the February 22, 2020 email. However, the below signed counsel certifies that the email included those documents with all exhibits.



exhibits; and (3) a copy of the Motion for Temporary Restraining Order with exhibits. [*See* Affidavit of Byron Dunn (“Dunn Affidavit”), attached as Exhibit 3, ¶¶ 3 – 4].<sup>2</sup>

5. The person who answered the door at the address for service of process provided by KCI – which is a residential address – stated that Maya-Lis A. Wright does not live there and refused to accept delivery of the package. [*Id.* at ¶¶ 5 – 6]. HOKC therefore, left the package on the front porch of the residence. [*Id.* at ¶¶ 7 – 8].
6. KCI and Globcal are both assumed names of Defendant Ecology Crossroads. The principal office and registered agent address for Ecology Crossroads is the same as the mailing address for KCI and Globcal. Moreover, Defendant David J. Wright is President and Incorporator of Ecology Crossroads as well as Director and Incorporator of KCI and Globcal. Due to the interconnectedness of all Defendants in this matter, the efforts to notify KCI simultaneously serve to notify all Defendants.
7. The undersigned hereby certifies to the efforts made to give notice to Defendants regarding HOKC’s Motion for Temporary Restraining Order. Despite HOKC’s efforts, Defendants have not acknowledged receipt of the Verified Complaint or Motion for Temporary Restraining Order. Nevertheless, a restraining order should be issued without confirmed notice to Defendants based on the reasonable assumption that Defendants have actual notice of the existence of these proceedings. HOKC has attempted to provide Defendants with notice through mail, email, and personal service, and it appears that Defendants are attempting to avoid such service. In addition, HOKC continues to suffer irreparable

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<sup>2</sup> Because of the volume of exhibits attached to the Verified Complaint and Motion for Temporary Restraining Order, those exhibits are not attached to the accompanying Dunn Affidavit. Only the main documents (the letter, the Verified Complaint, and the Motion for Temporary Restraining Order) are attached and included with this filing. However, the below signed counsel certifies that the package described in the Dunn Affidavit included all of the referenced exhibits.

damage as a result of the Defendants' actions as fully detailed in HOKC's Verified Complaint and Motion for Temporary Injunction, as well as additional confusion among the general public caused by the Defendants' conduct, evidence of which will be presented to the Court at the Court's convenience.

Respectfully submitted,

/s/ Cornelius E. Coryell II

Cornelius E. Coryell II  
Michelle Browning Coughlin  
Julie Laemmle Watts  
WYATT, TARRANT & COMBS, LLP  
400 West Market Street, Suite 2000  
Louisville, KY 40202  
(502) 589-5235  
ccoryell@wyattfirm.com  
mcoughlin@wyattfirm.com  
jwatts@wyattfirm.com

*Counsel for Plaintiff, the Honorable Order of  
Kentucky Colonels, Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that a true and correct copy of the foregoing has been served upon the following, via U.S. Mail, on the 24<sup>th</sup> day of February, 2020:

Kentucky Colonels International  
c/o Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

Ecology Crossroads Cooperative Foundation, Inc.  
c/o Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

Globalcal International  
c/o Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

David J. Wright  
302 General Smith Drive  
Richmond, KY 40475

/s/ Cornelius E. Coryell II

*Counsel for Plaintiff, the Honorable Order of  
Kentucky Colonels, Inc.*

# EXHIBIT 1

**Coryell, Corky**

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**From:** Coryell, Corky  
**Sent:** Saturday, February 22, 2020 11:24 AM  
**To:** contact@kycolonels.international  
**Cc:** Watts, Julie; Coughlin, Michelle  
**Subject:** Honorable Order of Kentucky Colonels vs. Kentucky Colonels International, et al.  
**Attachments:** DN 1 - Verified Complaint for Injunctive Relief and Damages filed 02-20-2020.pdf; DN 7 - Motion for Temporary Restraining Order and Preliminary Injunction filed 02-21-2020.pdf

Be advised that attached Verified Complaint for Injunctive Relief and Damages and Motion for Temporary Restraining Order and Preliminary Injunction were filed yesterday in the United States District Court for the Western District of Kentucky. Further, be advised that Plaintiff is seeking a hearing on the motion at the Court's earliest convenience.

Inquiries concerning this matter should be directed to Plaintiff's counsel below.

**Cornelius E Coryell**

Wyatt, Tarrant & Combs, LLP  
400 West Market Street  
Suite 2000  
Louisville KY 40202-2898  
Direct: (502) 562-7376  
Mobile: (502) 594-0832  
Fax: (502) 589-0309  
Email: [ccoryell@wyattfirm.com](mailto:ccoryell@wyattfirm.com)



Louisville | Lexington | Memphis | Nashville | New Albany | [www.wyattfirm.com](http://www.wyattfirm.com)

# EXHIBIT 2

**Coryell, Corky**

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**From:** Microsoft Outlook  
**To:** contact@kycolonels.international  
**Sent:** Saturday, February 22, 2020 11:25 AM  
**Subject:** Relayed: Honorable Order of Kentucky Colonels vs. Kentucky Colonels International, et al.

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

contact@kycolonels.international (contact@kycolonels.international)

Subject: Honorable Order of Kentucky Colonels vs. Kentucky Colonels International, et al.

# EXHIBIT 3

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF	)	
KENTUCKY COLONELS, INC.	)	
	)	
PLAINTIFF	)	
	)	
v.	)	CIVIL ACTION NO. 3:20CV-132-DJH
	)	
KENTUCKY COLONELS	)	
INTERNATIONAL, et al.	)	
	)	
	)	
DEFENDANTS	)	

**AFFIDAVIT OF BYRON DUNN**

Comes the Affiant, Byron Dunn, and being first duly sworn, states as follows:

1. My name is Byron Dunn. I am employed by Epic Courier Services and work in the service center of the Lexington, Kentucky office of the law firm Wyatt, Tarrant & Combs, LLP, which is located at 250 West Main Street, Suite 1600, Lexington, Kentucky 40507.
2. I have made this Affidavit on the basis of personal knowledge of the matters set forth herein. I am over the age of eighteen and I am competent to testify to the matters set forth herein.
3. On the morning of February 24, 2020, I was asked to print the following documents, copies of which are attached hereto as Exhibit A:
  - a. Letter dated February 24, 2020 from Cornelius E. Coryell II to Maya-Lis A. Wright with the subject line "The Honorable Order of Kentucky Colonels, Inc. v. Kentucky



Colonels International, et al.; United States District Court for the Western District of Kentucky; Civil Action No. 3:20CV-132-JRW”;

- b. Verified Complaint for Injunctive Relief and Damages, including exhibits; and
  - c. Motion for Temporary Restraining Order and Preliminary Injunction, including exhibits.
4. I was then asked to hand deliver the envelope in which the above-three documents and their respective exhibits were sealed to the following address:

Maya-Lis A. Wright  
Agent for Service of Process  
Kentucky Colonels International  
Global International  
Ecology Crossroads Cooperative Foundation, Inc.  
302 General Smith Drive  
Richmond, Kentucky 40475

5. When I arrived at the house located at 302 General Smith Drive, Richmond, Kentucky 40475, I asked the woman who answered the door for Maya-Lis A. Wright.
6. The woman who answered the door stated that Maya-Lis A. Wright does not live at that address. The woman who answered the door did not identify herself and did not accept the delivery.
7. I left the sealed envelope containing the three above-listed documents in a chair on the front porch of the residence.
8. I took three photographs showing the sealed envelope in a chair on the front porch of the residence. The three photographs are attached hereto as Exhibit B.

Further, Affiant sayeth naught.

  
Byron Dunn

COMMONWEALTH OF KENTUCKY     )  
  )  
COUNTY OF FAYETTE                    )     :SS

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 24<sup>th</sup>  
day of February, 2020, by Byron Dunn.

My commission expires: 2-20-2023

Carol M. Vandegraft #615190  
NOTARY PUBLIC

100240254

# **EXHIBIT A TO DUNN AFFIDAVIT**



400 West Market Street, Suite 2000  
Louisville, Kentucky 40202  
502.589.5235  
Fax: 502.589.0309

Cornelius E. Coryell II  
502.562.7376  
ccoryell@wyattfirm.com

February 24, 2020

**VIA HAND DELIVERY**

Maya-Lis A. Wright  
Agent for Service of Process  
Kentucky Colonels International  
Global International  
Ecology Crossroads Cooperative Foundation, Inc.  
302 General Smith Drive  
Richmond, Kentucky 40475

Re: The Honorable Order of Kentucky Colonels, Inc. v. Kentucky Colonels  
International, et al.; United States District Court for the Western District of  
Kentucky; Civil Action No. 3:20CV-132-JRW

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Dear Ms. Wright:

Be advised that the enclosed Verified Complaint for Injunctive Relief and Damages and Motion for Temporary Restraining Order and Preliminary Injunction were filed Thursday, February 20, 2020 in the United States District Court for the Western District of Kentucky. Further, be advised that Plaintiff is seeking a hearing on the motion at the Court's earliest convenience.

Inquiries concerning this matter should be directed to Plaintiff's counsel below.

Sincerely,

WYATT, TARRANT & COMBS, LLP

A handwritten signature in blue ink that reads 'Conky Coryell II'.

Cornelius E. Coryell II

CEC/tk  
Enclosures  
100239828

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF  
KENTUCKY COLONELS, INC.  
943 South First Street  
Louisville, KY 40203

PLAINTIFF

v.

KENTUCKY COLONELS  
INTERNATIONAL

302 General Smith Drive  
Richmond, KY 40475

**Serve: Maya-Lis A. Wright**  
**302 General Smith Drive**  
**Richmond, KY 40475**

GLOBCAL INTERNATIONAL  
302 General Smith Drive  
Richmond, KY 40475

**Serve: Maya-Lis A. Wright**  
**302 General Smith Drive**  
**Richmond, KY 40475**

ECOLOGY CROSSROADS  
COOPERATIVE FOUNDATION, INC.  
302 General Smith Drive  
Richmond, KY 40475

**Serve: Maya-Lis A. Wright**  
**302 General Smith Drive**  
**Richmond, KY 40475**

DAVID J. WRIGHT, Individually and In His  
Capacity as President of Ecology Crossroads  
Cooperative Foundation, Inc.  
302 General Smith Drive  
Richmond, KY 40475

UNKNOWN DEFENDANTS

DEFENDANTS

CIVIL ACTION NO. 3:20CV-132-JRW

JURY TRIAL DEMAND

## **VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES**

Plaintiff The Honorable Order of Kentucky Colonels, Inc. (“Plaintiff” or “the Honorable Order”), by counsel, for its Complaint against Defendants Kentucky Colonels International (“KCI”), Globalcal International (“Globalcal”), Ecology Crossroads Cooperative Foundation, Inc. (“Ecology Crossroads”), David J. Wright, individually and in his capacity as President of Ecology Crossroads Cooperative Foundation, Inc. (“Wright”), and Unknown Defendants (collectively referred to as “Defendants”), alleges as follows:

### **PRELIMINARY STATEMENT**

1. This is an action for infringement of the Honorable Order’s famous, federally registered trademark, KENTUCKY COLONELS, under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1); for trade name infringement, unfair competition, and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); for dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c); for cyberpiracy under the Anticybersquatting Consumer Protection Act, Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(a); and for substantial and related claims under the common law of the Commonwealth of Kentucky, all arising from Defendants’ unauthorized use of the KENTUCKY COLONELS Mark in connection with marketing, advertising, promotion and solicitations regarding Defendants’ alleged services.

2. The Honorable Order seeks injunctive and monetary relief.

### **PARTIES**

3. The Honorable Order is a nonprofit, tax-exempt corporation organized and existing under the laws of the Commonwealth of Kentucky. Until February 17, 2020, the Honorable Order had its principal place of business at 1717 Alliant Avenue, Suite 14, Louisville,

Kentucky 40299. As of February 17, 2020, the Honorable Order's primary place of business is 943 South First Street, Louisville, Kentucky 40203.

4. According to the records maintained by the Kentucky Secretary of State, Defendant Ecology Crossroads Cooperative Foundation, Inc. ("Ecology Crossroads") is a corporation organized under the laws of the Commonwealth of Kentucky with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

5. According to the records maintained by the Kentucky Secretary of State, Defendant Kentucky Colonels International ("KCI") is an assumed name of Defendant Ecology Crossroads with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

6. According to the records maintained by the Kentucky Secretary of State, Defendant Globcal International ("Globcal") is an assumed name of Defendant Ecology Crossroads with its principal place of business at 302 General Smith Drive, Richmond, Kentucky, 40475. Its registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

7. Upon information and belief, Defendant David J. Wright is an individual who resides in La Culebra, Amazonas, Venezuela who is a citizen of the Commonwealth of Kentucky. According to the records maintained by the Kentucky Secretary of State, Wright is the President of Defendant Ecology Crossroads, whose registered agent for service of process is Maya-Lis A. Wright, 302 General Smith Drive, Richmond, Kentucky 40475.

8. Upon information and belief, Unknown Defendants are individual employees, agents, owners, officers, or directors of Defendants Ecology Crossroads, KCI, or Globcal who have transacted business, engaged in conduct, or otherwise participated in the activities described in this Verified Complaint.

### **JURISDICTION AND VENUE**

9. This Court has original jurisdiction over this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1338(a) and (b) insomuch as this action arises under the Trademark Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.* This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

10. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claims below occurred in this District and because the intellectual property at issue substantially is located in this District.

11. This Court has personal jurisdiction over Defendant Wright under KRS 454.210, Kentucky's long-arm statute, because, among other things, he directly and personally engaged in the actions complained of herein within this District, including infringing upon the Honorable Order's trademarks by marketing and promoting services under the mark KENTUCKY COLONELS INTERNATIONAL. In addition, Defendant Wright engaged in actions within this District, intended to facilitate or allow the infringement upon the Honorable Order's trademarks described herein by registering the assumed names, entities, and organizations described and identified herein, and/or personally directing those Defendants to engage in the conduct described herein.



## **FACTS**

### **The Honorable Order and its KENTUCKY COLONELS Mark**

12. On May 2, 1931, Kentucky Governor Flem D. Sampson assembled a meeting of Kentucky Colonels at the State Capitol for the purpose of forming “a society or organization to restore the grandeur and sentiment of the original Kentucky Colonel; to more closely band together this group ... for the advancement of Kentucky and Kentuckians....” The minutes from that meeting are attached hereto as Exhibit 1. Those minutes reflect the prominence of being selected as a Kentucky Colonel: “because of this honor [Kentucky Colonels] are regarded highly in their own country and on their arrival here are treated with high honor and respect.”

13. From its inspired origins in 1931 through the present day, the Honorable Order has existed as a nonprofit organization dedicated to supporting charitable purposes throughout the Commonwealth. In the last twenty years, the Honorable Order has made more than 3,500 grants to nonprofit organizations across Kentucky totaling in excess of \$29 million. Since 1951, the Honorable Order has made more than 7,300 grants totaling almost \$51 million.

14. The Governor of Kentucky serves as the Commander-in-Chief of the Honorable Order, along with a board of trustees. From the beginning, the Governor’s office recognized the Honorable Order’s role, making the Honorable Order responsible for adopting insignia, seals, and other indicia of the honor.

15. For nearly a century, the Honorable Order has pursued its mission to follow the objectives described by Governor Sampson in 1931, a significant aspect of which is promoting and protecting the goodwill of the KENTUCKY COLONELS Mark. That Mark plays a critical role in the Honorable Order’s fundraising efforts.

16. The Honorable Order has filed and registered federal trademark applications for, and carefully protected and enforced, the KENTUCKY COLONELS Mark. A chart reflecting the numerous federal trademark registrations and applications owned by the Honorable Order incorporating the KENTUCKY COLONELS Mark, as well as the official documentation reflecting those registrations and applications, is attached as Exhibit 2.

17. The Honorable Order has continuously used the KENTUCKY COLONELS Mark in connection with its philanthropic, membership, and social activities for decades, and, as a result, the KENTUCKY COLONEL Mark carries a positive connotation worldwide

### **Defendants' Unlawful Activities**

18. In 2019, the Honorable Order was contacted by an individual who identified himself as David J. Wright. Wright purported to be the administrator of a Facebook group called “Kentucky Colonels International,” which was allegedly comprised of individuals who have been commissioned as Kentucky Colonels by the Kentucky Governor.

19. In late 2019, the Honorable Order learned that Wright, under the guise of KCI and Global, was soliciting participants for a “registry” of individuals who had been commissioned as Kentucky Colonels. As described by Wright, participation in the registry required payment of a fee.

20. In late December 2019, Wright approached the Honorable Order to initiate a discussion regarding the activities of KCI. Through direct messages and text message, Wright indicated that he wanted to “find a way” that the Honorable Order could “endorse the International Register and Kentucky Colonels International, with a sponsorship, while [the Honorable Order] silently but transparently takes over the Register and International Concept to become a program belonging to the [Honorable Order].”

21. When Wright contacted the Executive Director of the Honorable Order to “explore the possibilities of a merger,” she suggested that he submit his comments and ideas in writing.

22. In mid-January 2020, Wright forwarded the Honorable Order a package of documents which included a letter addressed to Sherry Crose, Executive Director of the Honorable Order, a document entitled “Presentation to Honorable Order of Kentucky Colonels, Inc.,” and a document entitled “Draft Merger Acquisition and Consolidation Agreement.” Copies of those documents are collectively tendered herewith as Exhibit 3.<sup>1</sup> Wright’s “proposal” included provisions for generous financial payments to both himself and KCI.

23. On January 20, 2020, the Honorable Order notified Wright that it was not interested in the merger, acquisition, or transaction reflected in his proposal.

24. Shortly thereafter, Wright advised the Honorable Order by text message that he and KCI intended to “move forward with our program and the formalization of the KCI agenda.”

25. On or about February 9, 2020, KCI left a comment on the Honorable Order’s public Facebook page that also included a hyperlink to KCI’s blog (<https://blog.kycolonels.international>), and referenced an “editorial” blog post purportedly authored by Wright on February 7, 2020. A copy of the editorial (the “Wright Editorial”) is attached as Exhibit 4.

26. In the Wright Editorial, Wright candidly acknowledged that he and his affiliated organizations are soliciting, and will continue to solicit, contributions and payments using the KENTUCKY COLONELS INTERNATIONAL Mark (the “Infringing Mark”).

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<sup>1</sup> Because Wright demanded HOKC execute a confidentiality agreement, the documents comprising Exhibit 3 will be filed under seal for the Court’s review pending further orders of the Court.

27. The Wright Editorial also disparaged the Honorable Order by accusing it of a variety of misconduct, including “misleading their donors and supporters for many years,” violating various state and federal statutes, and otherwise engaging in “deception, and fraudulent presumptive behavior.”

28. In early February, the Honorable Order became aware that the “Kentucky Colonel” Wikipedia article had been significantly edited by someone with the username “Problemsmith.” A copy of the “Kentucky Colonel” Wikipedia article, as of February 18, 2020, is attached as Exhibit 5. Upon information and belief, those modifications were made by Defendant Wright. Among other things, “Problemsmith” removed a reference indicating that KENTUCKY COLONELS is a registered trademark of the Honorable Order.

29. The Honorable Order has experienced actual confusion as a result of Defendants’ activities using the Infringing Mark. For example, on September 23, 2019, one of the recipients of a charitable grant in the amount of \$10,000 from the Honorable Order posted a thank you on its Facebook page and specifically recognized the Honorable Order’s KENTUCKY COLONELS GOOD WORKS PROGRAM. And, on September 30, 2019, another recipient of a charitable grant from the Honorable Order also posted a thank you on its Facebook page. However, in both of the thank you posts, the grantees mistakenly tagged KCI’s Facebook page instead of the Honorable Order’s Facebook page. A screenshot of these pages are attached as Exhibit 6. Such actual confusion not only showed confusion by the grantees about who provided the charitable giving, but also caused the viewing public of the posts to be confused about who provided the grants to the organizations.

30. Wright and the other Defendants are using the internet and social media to confuse the public, misappropriate the goodwill, and profit from the KENTUCKY COLONELS

Mark. Unless they are ordered to cease and desist their improper and unauthorized use of the KENTUCKY COLONELS Mark, Defendants will continue their infringing activity, thereby damaging the goodwill and reputation that the Honorable Order has built over decades.

31. The Unknown Defendants have aided, abetted, and/or participated in the conduct and activities described above. Those individuals and entities, through their affiliation with and support of Wright, KCI, Global, and/or Ecology Crossroads, have irreparably harmed and damaged the Honorable Order through their facilitation of and assistance with the unauthorized and improper use of the KENTUCKY COLONELS Mark described above.

**COUNT ONE**  
**Federal Trademark Infringement**

32. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated in this Count by reference.

33. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are offered, authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order. Defendants' conduct therefore constitutes trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

34. Upon information and belief, Defendants have committed the foregoing acts of infringement with full knowledge of the Honorable Order's prior rights in the KENTUCKY COLONELS Mark and with the willful intent to cause confusion and trade on the Honorable Order's goodwill.

35. Upon information and belief, Defendants have made and will continue to make profits and gains to which they are not entitled in law or equity.

36. Defendants' conduct is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT TWO**  
**Federal Trade Name Infringement**

37. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated into this Count.

38. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order. Defendants' conduct therefore constitutes trade name infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

39. Upon information and belief, Defendants have committed the foregoing acts of infringement with full knowledge of the Honorable Order's prior rights in the KENTUCKY COLONELS Mark and with the willful intent to cause confusion and trade on the Honorable Order's goodwill.

40. Upon information and belief, Defendants have made and will continue to make profits and gains to which they are not entitled in law or equity.

41. Defendants' conduct is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT THREE**  
**Federal Unfair Competition and False Designation of Origin**

42. Each of the foregoing Paragraphs of this Verified Complaint is hereby incorporated into this Count.

43. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order.

44. Defendants' unauthorized use in commerce of the Infringing Mark as alleged herein constitutes use of a false designation of origin and misleading description and representation of fact.

45. Upon information and belief, Defendants' conduct as alleged herein is willful and is intended to, is likely to, and already has caused confusion, mistake, or deception as to the affiliation, connection, or association of Defendants with the Honorable Order.

46. Defendants' conduct as alleged herein constitutes unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

47. Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both

damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT FOUR**  
**Federal Trademark Dilution**

48. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

49. The KENTUCKY COLONELS Mark is a distinctive and famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

50. The KENTUCKY COLONELS Mark became distinctive and famous prior to Defendants' acts as alleged herein.

51. Defendants' acts as alleged herein have diluted by blurring and will, unless enjoined, continue to dilute by blurring, and are likely to dilute by blurring the distinctive quality of the Honorable Order's famous KENTUCKY COLONELS Mark.

52. Defendants' acts as alleged herein have tarnished and will, unless enjoined, continue to tarnish, and are likely to tarnish, the Honorable Order's KENTUCKY COLONELS Mark by undermining and damaging the valuable goodwill associated therewith.

53. Defendants' conduct as alleged herein constitutes dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

54. Defendants' conduct as alleged herein is intentional and willful in violation of Section 43(c)(1) of the Lanham Act, and has already caused the Honorable Order irreparable damage and will continue to so damage the Honorable Order unless enjoined by this Court. The Honorable Order has no adequate remedy at law.



**COUNT FIVE**  
**Anticybersquatting Consumer Protection Act**

55. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

56. The KENTUCKY COLONELS Mark is a distinctive and famous mark within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

57. According to publicly available WhoIs Data, on September 29, 2000 the Honorable Order registered the domain name www.kycolonels.org, which it continues to use today. A copy of the relevant WhoIs Data is attached hereto as Exhibit 7.

58. According to publicly available WhoIs Data, on January 20, 2020 the domain name www.kycolonels.international registered. Upon information and belief, Defendants registered and now use this domain name. A copy of the relevant WhoIs Data as well as a screenshot of the domain name is attached hereto as Exhibit 8.

59. Defendants' domain name incorporates the KENTUCKY COLONELS Mark and is identical or confusingly similar to the Honorable Order's domain name, or dilutive of the famous KENTUCKY COLONELS Mark.

60. Defendants registered, and continue to use, the www.kycolonels.international domain name with a bad faith intent to profit from the KENTUCKY COLONELS Mark.

61. Defendants' conduct as alleged herein constitutes cybersquatting in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(a).

62. Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT SIX**  
**Defamation**

63. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

64. Defendants, by and through Wright, have made false and defamatory statements regarding the Honorable Order as reflected, among other places, in the Wright Editorial attached hereto as Exhibit 2, including but not limited to accusing the Honorable Order of a variety of misconduct, including:

- (a) “misleading their donors and supporters for many years”;
- (b) violating various state and federal statutes; and
- (c) otherwise engaging in “deception, and fraudulent presumptive behavior.”

65. These statements, and others made by Wright on behalf of Defendants, are false, and were made with malicious intent to harm the Honorable Order’s ongoing business activities to fulfil its purpose and support its mission.

66. These statements, and others made by Wright on behalf of Defendants, are defamatory in that they tend to injure the Honorable Order in its community and lower it in the estimation of that same community.

67. Defendants, by and through Wright, published these statements through social media, blog posts, and websites to an unlimited number of third parties including, but not limited to, members of the Honorable Order as well as “members” of KCI, in the area in which the Honorable Order conducts its activities.

68. Defendants, by and through Wright, intended to make these statements, made these statements with malice, and did so without any applicable privilege.

69. These statements are actionable as a matter of law because they vilify and falsely imply serious wrongdoing, including criminal wrongdoing, by the Honorable Order.

70. As a direct and proximate result of Defendants' statements, made by and through Wright, the Honorable Order has suffered pecuniary damages, as well as harm to its reputation and impairment to its standing in the community.

**COUNT SEVEN**  
**Common Law Trademark Infringement and Unfair Competition**

71. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

72. The KENTUCKY COLONELS Mark is valid and protectable.

73. Defendants' use of the Infringing Mark is likely to cause confusion about the source or origin of the services in violation of the common law of the Commonwealth of Kentucky, in that such use of the Infringing Mark is likely to impair the goodwill of the Honorable Order's Mark and allow Defendants to unfairly profit from the use of a confusingly similar mark.

74. Defendants' use of the Infringing Mark is likely to deceive consumers as to the origin, source, sponsorship, or affiliation of Defendants' services, and is likely to cause consumers to believe, contrary to fact, that Defendants' services are sold, authorized, endorsed, or sponsored by the Honorable Order, or that Defendants are in some way affiliated with or sponsored by the Honorable Order when in fact Defendants have no connection or affiliation with the Honorable Order.

75. Defendants, through their use of the Infringing Mark, have engaged in misrepresentation, unfairly competing with the Honorable Order in violation of Kentucky common law.

76. Defendants' actions constitute trademark infringement and unfair competition in violation of the common law of the Commonwealth of Kentucky.

77. Upon information and belief, Defendants have made and will continue to make substantial profits and gains to which they are not entitled in law or equity.

78. Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to the Honorable Order, and to its goodwill and reputation, and will continue to both damage the Honorable Order and confuse the public unless enjoined by this Court. The Honorable Order has no adequate remedy at law.

**COUNT EIGHT**  
**Common Law Dilution**

79. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

80. The KENTUCKY COLONELS Mark is well known.

81. Defendants' use of the Infringing Mark is likely to confuse, and has actually confused, consumers as to the source or sponsorship of Defendants' services.

82. Defendants' use of the Infringing Mark is causing harm and will, unless enjoined, continue to cause harm to the reputation and goodwill of the KENTUCKY COLONELS Mark.

**COUNT NINE**  
**Unjust Enrichment**

83. Each of the foregoing Paragraphs of this Complaint is hereby incorporated in this Count by reference.

84. Defendants are unlawfully using the Infringing Mark to their benefit at the expense of The Honorable Order.

85. Defendants, through their unlawful use of the Infringing Mark, are soliciting and collecting donations from members of the public who believe they are donating to The Honorable Order.

86. It would be unjust for Defendants to retain the donations they have received based on their unlawful use of the Infringing Mark.

### **PRAYER FOR RELIEF**

**WHEREFORE**, The Honorable Order of Kentucky Colonels prays for and requests as follows:

- A. Trial by jury on all issues so triable;
- B. Judgment in favor of the Honorable Order on all of its claims;
- C. Judgment holding that Defendants have violated Section 32 of the Lanham Act (15 U.S.C. § 1114(1)), Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)), Section 43(c) of the Lanham Act (15 U.S.C. § 1125(c)); and Section 43(d) of the Lanham Act, (15 U.S.C. § 1125(a));
- D. Judgment holding that Defendants violated the common law of the Commonwealth of Kentucky;
- E. Judgment granting preliminary and permanent injunctive relief enjoining Defendants, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons and entities who receive actual notice of this Court's order by personal service or otherwise from:
  - i. selling, marketing, advertising, promoting, or authorizing any third party to sell, market, advertise or promote goods or services bearing the

KENTUCKY COLONELS Mark, the KENTUCKY COLONELS INTERNATIONAL Mark, or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the KENTUCKY COLONELS Mark;

- ii. engaging in any activity that infringes the Honorable Order's rights in its KENTUCKY COLONELS Mark;
- iii. engaging in any activity that infringes the Honorable Order's trade name;
- iv. engaging in any activity constituting unfair competition with the Honorable Order;
- v. engaging in any activity that is likely to dilute, by tarnishing or blurring, the famousness of the Honorable Order's KENTUCKY COLONELS Mark;
- vi. using or registering any domain name incorporating the KENTUCKY COLONELS Mark, the KENTUCKY COLONELS INTERNATIONAL Mark, or any other mark that infringes or is likely to be confused with the Honorable Order's KENTUCKY COLONELS Mark;
- vii. publishing, through spoken or written means, any statements about the Honorable Order that are maliciously and intentionally false;
- viii. making or displaying any statement, representation, or depiction that is likely to lead the public or the trade to believe that (i) Defendants' services are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with the Honorable Order or (ii) the Honorable Order's goods and services are in

any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with Defendants;

- ix. using or authorizing any third party to use in connection with any business, goods, or services any false description, false representation, or false designation of origin, or any marks, names, words, symbols, devices, or trade dress that falsely associate such business, goods and/or services with the Honorable Order or tend to do so;
- x. registering or applying to register any trademark, service mark, domain name, trade name, or other source identifier or symbol of origin consisting of or incorporating the KENTUCKY COLONELS Mark, the KENTUCKY COLONELS INTERNATIONAL Mark, or any other mark that infringes or is likely to be confused with the Honorable Order's KENTUCKY COLONELS Mark, or any goods or services of the Honorable Order, or the Honorable Order as their source; and
- xi. aiding, assisting, or abetting any other individual or entity in doing any act prohibited by sub-paragraphs (i) through (x).

F. Judgment granting such other and further relief as this Court may deem proper to prevent the public and trade from deriving the false impression that any goods or services manufactured, sold, distributed, licensed, marketed, advertised, promoted, or otherwise offered or circulated by Defendants are in any way approved, endorsed, licensed, sponsored, authorized, or franchised by or

associated, affiliated, or otherwise connected with the Honorable Order or constitute or are connected with the Honorable Order's goods and services;

G. Judgment directing Defendants to immediately cease all display, marketing, advertising, promotion, sale, solicitation, and/or use of anything that features or bears any designation or mark incorporating the mark KENTUCKY COLONELS INTERNATIONAL or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the Honorable Order's KENTUCKY COLONELS Mark, and to direct all third parties or individuals wherever located in the United States that distribute, advertise, promote, sell, or offer for sale Defendants' goods or services to cease forthwith the distribution, marketing, advertising, promotion, sale, and/or offering for sale of any and all goods, or services, featuring or bearing the mark KENTUCKY COLONELS INTERNATIONAL or any other mark that is a counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of the Honorable Order's KENTUCKY COLONELS Mark, and to immediately remove them from public access and view;

H. Judgment directing, pursuant to Section 35(a) of the Lanham Act (15 U.S.C. § 1116(a)), Defendants to file with this Court and serve upon the Honorable Order's counsel within thirty (30) days after service on Defendants of an injunction in this action, or such extended period as this Court may direct, a report in writing under oath, setting forth in detail the manner and form in which Defendants have complied therewith;



- I. Judgment awarding the Honorable Order all monetary remedies to which it is entitled, including any damages (trebled) sustained by the Honorable Order in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)) and common law;
- J. Judgment awarding the Honorable Order punitive and exemplary damages as this Court finds appropriate to deter any future willful infringement;
- K. Judgment declaring that this is an exceptional case pursuant to Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)), and awarding the Honorable Order its costs and reasonable attorneys' fees thereunder;
- L. Judgment awarding the Honorable Order interest, including prejudgment and post-judgement interest, on the foregoing sums; and
- M. Such other and further relief as this Court deems just and proper.

## VERIFICATION

The undersigned hereby swears and affirms that she is currently the Executive Director of the Honorable Order of Kentucky Colonels, Inc., that she is authorized to sign this Verified Complaint and that the statements made herein are true and correct to the best of her knowledge.

Sherry Crose

COMMONWEALTH OF KENTUCKY )  
 ) :SS  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February, 2020,  
by Sherry Crose.

My commission expires: December 5, 2022

Garry Klapchick  
Notary Public  
Notary I.D. 612095

Respectfully submitted,

/s/ Cornelius E. Coryell II

Cornelius E. Coryell II

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Julie Laemmle Watts

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*Counsel for Plaintiff, Honorable Order of  
Kentucky Colonels*

100236569.1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF	)	
KENTUCKY COLONELS, INC.	)	
	)	
PLAINTIFF	)	
v.	)	CIVIL ACTION NO. 3:20CV-132-JRW
	)	
KENTUCKY COLONELS	)	
INTERNATIONAL, et al.	)	
	)	
DEFENDANTS	)	

**MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

The Honorable Order of Kentucky Colonels, Inc. (“HOKC”) is a Section 501(c)(3), Kentucky nonprofit corporation dedicated to supporting charitable activities throughout the Commonwealth of Kentucky. For decades, HOKC has pursued its charitable mission by, among other things, making annual grants to a large number of Kentucky charities small, mid-size and sometimes large, that operate across the state. This grant-making function is in turn funded by the generous donations of HOKC’s active members, who reside not only in Kentucky, but also in other states and around the world. HOKC has an incredibly faithful and proud donor base, comprised of individuals who have been selected by a Kentucky Governor to receive the esteemed title of Kentucky Colonel, “the highest title of honor bestowed by the Governor of Kentucky.”<sup>1</sup> After receiving this great honor, individual Kentucky Colonels then become members of HOKC, and part of the organization’s long history of good works and strong donor relations. In order to protect the reputation and honor bestowed upon its members, the HOKC’s role includes protecting the KENTUCKY COLONELS trademark and service mark (the

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<sup>1</sup> See HOKC website [www.kycolonels.org](http://www.kycolonels.org)

“KENTUCKY COLONELS Mark”), which HOKC uses in connection with the goods and services it provides to its members and the public, as well as the charities served through its philanthropic work.

That valuable trademark has now been hijacked by Defendant David J. Wright (“Wright”) and the Defendant entities which he controls. Through a byzantine network of strawman organizations, assumed names, and social media groups, Wright is operating a competing organization, Kentucky Colonels International (“KCI”), brazenly attempting to misappropriate the KENTUCKY COLONELS Mark for his own personal financial enrichment. Despite the fact that KCI is not a charity (nor, apparently, is the ecological organization that claims KCI as an assumed name), Defendants have attempted to raise funds from Kentucky Colonels under the guise of deductible charitable contributions, thereby intercepting, or attempting to intercept, relationships that HOKC has built over decades using the KENTUCKY COLONELS Mark. Having confused or misled a sufficient number of these individuals, Wright then sprung an unexpected and uninvited demand upon HOKC that it pay him a substantial amount of money in exchange for “merging” his “organization” into HOKC and then hire him as a consultant. When HOKC refused to yield, Wright responded by turning on HOKC, attacking it through the internet and social media with scurrilous accusations and specious claims. Having been rebuffed in demands, whose resemblance to extortion was buttressed by his insistence on silence and a quick payoff, Wright reacted like one would expect an extortionist to react. He retaliated. Because HOKC’s reputation and ability to pursue its mission will be irreparably harmed, HOKC moves the Court to enter an order pursuant to Fed.R.Civ.P. 65 and U.S.C. §1116 directing Defendants to immediately cease their misappropriation of the KENTUCKY COLONELS Mark.

## **FACTUAL BACKGROUND**

### **A. For Decades, HOKC Has Been Dedicated to Serving the Commonwealth of Kentucky and its Citizens.**

On May 2, 1931, Kentucky Governor Flem D. Sampson assembled a meeting of Kentucky Colonels at the State Capitol for the purpose of forming “a society or organization to restore the grandeur and sentiment of the original Kentucky Colonel; to more closely band together this group...for the advancement of Kentucky and Kentuckians....” [Verified Complaint, ¶ 12]. The minutes from that meeting reflect the prominence of being selected as a Kentucky Colonel: “because of this honor [Kentucky Colonels] are regarded highly in their own country and on their arrival here are treated with high honor and respect.” [*Id.*]

From its inspired origins in 1931 through the present day, the HOKC has existed as a non-profit organization dedicated to supporting charitable purposes throughout the Commonwealth. In the last twenty years, HOKC has made more than 3,500 grants to non-profit organizations across Kentucky totaling in excess of \$29 million. [*Id.* at ¶13]. Since 1951, HOKC has made more than 7,300 grants totaling almost \$51 million. [*Id.*] To this day, the Governor of Kentucky serves as the Commander-in-Chief of the HOKC, along with a board of trustees. [*Id.* at ¶14].

For nearly a century, HOKC has pursued its mission to follow the objectives described by Governor Sampson in 1931, a significant aspect of which is promoting and protecting the goodwill of the KENTUCKY COLONELS Mark. [*Id.* at 15]. From the beginning, the Governor’s office recognized the HOKC’s role, making the HOKC responsible for adopting insignia, seals, and other indicia of the honor. [*Id.* at ¶ 14]. HOKC has carefully guarded the KENTUCKY COLONEL Mark which is an essential element of protecting the ability of HOKC to serve its charitable function with an unblemished reputation.

**B. Protection of the KENTUCKY COLONELS Mark is Essential to HOKC's Mission.**

HOKC has used the KENTUCKY COLONELS Mark since its inception in 1931, and that mark plays a critical role in the organization's fundraising efforts. [*Id.*]. The KENTUCKY COLONELS Mark is universally associated with HOKC and with aiding and promoting causes benefiting the health and welfare of Kentuckians. In addition to the KENTUCKY COLONELS Mark, HOKC is also the owner of THE HONORABLE ORDER OF KENTUCKY COLONELS, KENTUCKY COLONELS GOOD WORKS PROGRAM, KENTUCKY COLONELS DAY OF SERVICE, and the HOKC logo marks and other registered and unregistered marks, all of which are critical to the HOKC's charitable solicitation efforts.<sup>2</sup> HOKC has continuously used the KENTUCKY COLONELS Mark in connection with its philanthropic, membership, and social activities for decades and, as a result, the KENTUCKY COLONELS Mark carries a positive connotation worldwide. [Verified Complaint, ¶ 17].

**C. Defendants are Using the KENTUCKY COLONELS Mark for Unauthorized and Improper Purposes.**

Defendant David J. Wright purports to be the administrator of a Facebook group comprised of individuals who have been commissioned as Kentucky Colonels. According to Wright, he became the administrator of that group in 2008 and, soon thereafter, he "relaunched" a social media group he called "Kentucky Colonels International."<sup>3</sup> On January 20, 2020, the

<sup>2</sup> A chart reflecting the numerous federal trademark registrations and applications HOKC holds for marks incorporating the KENTUCKY COLONELS Mark, as well the official documentation reflecting those registrations and applications, is attached to the Verified Complaint as Exhibit 2. For the Court's convenience, that material is also attached hereto as Exhibit 1.

<sup>3</sup> Wright's candid admissions regarding his efforts to misappropriate the KENTUCKY COLONELS brand are reflected in a February 7, 2020 "editorial" blog post from <https://blog.kycolonels.international/>, which KCI posted to HOKC's Facebook page via a comment on or about February 9, 2020 (hereinafter the "Wright Editorial"). A copy of the Wright Editorial is attached to the Verified Complaint as Exhibit 4. For the Court's convenience, a copy of the Wright Editorial is also attached hereto as Exhibit 2.



domain name “kycolonels.international” was registered [Verified Complaint ¶ 58] and, shortly thereafter, the website for KCI went live.<sup>4</sup>

KCI’s website describes the organization as a “non-profit fraternal and mutual benefit membership organization” which is “incorporated in the Commonwealth of Kentucky” and in “good standing” with the Office of the Secretary of State [Kentucky Colonels International Website (“KCI Website”), 14].<sup>5</sup> The website represents that KCI is “also known as the Kentucky Colonel Foundation” which it claims was “originally established in 1998 to give prominence to the Kentucky Colonel Commission as a meritory award with diplomatic credence that is respected and understood internationally.” [*Id.* at 15]. The KCI Website includes an extensive discussion of the “Order of the Kentucky Colonel” and states that “Kentucky Colonels are recognized and commissioned for their life time to the order with letters patent which permits them to perform and take actions as a commissioned civilian officer of the Commonwealth of Kentucky.” [*Id.* at 15-16].

The purpose of the KCI Website is readily apparent from the website’s “drop down list.” The third item on that list is “Donations” which solicits contributions for the “Kentucky Colonel’s International Fund” and states that such donations can be made “using a major credit card or your PayPal account.” [*Id.* at 18].<sup>6</sup> The page also includes an image of a QR code to

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<sup>4</sup> As noted in the Wright Editorial, HOKC directed cease and desist letters to Wright concerning his social media and internet based activities on various occasions in the early 2000’s and again in 2016. Wright significantly curtailed his improper activities after that correspondence was sent.

<sup>5</sup> The KCI Website can be found at [www.kycolonels.international](http://www.kycolonels.international), which is confusingly similar to HOKC’s web address [www.kycolonels.org](http://www.kycolonels.org). For the Court’s convenience, a print out of the KCI Website, from February 17, 2020, is attached as Exhibit 3.

<sup>6</sup> Notably, if you click on the provided donation hyperlink, you are redirected to a PayPal link that states “Donate to Ecology Crossroads Cooperative Foundation” with the “Purpose: Kentucky Colonels International.” A copy of that page is attached as Exhibit 4.

allow donations “using a smart phone.” [*Id.*] The KCI Website describes the purposes for which donations to the organization are used, explaining that those funds will “promote the careers, individual growth, ... and champion the success of Kentucky Colonels all over the world....” [*Id.*]. The website further states that donations will “support the work of the Goodwill Ambassador Foundation and other programs developed by Kentucky colonels [*sic*]...” [*Id.*]. It also represents that the organization is “registered as an international civil society organization (ICSO) under Global International which provides us with recognition and legal standing as an international organization.” [*Id.* at 19]. Finally, the website represents that donations to KCI are tax-deductible:

Donations to KCI are now tax deductible in 2020, those who make donations of \$25 or more will receive a personal thank you note from a commissioner. Donations of \$1,200+ or the equivalent of 2% of a person’s annual salary if US residents will also receive a tax-statement by email at the end of the year so they can deduct their contributions.

[*Id.*].

In addition to soliciting donations to “promote the careers” of individuals who have been commissioned as Kentucky Colonels, the KCI Website purports to offer services to members for a fee. For example, the website describes “public relations” services “recognizing fellow colonels.” [*Id.* at 36].<sup>7</sup> Particularly concerning, KCI purports to offer an “International Registry of Kentucky Colonels” which entitles subscribers to “a certificate of registration, a lifetime ID card and additional Internet services....” [*Id.* at 5]. The website promises “those who register their title (letters patent) can also demonstrate themselves through a permanent web page which we will develop and maintain on their behalf that is linked to our roster....” [*Id.* at 6].

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<sup>7</sup> Those services are offered to only “members who support our organization with donations....” [*Id.*].



In addition to the website, KCI also maintains a dedicated blog site, a public Facebook page, and a private Facebook group. The blog, located at [blog.kycolonels.international](http://blog.kycolonels.international) is another pulpit for Wright to misuse the KENTUCKY COLONELS Mark and associated goodwill as well as seek donations for KCI. The blog includes a “news release” dated February 7, 2020; the Wright Editorial dated February 7, 2020; and one additional article titled “Reorganizing the Kentucky Colonels International Commission and Foundation,” dated January 30, 2020.<sup>8</sup> The KCI Facebook page “About” section states “Kentucky Colonels International is a non-governmental and non-state fraternal membership commission and foundation of *Global International* that has been developed to bring international attention to those who have been commissioned as Kentucky colonels....” and that it was “founded” in 1813 (emphasis added).<sup>9</sup> Membership to the KCI private Facebook group requires a person to answer several questions and be approved by the group administrator.

**D. Contrary to the Representations Made on its Website, KCI is not Recognized by the IRS as a Tax Exempt Organization.**

The representations regarding the corporate and tax exempt status of KCI are not supported by the records of the Kentucky Secretary of State or the Internal Revenue Service. While KCI represents that “donations to KCI are tax deductible” the IRS has no record of KCI being granted tax exempt status.<sup>10</sup> Similarly, the IRS has no record of granting tax exempt status to the Kentucky Colonel Foundation, the Kentucky Colonels International Fund, or any other organization for which donations are solicited on the KCI Website. Notably, Ecology Crossroads

<sup>8</sup> For the Court’s convenience, a printout of the KCI blog site from February 19, 2020 is attached as Exhibit 5.

<sup>9</sup> For the Court’s convenience, a copy of the relevant portions of the KCI Facebook page is attached as Exhibit 6.

<sup>10</sup> Organizations granted tax exempt status can be identified on the website of the Internal Revenue Service at [www.irs.gov/charities-non-profits/tax-exempt-organization-search](http://www.irs.gov/charities-non-profits/tax-exempt-organization-search). For the Court’s convenience, a copy of the page reflecting the search results for KCI is attached as Exhibit 7.

Cooperative Foundation, Inc., the entity which only three weeks ago designated Kentucky Colonels International as an “assumed name,” has never been certified as a tax exempt organization.<sup>11</sup> Globcal International, another assumed name for Ecology Crossroads Cooperative Foundation, Inc., has never been certified as a tax exempt organization. Thus, the representations made by Wright and KCI concerning the tax deductibility of donations to that organization are demonstrably untrue.

In addition, neither KCI nor any of its affiliates are registered as charitable organizations with the Office of the Kentucky Attorney General. The Attorney General maintains a registry of organizations authorized to engage in charitable solicitation activities in the Commonwealth of Kentucky.<sup>12</sup> KCI is not listed on that registry. Likewise, the list does not include the Kentucky Colonel Foundation, Kentucky Colonels International Fund, Globcal International, Ecology Crossroads Cooperative, or Ecology Crossroads Cooperative Foundation, Inc.<sup>13</sup> HOKC, on the other hand, *is* included on that list.<sup>14</sup>

In addition to misrepresenting the charitable and tax exempt status of KCI, the KCI Website also incorrectly states that KCI is “incorporated in the Commonwealth of Kentucky” and in “good standing” with the office of the Secretary of State. According to the Kentucky Secretary of State, Kentucky Colonels International was registered as an assumed name of

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<sup>11</sup> An organization with a similar name “Ecology Crossroads Cooperative” apparently once held tax exempt status, but that status was apparently revoked on November 15, 2010. *See* [www.irs.gov/charities-non-profits/tax-exempt-organization-search](http://www.irs.gov/charities-non-profits/tax-exempt-organization-search). For the Court’s convenience, a copy of the page reflecting revocation of that entity’s tax exempt status is attached as Exhibit 8.

<sup>12</sup> *See* <https://ag.ky.gov/Priorities/Protecting-Kentuckians/charity/Pages/default.aspx>.

<sup>13</sup> For the Court’s convenience, copies of the pages reflecting the Defendants’ absence on the list of charitable organizations registered in Kentucky are attached hereto as Exhibit 9.

<sup>14</sup> The page reflecting HOKC’s inclusion on the registry of organizations authorized to engage in charitable solicitation activities is attached as Exhibit 10.

Ecology Crossroads Cooperative Foundation, Inc. on January 20, 2020, as was Global International.<sup>15</sup> Ecology Crossroads Cooperative Foundation, Inc. was originally registered to do business in the Commonwealth of Kentucky in 1994.<sup>16</sup> The Articles of Incorporation of Ecology Crossroads Cooperative Foundation, Inc. state that it is a “not-for-profit” corporation that makes “distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code....” [See Certificate of Organization and Article of Incorporation of Ecology Crossroads Cooperative Foundation, Inc. (included in the documents attached as Exhibit 11), 1]. The twenty-five year old articles do not mention KCI, the Kentucky Colonel Foundation, the Kentucky Colonels International Fund, or any other organization described on the KCI Website. Significantly, the articles describe the “purposes” of the corporation, but none of those purposes refer to individuals commissioned as a Kentucky Colonel or any activity related to Kentucky charitable work. Rather, the corporate purpose of Ecology Crossroads Cooperative Foundation, Inc. is described as educating the general public regarding “environmentally sensitive matters,” informing the public “regarding natural resource conservation,” introducing “sustainable development techniques,” and other matters relating to “environmentally and ecologically sustainable intentional communities.” [*Id.* at 2-3]. Notably, the articles expressly state that “no part of the earnings of this Corporation shall ever inure to the particular benefit of, or be distributed to any Member, trustee, officer or individual having a personal or private interest in the activities of this Corporation ....” [*Id.* at 3]. The articles are signed by, among others, “Rev. David Wright.” [*Id.* at 5].

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<sup>15</sup> The certificate of assumed name available on the Kentucky Secretary of State website is included in the compilation of corporate records regarding Ecology Crossroads Foundation, Inc., collectively attached as Exhibit 11.

<sup>16</sup> The Articles of Incorporation of Ecology Crossroads Cooperative Foundation, Inc. are included in the corporate documents attached as Exhibit 11.

The records of the Kentucky Secretary of State also reflect that the entities under which Wright and KCI operate have regularly disregarded the legal requirements for maintaining a legitimate corporate existence. According to the Kentucky Secretary of State, Ecology Crossroads Cooperative Foundation, Inc. was formed in 1994, and administratively dissolved on November 3, 1998; reinstated on December 15, 1998, but administratively dissolved again on November 2, 1999; reinstated again on April 22, 2014, but administratively dissolved on October 12, 2015; and only recently reinstated on January 21, 2020.<sup>17</sup> Thus, KCI's representations regarding its corporate structure, history, and tax-exempt status are simply not supported by the public record.

**E. Defendants Recently Escalated Their Efforts to Misappropriate the KENTUCKY COLONELS Mark for Their Own Financial Benefit.**

In late 2019, HOKC learned that Wright, under the guise of KCI and Global International, was soliciting participants for a “registry” of individuals who had been commissioned as Kentucky Colonels. [Verified Complaint, ¶ 19]. As described by Wright, participation in the registry required payment of a fee. [*Id.*]

In late December 2019, Wright approached HOKC to “initiate a discussion” regarding the activities of KCI. [*Id.* at ¶ 20; *see also* Wright Editorial (attached as Exhibit 2) 6]. According to Wright, the purpose of that discussion was to determine whether HOKC would “either assist us in our project or perhaps merge our membership program into their own organization.” [Wright Editorial, 6]. Wright advised HOKC that he wanted to “find a way” that HOKC could “endorse the International Register and Kentucky Colonels International, with a sponsorship, while [HOKC] silently but transparently takes over the Register and International

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<sup>17</sup> The corporate records reflecting the dissolution and reinstatement history of Ecology Crossroads Cooperative Foundation, Inc. are included in the corporate records attached as Exhibit 11.

Concept to become a program belonging to the HOKC.” [Verified Complaint, ¶ 20]. When Wright contacted the Executive Director of HOKC to “explore the possibilities of a merger,” she suggested that he submit his ideas in writing. [*Id.* at ¶ 21].

In mid-January 2020, Wright forwarded HOKC a package of documents which included a “Draft Merger, Acquisition and Consolidation Agreement.” [*Id.* at ¶ 22]. Not surprisingly, Wright’s “proposal” included provisions for generous financial payments to both himself and KCI. [See Draft Merger, Acquisition and Consolidation Agreement (included in Exhibit 3 to Verified Complaint), 1-7].<sup>18</sup> On January 20, 2020, HOKC notified Wright that it was not interested in his proposed “acquisition” of KCI. [Verified Complaint, ¶ 23]. Shortly thereafter, Wright advised HOKC that he and KCI intended to “move forward with our program and the formalization of the KCI agenda.” [*Id.* at ¶ 24].

**F. After His Proposal Was Rejected, Wright Initiated a Social Media and Internet Campaign Aimed at Disparaging HOKC and Escalating His Misappropriation of the KENTUCKY COLONELS Trademark.**

On February 8, 2020, Wright posted his “editorial” on HOKC’s public Facebook page, disparaging HOKC and accusing HOKC of a variety of misconduct. [*Id.* at ¶ 25-27]. For example, Wright alleged that HOKC has “been misleading their donors and supporters for many years,” has violated various state and federal statutes, and has otherwise engaged in “deception, and fraudulent presumptive behavior.” [Wright Editorial (Exhibit 2), 9].

More importantly, Wright expressed his intentions to accelerate and increase his efforts to promote a competing organization using the KENTUCKY COLONELS Mark. Specifically, Wright stated:

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<sup>18</sup> Because Wright demanded HOKC execute a confidentiality agreement, the package of material reflecting Wright’s “acquisition proposal” has been filed under seal for the Court’s review pending further orders of the Court.

So it is for these Kentucky Colonels that we are moving forward with our plans by forming our own International Commission to develop a genuine membership organization that is rightly so. We have taken several major steps already by getting a new dedicated website and forming a small commission of distinguished leaders to serve as the initial officers that share many of my sentiments and concerns.

\* \* \*

To get the organization off the ground I have legalized the commission's formation under the same organization that I founded in 1994 by reinstating it with the Secretary of State in Frankfort on January 21. Now to take it where it needs to go we need donations from the public and will need to charge monthly or annual dues to members in order to provide member benefits and services beyond the social media. The online services we have been providing through administering the Facebook groups will remain without any membership fees including our blog and a new website being developed at [kycolonels.international].

\* \* \*

On January 30 the formation of Kentucky Colonels International became official. We upgraded our status from an unincorporated membership organization and legalized the commission and foundation as an assumed name corporation in the Commonwealth of Kentucky belonging to Ecology Crossroads (est. 1994), who is our sponsor. To become an independent membership organization like we deserve to be, it is up to our members and other Kentucky colonels to come together and provide us with support we need in the form of donations to better formalize our efforts to succeed. Contributions can be made online through their sponsor using PayPal or a credit card.

[*Id.* at 10-12]. Thus, in addition to the express solicitations reflected on the Kentucky Colonel International website, Wright has candidly acknowledged that he and his affiliated organizations are soliciting, and will continue to solicit, contributions and payments using the KENTUCKY COLONELS Mark. He has also made it clear that those contributions will not be shared with HOKC or subject to scrutiny by anyone other than himself.

After his "acquisition proposal" was rejected, Wright also sought to advance his misappropriation of the KENTUCKY COLONELS Mark by significantly, and erroneously, editing the "Kentucky Colonel" Wikipedia page. [Verified Complaint, ¶ 28]. Among other

things, Wright, using the username “Problemsmith,” removed a reference indicating that “Kentucky Colonels” is a registered trademark of HOKC. [*Id.*; see Exhibit 5 to Verified Complaint]. He also added an entire section to the article describing “Kentucky Colonels International.”<sup>19</sup> [Kentucky Colonel Wikipedia Article, 2]. Thus, Wright and the other Defendants have extensively used the internet to confuse the public misappropriate the goodwill, and profit from the KENTUCKY COLONELS Mark.

### **ARGUMENT**

#### **HOKC IS ENTITLED TO A RESTRAINING ORDER AND INJUNCTION DIRECTING DEFENDANTS TO STOP THEIR MISUSE AND MISAPPROPRIATION OF THE KENTUCKY COLONELS TRADEMARK.**

“The preliminary injunction serves an important purpose—‘to allow a victory by [the plaintiffs] to be meaningful.’” *McGirr v. Rehme*, 891 F.3d 603, 614 (6th Cir. 2018) (citation omitted). When considering a motion for preliminary injunctive relief, the Court must weigh the following factors: “‘(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction.’” *Tumblebus Inc. v. Cranmer*, 399 F.3d 754, 760 (6th Cir. 2005) (quoting *PACCAR Inc. v. TeleScan Techs., L.L.C.*, 319 F.3d 243, 249 (6th Cir. 2003)). The four considerations applicable to preliminary injunction decisions are to be balanced; they are not prerequisites to be met. *Six Clinics Holding Corp., II v. Cafcomp Sys., Inc.*, 119 F.3d 393, 400 (6th Cir. 1997). “No single factor will be determinative as to the appropriateness of equitable relief.” *Id.*

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<sup>19</sup> See [https://en.wikipedia.org/wiki/Kentucky\\_Colonel](https://en.wikipedia.org/wiki/Kentucky_Colonel). A copy of the Wikipedia Article on “Kentucky Colonel” is attached to the Verified Complaint as Exhibit 5. For the Court’s convenience, a copy of the Wikipedia Article is also attached hereto as Exhibit 12.

For example, “a finding that the movant has not established a strong probability of success on the merits will not preclude a court from exercising its discretion to issue a preliminary injunction if the movant has, at minimum, ‘show[n] serious questions going to the merits and irreparable harm which decidedly outweighs any potential harm to the defendant if the injunction is issued.’”

*Id.* at 399–400 (quoting *Gaston Drugs, Inc. v. Metro. Life Ins. Co.*, 823 F.2d 984, 988 n.2 (6th Cir. 1987)). “[A] preliminary injunction is customarily granted on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits. A party thus is not required to prove his case in full at a preliminary-injunction hearing” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981).

In this trademark infringement case, a victory by HOKC will not be meaningful unless Defendants are ordered to stop infringing upon the KENTUCKY COLONELS Mark. They should be ordered to do so immediately because, with each passing day of Defendants’ continuing infringement, HOKC and its valuable trademark is irreparably injured. HOKC’s likelihood of success is high, and the requested injunction will cause no harm to Defendants, as any self-inflicted wound caused by infringement does not weigh against issuance of an injunction. The public interest is also served by the requested injunction, as it eliminates the intentional confusion caused by Defendants’ infringement. The four injunction factors weigh strongly in HOKC’s favor and warrant issuance of injunctive relief.

**A. HOKC Is Likely to Succeed on the Merits.**

Trademark rights in the United States arise from use. As the leading trademark commentator states “the first to use a designation as a mark in the sale of goods or services is the ‘owner’ and ‘senior user.’” *See* 6 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair*



*Competition* § 16:4 (5th Ed.).<sup>20</sup> Moreover, “[w]ith each sale of goods or services under such a business symbol, the seller builds up greater and greater legal rights in that symbol. *Id.* § 16:1. As the Sixth Circuit has stated, “trademark law now pursues two related goals—the prevention of deception and consumer confusion and, more fundamentally, the protection of property interests in trademarks.” *Ameritech, Inc. v. American Information Technologies Corporation*, 811 F.2d 960, 964 (6th Cir. 1987). It is indisputable that HOKC has used the KENTUCKY COLONELS Mark for decades and has clearly-established rights and priority in the use of the KENTUCKY COLONELS Mark over Defendants. In addition to being federally registered, the Mark has become synonymous with HOKC’s services to its members and its charitable mission to the Commonwealth and beyond.

The Lanham Act specifically provides for injunctive relief to prevent the violation of any right of a trademark holder. *See* 15 U.S.C. § 1116. HOKC’s trademark registrations are prima facie evidence of the validity of its Mark. *See* 15 U.S.C. § 1115. “The touchstone of liability under § 1114 is whether the defendant’s use of the disputed mark is likely to cause confusion among consumers regarding the origin of the goods [or services] offered by the parties.” *Daddy’s Junky Music Stores, Inc. v. Big Daddy’s Family Music Ctr.*, 109 F.3d 275, 280 (6th Cir. 1997).

Courts in the Sixth Circuit evaluate likelihood of confusion cases using the eight-factor test set forth in *Frisch’s Restaurants, Inc. v. Elby’s Big Boy of Steubenville, Inc.*, 670 F.2d 642 (6th Cir. 1982). The “*Frisch’s* factors,” as they have come to be known, consist of: (1) strength of the plaintiff’s mark; (2) relatedness of the parties’ goods or services; (3) similarity of the

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<sup>20</sup> *McCarthy on Trademarks and Unfair Competition* is available electronically and therefore, pursuant to LR 7.1(h), the cited portions are not attached. However, Plaintiff will provide copies to the Court upon request.

parties' marks; (4) evidence of actual confusion between the parties' marks; (5) marketing channels used by the parties; (6) likely degree of purchaser care in the relevant consumer group; (7) the defendant's intent in selecting the mark; and (8) likelihood that either party will expand its product lines. *Id.* at 648; *see also Ga.-Pac. Consumer Prods. LP v. Four-U-Packaging, Inc.*, 701 F.3d 1093, 1100-01 (6th Cir. 2012).

While these factors are a guide to determine whether confusion is likely, HOKC does not need to show all, or even most, of the factors to prevail on its claim. *Wynn Oil Co. v. Thomas*, 839 F.2d 1183, 1186 (6th Cir. 1988); *Homeowners Grp., Inc. v. Home Mktg. Specialists, Inc.*, 931 F.2d 1100, 1107 (6th Cir. 1991) ("Each case presents its own complex set of circumstances and not all of these factors may be particularly helpful in any given case."). "The 'ultimate question [is] whether relevant consumers are likely to believe that the products or services offered by the parties are affiliated in some way.'" *Ohio State Univ. v. Thomas*, 738 F. Supp. 2d 743, 749 (S.D. Ohio 2010) (citations omitted). In this case, HOKC's Verified Complaint establishes that Defendants are intentionally and willfully infringing its KENTUCKY COLONELS Mark using an identical mark or nearly identical, offering what purports to be identical services. HOKC is highly likely to succeed on the merits on its claims for trademark infringement and therefore is entitled to the relief it seeks.

**1. Frisch's Factor No. 1: KENTUCKY COLONELS is a very strong and well-known Mark throughout the world.**

The likelihood that consumers will confuse Defendants' use of HOKC's trademark as being authorized or endorsed by HOKC is extremely high. The stronger a trademark, the broader the scope of protection it enjoys, and the KENTUCKY COLONELS Mark is well-known throughout the world. As the Sixth Circuit recently noted, "[t]he stronger a mark is, the greater the risk of confusion." *Kibler v. Hall*, 843 F.3d 1068, 1073 (6th Cir. 2016) (citing *Homeowners*,

931 F.2d at 1107; *see also* *Champions Golf Club, Inc. v. The Champions Golf Club, Inc.*, 78 F.3d 1111, 1117 (6th Cir. 1996). A **strong mark “casts a long shadow which competitors must avoid.”** *Kenner Parker Toys Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 353 (Fed. Cir. 1992) (emphasis added). Accordingly, “the ‘most important *Frisch* factors are similarity and strength of the mark.” *Maker’s Mark Distillery, Inc. v. Diageo N. Am., Inc.*, 679 F.3d 410, 424 (6th Cir. 2012) (quoting *Gray v. Meijer, Inc.*, 295 F.3d 641, 646 (6th Cir. 2002)).

To determine the strength of a mark, courts in the Sixth Circuit look at the conceptual and commercial strength of a mark. *Butler v. Hotel Cal., Inc.*, 106 F. Supp. 3d 899, 906 (N.D. Ohio 2015) (citing *Homeowners*, 931 F.2d at 1107). The KENTUCKY COLONELS Mark has developed a high level of conceptual strength, or distinctiveness in the marketplace, through its nearly decade of continual use by the HOKC. *See id.* And, understanding the scope of commercial strength of the KENTUCKY COLONELS Mark only requires mentioning a name like *Colonel Sanders* (emphasis added). The commercial strength of a mark considers the public’s recognition of a mark—“the extent to which people associate the mark with the product [or services] it announces.” *Kibler*, 843 F.3d at 1074.

In this case, HOKC has continuously and exclusively used the KENTUCKY COLONELS Mark since 1931 [Verified Complaint, ¶ 15]. As a result, the KENTUCKY COLONELS Mark has become well-known throughout the world, and it is inextricably intertwined with HOKC, its member services, and its charitable work. Any use of the famous KENTUCKY COLONELS Mark by Defendants will inevitably cause confusion and create the mistaken impression that HOKC is associated or affiliated with Defendants’ organizations and activities.

Moreover, HOKC has an incontestable registration for KENTUCKY COLONELS. An incontestable registration—based on five or more years of continuous use on or in connection with certain goods or services provided certain conditions are met—is immune from challenge and presumed to be strong. *See* 15 U.S.C. § 1065; *Jet, Inc. v. Sewage Aeration Sys.*, 165 F.3d 419, 422 (6th Cir. 1999). Finally, the strength of HOKC’s Mark is enhanced by the fact that there is no evidence of any other similar marks actively being used in commerce. *See Daddy’s Junky*, 109 F.3d at 281.

**2. Frisch’s Factor No. 2: The services at issue are directly related and competitive.**

The relatedness of the activities in which Defendants purportedly intend to engage equally supports the injunction requested by HOKC. “Services and goods ‘are related not because they coexist in the same broad industry, but are related if the services are marketed and consumed such that buyers are likely to believe that the services, similarly marked, come from the same source, or are somehow connected with or sponsored by a common company.’” *Daddy’s Junky*, 109 F.3d at 282-83 (citing *Homeowners Group, Inc. v. Home Marketing Specialists, Inc.*, 931 F.2d 1100, 1109 (6th Cir. 1991)). Here, HOKC engages in charitable fundraising services in connection with the KENTUCKY COLONELS Mark. Wright and the other Defendants are also soliciting charitable contributions and funds (although apparently under false pretenses) also using an identical or nearly identical mark. Defendants are intentionally using the KENTUCKY COLONELS Mark to confuse the consuming public into believing that they are the official and authorized membership organization for the KENTUCKY COLONELS services. The competing enterprise maintained by Defendants would easily be confused by the public as being supported by or affiliated with HOKC.

**3. Frisch's Factor No. 3: The Parties' Marks are similar.**

Here, Defendant is intentionally using a mark that is not just similar, but identical or nearly identical. In assessing similarity, “‘courts must determine whether a given mark would confuse the public when viewed alone, in order to account for the possibility that sufficiently similar marks may confuse consumers who do not have both marks before them but who may have a general, vague, or even hazy, impression or recollection of the other party’s mark.’” *Maker’s Mark*, 679 F.3d at 421 (quoting *Daddy’s Junky*, 109 F.3d at 283). The identical or nearly identical nature of the marks, used in connection with essentially identical services, will create a likelihood of confusion. Accordingly, this *Frisch’s* factor clearly weighs in favor of HOKC.

**4. Frisch's Factor No. 4: Actual confusion between the Marks.**

“Actual confusion” occurs when a consumer is confused about the source of goods or services because of similarity between two marks. While evidence of actual confusion is “‘undoubtedly the best evidence of likelihood of confusion,’” it is very difficult to obtain. *See Daddy’s Junky*, 109 F.3d at 284 (citation omitted). “Due to the difficulty of securing evidence of actual confusion, a lack of such evidence is rarely significant ....” *Id.* (citations omitted); *see also Maker’s Mark*, 679 F.3d at 422.

In this case, HOKC has already experienced evidence of actual confusion as a result of KCI’s activities. In September 2019, two separate recipients of charitable grants from HOKC posted thank yous to their respective Facebook pages. In both posts, however, the grantees mistakenly tagged KCI’s Facebook page instead of HOKC’s Facebook page. [Verified Complaint, ¶ 29]. Such actual confusion not only showed confusion by the grantees about who provided the charitable giving, but also caused the viewing public of both posts to be confused

by who provided the grants. These incidents illustrate both (i) current grantees of HOKC who tagged the wrong entity in their posts; and (ii) the viewing public who saw the posts and would have assumed that KCI awarded the grants to the non-profit organizations demonstrating the kind of actual confusion that HOKC seeks to avoid by enjoining Defendants' further actions. This evidence of actual confusion weighs heavily in favor of HOKC.

**5. Frisch's Factor No. 5: The Parties use identical marketing channels.**

Where marketing methods used to promote the services at issue are substantially similar, the likelihood of confusion among the services is higher. *Frisch's*, 670 F.2d at 648. Here, both HOKC and Defendants maintain an online presence through social media, including Facebook pages, Kentucky Colonel membership websites, charitable online giving features, and other similar marketing channels. More importantly, Defendants, through Wright, are intentionally creating confusion through social media accounts and the KCI Website.

**6. Frisch's Factor No. 6: The likely degree of purchaser care is low.**

The sixth *Frisch's* factor requires the Court to determine the likely degree of purchaser care, which is not particularly applicable to this set of facts, in which Defendants are engaging in purposeful use of the KENTUCKY COLONELS Mark. In this case, the purchaser, even in exercising care, may still be confused because of Defendants' purposeful attempts to appear to be an official organization affiliated with the KENTUCKY COLONELS Mark and to trade off of the goodwill of the KENTUCKY COLONELS brand.

**7. Frisch's Factor No. 7: The Defendants intended to copy the Mark.**

The intent of Defendants is also assessed when determining the likelihood of consumer confusion. "Direct evidence of intentional copying is not necessary to prove intent. Rather, the use of a contested mark with knowledge of the protected mark at issue can support a finding of

intentional copying.” *Daddy’s Junky*, 109 F.3d at 286 (citation omitted). Based upon the correspondence between the parties, Defendants clearly are aware of HOKC’s Mark and are obviously using it for their own personal and financial gain. In fact, Wright and his affiliated organizations dramatically increased their improper infringement activities after HOKC rejected Wright’s extortionate attempt to have KCI “acquired” by HOKC.

**8. Frisch’s Factor No. 8: Expansion of product lines.**

In this case, Defendants’ fraudulent services are directly competing with HOKC’s legitimate services. The Sixth Circuit holds that in such instances, where products or services are directly competing, there “is no need for discussion of this factor.” *Little Caesar Enterprises, Inc. v. Pizza Caesar, Inc.*, 834 F.2d 568, 572 (6th Cir. 1987).

**9. The Frisch’s Factors, Taken Together, Weigh Strongly in Favor of HOKC.**

Certainly, HOKC has a strong likelihood of success on the merits in its claim of trademark infringement. *Cases like this are why trademark laws exist.* Trademark infringement is problematic in any case, but it simply cannot be tolerated when being done to divert charitable and membership dollars for Defendants’ unjust personal financial gain, while simultaneously trying to strong-arm a six-figure “merger” deal for yourself. To prevent irreparable injury and maintain the status quo, the temporary restraining order and preliminary injunction requested by HOKC should be granted.

**B. Defendants’ Continued Infringement of the Trademark of HOKC Poses a Threat of Irreparable Harm.**

In the trademark context, the requirement of irreparable injury is to be interpreted liberally. The Sixth Circuit has unequivocally held that “irreparable harm is *presumed* from defendant[’]s infringement of plaintiff’s mark.” *DaimlerChrysler v. The Net Inc.*, 388 F.3d 201, 208 (6th Cir. 2004) (citations omitted) (emphasis added). “The law of this Circuit holds that no

particular finding of likelihood of . . . irreparable harm is necessary for injunctive relief in trademark infringement or unfair competition cases.” *Circuit City Stores, Inc. v. CarMax, Inc.*, 165 F.3d 1047, 1056 (6th Cir. 1999) (citing *Wynn Oil Co. v. Am. Way Serv. Corp.*, 943 F.2d 595, 608 (6th Cir. 1991)). Further, “[o]nce a moving party has demonstrated a likelihood of confusion, a finding of irreparable injury ordinarily follows.” *Ohio State*, 738 F. Supp.2d at 755.

“The irreparable injury flows both from the potential difficulty of proof of plaintiff’s damages, and also from the impairment of intangible values.” *Wynn*, 943 F.2d at 608 (internal quotation marks omitted) (citations omitted)). Further, where a defendant is unlawfully infringing upon a trademark, irreparable injury follows from the damage to a plaintiff’s reputation and the development of goodwill in its mark. *See DaimlerChrysler*, 388 F.3d at 208. A court may also consider the potential loss of control over the quality of goods associated with the plaintiff’s mark and the risk of damage to the plaintiff’s reputation and mark. *See Woodroast Sys., Inc. v. Rests. Unlimited, Inc.*, 793 F. Supp. 906, 918 (D. Minn. 1992), *aff’d* 994 F.2d 844 (8th Cir. 1993). The consequences of trademark infringement and unfair competition and the attendant loss of goodwill and injury to reputation along with control over the nature and quality of the goods are intangibles which cannot later be compensated by an award of money damages.

Defendants’ use of HOKC’s trademark poses certain and immediate threat of irreparable injury to the reputation and goodwill of HOKC. The injury to HOKC’s goodwill and other charitable interests caused by this conduct will only increase as Defendants’ activities continue. Indeed, it is likely that HOKC’s support of numerous charities would be irreparably harmed if Defendants are permitted to profit from the KENTUCKY COLONELS Mark. Moreover, unless Defendants are enjoined from infringing HOKC’s Mark, it will be difficult to subsequently



quantify how many contributions were lost due to Defendants' actions. *See, eg., Budish v. Gordon*, 784 F. Supp. 1320, 1337 (N.D. Ohio 1992).

The injury which will be sustained by HOKC is more than financial, however. HOKC has spent many years developing its reputation and goodwill throughout the world. Here, continued use of its Mark by Defendants could cause HOKC to suffer a substantial loss of goodwill among its members and the general public, as consumers are confused into thinking that HOKC is acting in concert with organizations and individuals that have no ties to HOKC. The fact that Wright and his affiliated organizations have misrepresented their corporate and tax exempt status further exacerbates the reputational harm that HOKC may suffer. The threat that the goodwill of HOKC will be diminished and the prestige and honor associated with the KENTUCKY COLONELS Mark tarnished is an injury which cannot be rectified monetarily. The injury is immediate and continuing and cannot be repaired. *See Basicomputer Corp. v. Scott*, 973 F.2d 507, 512 (6th Cir. 1992) (holding that "[t]he loss of customer goodwill often amounts to irreparable injury because the damages flowing from such losses are difficult to compute"); *Michigan Bell Telephone Co. v. Engler*, 257 F.3d 587, 599 (6th Cir. 2001) (noting same); *Genny's Diner & Pub, Inc. v. Sweet Daddy's, Inc.*, 812 F.Supp. 744, 747 (W.D. Ky. 1993) (finding that where confusion is highly likely, the loss of goodwill is irreparable or, at best, only very slowly regained, and noting that damages for such harm are clearly inadequate).

HOKC has sufficiently demonstrated the irreparable harm which it will suffer if the injunctive relief sought is not granted. The motion for a temporary restraining order and a preliminary injunction should be granted.

### **C. The Balance of Injuries Weighs Decidedly in Favor of HOKC.**

Harm caused to apparent infringers is not entitled to consideration. *Worthington Foods, Inc. v. Kellogg Co.*, 732 F. Supp. 1417, 1461 (S.D. Ohio 1990). "[I]f the plaintiff alleging

trademark infringement can show a likelihood of success, the ‘harm to others’ factor of the preliminary injunction standard would normally favor the plaintiff as well.” *Id.* at 1462. The threatened injury to HOKC therefore far outweighs whatever harm the issuance of an injunction may cause Defendants.

The relief requested by HOKC prohibits Defendants from doing what it should not be doing in the first place—using a trademark to which it has no legal right. “Where the harm to an alleged infringer from a preliminary injunction is self-inflicted, courts typically find that such harm is a natural consequence of infringing activity that does not weigh against issuance of an injunction.” *Anderson v. TOL, Inc.*, 927 F. Supp. 2d 475, 488 (M.D. Tenn. 2013). Any harm to Defendants is self-inflicted, as Defendants knew of the HOKC’s longstanding rights in the KENTUCKY COLONELS Mark. *See Papa John’s Int’l, Inc. v. Spektacular Pizza, Inc.*, No. 3:05-cv-515-H, 2005 WL 3132337, at \*5 (W.D. Ky. Nov. 21, 2005); *see also KFC Corp. v. Goldey*, 714 F. Supp. 264, 267 (W.D. Ky. 1989) (“As to the threatened harm to plaintiff compared with the threatened harm to the defendant, the courts have usually held that where the plaintiff is an authorized trademark holder and the defendant is improperly using the trademark, then the threatened harm to the trademark owner outweighs the threatened harm to the defendant.”).

In fact, the relief requested will only prevent Defendants from doing what they should not be doing in the first place. “Where the only hardship that the defendant will suffer is lost profits from an activity which has been shown likely to be infringing, such an argument in defense ‘merits little equitable consideration.’” *Budish v. Gorden*, 784 F.Supp. 1320, 1338 (N.D. Ohio 1992) (citations omitted). *See also Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 253 F.Supp.2d 943, 973 (E.D. Ky. 2003) (“One cannot build a business based upon infringing

another's intellectual property rights, and then be allowed to complain that making them stop will cause harm"). Furthermore, when a plaintiff has made a substantial investment of time and money in its mark as opposed to the investment by the infringer, the balance of hardships tips in the plaintiff's favor. *See Woodroast Sys., Inc. v. Restaurants Unlimited, Inc.*, 793 F.Supp. 906, 919 (D. Minn. 1992), *aff'd* 994 F.2d 844 (8th Cir. 1993).

HOKC has invested nearly a century in developing the goodwill behind its KENTUCKY COLONELS Mark. Defendants are using HOKC's trademark to lend authenticity to an organization which, by its own admission, is dedicated to promotion of the "careers and successes" of its individual members. Such self-promotion for individual and personal enrichment is completely inconsistent with the mission of the HOKC and contrary to the historical use of the KENTUCKY COLONELS Mark. It is particularly harmful to HOKC's reputation since the individuals and entities misappropriating the Mark are misrepresenting their tax exempt status and have a history of utterly disregarding the law on corporate governance, formation, and status. Accordingly, as the only potential injury to Defendants would be profits lost from their infringing activities, the balance of equities lies heavily in favor of HOKC. The motion for injunctive relief should be granted.

**D. Granting Injunctive Relief Is In the Public Interest.**

The injunctive relief sought by HOKC is clearly in the best interest of the public. Unlike other types of preliminary injunction matters, in a trademark infringement matter, "a third party, the consuming public, is present and its interests are paramount." *See* 1 McCarthy, *supra* p. 8, § 2:22 (quoting *James Burrough Ltd. v. Sign of Beefeater, Inc.*, 540 F.2d 266, 274 (7th Cir. 1976)). When a trademark is infringed, what is actually infringed is the right of the public to be free of confusion and the synonymous right of the trademark owner to control its product's (or service's) reputation. *Id.* As a result, public policy concerns often "weigh in favor of preliminary

injunctive relief because an injunction would halt confusion in the marketplace.” *Ohio State*, 738 F. Supp. 2d at 756-57. In the present case, it is certainly in the public interest to prevent confusion between the services provided by HOKC and the activities of others improperly using the KENTUCKY COLONELS Mark.

HOKC is a non-profit organization that distributes grants to non-profit organizations. To raise money for charity, HOKC solicits contributions from appointed Kentucky Colonels, holds an annual barbeque picnic, and engages in service, sells a wide variety of merchandise that bears the KENTUCKY COLONELS Mark, and other such fundraising activities. On an annual basis, HOKC raises and distributes millions of dollars to charitable and educational organizations across the Commonwealth and beyond, and confusion or harm to its goodwill could impair HOKC’s efforts to raise money for such worthy causes. HOKC’s motion for a temporary restraining order and a preliminary injunction is in the public interest and should be granted.

### **CONCLUSION**

HOKC is suffering irreparable injury from Defendants’ infringement of its trademark, and membership of HOKC is being duped by Defendants for Defendants’ own financial gain. HOKC has offered sufficient evidence to show that Defendants’ use of the KENTUCKY COLONELS Mark is harming HOKC, and is causing actual confusion to the public. HOKC respectfully requests that its motion for a temporary restraining order and a preliminary injunction be granted and that the proposed Orders be entered with all possible haste.

Respectfully submitted,

/s/ Cornelius E. Coryell II  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 21, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that a true and correct copy of the foregoing has been served upon the following, via U.S. Mail, on the 21<sup>st</sup> day of February, 2020:

Kentucky Colonels International  
c/o Maya-Lis A. Wright  
302 General Smith Drive  
Richmond, KY 40475

Ecology Crossroads Cooperative Foundation, Inc.  
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302 General Smith Drive  
Richmond, KY 40475

Globcal International  
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302 General Smith Drive  
Richmond, KY 40475

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/s/ Cornelius E. Coryell II  
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Kentucky Colonels, Inc.*

# **EXHIBIT B TO DUNN AFFIDAVIT**













# EXHIBIT 5

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

THE HONORABLE ORDER OF  
KENTUCKY COLONELS, INC.,

Plaintiff,

v.

Civil Action No. 3:20-cv-132-RGJ

KENTUCKY COLONELS  
INTERNATIONAL et al.,

Defendants.

\* \* \* \* \*

**ORDER**

This matter is before the Court on Plaintiff The Honorable Order of the Kentucky Colonels’ (“HOKC”), Motion for Temporary Restraining Order and Preliminary Injunction [DE 7], Motion for Preliminary Injunction [DE 39], and Motion for Entry of Default [DE 54]. This matter is also before the Court on Defendant David J. Wright’s (“Wright’s”) pro se Motions to Dismiss [DE 24, DE 37, 47], pro se Motion for Leave to Seal Document [DE 44], pro se Motion to Drop Defendants [DE 51], and pro se Motion for Leave to File Supplement to Amended Motion to Dismiss [DE 52]. For the reasons below, HOKC’s motions are GRANTED and Wright’s motions are DENIED in part and GRANTED in part.

**BACKGROUND**

The Court granted a temporary restraining order to HOKC against Defendant Kentucky Colonels International (“KCI”) and its affiliated entities. [DE 14, 23]. The TRO prohibited Defendants from using the KENTUCKY COLONELS trademark or any mark similar in a competitive, confusing, or deceitful matter. [DE 14 at 502-04]. The TRO set a preliminary injunction hearing and Wright received notice of this hearing. [DE 14 at 504; DE 23, Resp. Mot. for TRO]. The Court then held a preliminary injunction hearing. [DE 22]. Defendants failed to

appear at the preliminary injunction hearing despite receiving notice. [DE 22, DE 23 at 728, DE 29 Trans. 03/04/20 Hrg. at 765-67]. The Court later extended the TRO and found that the Corporate Defendants' changing of the name to "Kentucky Colonel Foundation" and the domain name to "kentucky.colonel.net" has only brought the marks closer and does not comply with the TRO. [DE 32 at 820-21]. Since the TRO, Defendants have stated on their KCI website:

Finally, since we are being forced to abandon our Assumed Name Corporation registration for "Kentucky Colonels International" in Kentucky as a result of this lawsuit, we have taken steps to offshore our international decentralized autonomous organization to the world theater that it has been developed for as goodwill ambassadors with our colonelships to establish ourselves as a foundation and benign non-state actors to better exercise our rights under Admiralty, Maritime, and International Customary law.

[DE 39-2]. Defendants state on the KCI website that "[HOKC] is engaged in deceptive practices using a non-existent membership status with their donors to influence their fundraising efforts" and that HOKC is working "directly with a former Governor to coerce donors to make contributions to retain the privilege to make nominations of new Kentucky Colonels . . ." [*Id.*].

The Court also ruled that Wright could represent himself *pro se* but not the other corporate Defendants—KCI, Ecology Crossroads Cooperative Foundation, Inc., and Globcal International, Inc. ("Corporate Defendants"). [DE 32 at 808]. The Court also ordered that Defendants, after obtaining counsel, must file an answer, counterclaim, or any brief in opposition to Kentucky Colonels' motion for preliminary injunction within sixty days. [DE 32 at 822]. Wright, *pro se*, has responded to the motion for preliminary injunction and moved to dismiss. [DE 24, 37, 42]. But the Corporate Defendants have not obtained counsel or responded. The Court permitted the Corporate Defendants another extension of twenty days to obtain counsel. [DE 46]. The deadline has passed and the Corporate Defendants have not obtained counsel.

The Court's previous Order granting HOKC's a TRO [14] and extending the TRO [DE 23] summarizes the record. The Court may cite other information added to the record in this opinion. The Court has reviewed the filings since that time and does not see any issues of disputed facts that would require a second evidentiary hearing. The parties disagree about the law, but Wright fails to demonstrate that factual disputes exist regarding the required elements for a preliminary injunction. Further, as discussed above, Wright had notice of the Court's previous preliminary injunction hearing and failed to appear. He has filed multiple pleadings since, and he has not requested a hearing. Holding a second preliminary injunction hearing is thus unnecessary. *ASI Bus. Sols., Inc. v. Otsuka Am. Pharm., Inc.*, 233 F. Supp. 3d 432, 438 (E.D. Pa. 2017) ("Rule 65(a) does not always require a live hearing, and courts sometimes rule based on the parties' paper submissions, such as when the issues are strictly legal or the facts are not in dispute."); §73:49. *Requirement for hearing on preliminary injunction*, 14A Cyc. of Federal Proc. § 73:49 (3d ed.).

## **DISCUSSION**

### **1. Motion for Leave to File Supplemental Motion to Dismiss**

Wright moves pro se for leave to file a supplemental pleadings and present new information on his motions to dismiss. [DE 52]. This is the fourth motion to dismiss filed by Wright. The Court will permit the supplemental filing and has considered it below in addressing Wright's motions to dismiss.

### **2. Motion for Preliminary Injunction.**

In the Sixth Circuit,

[f]our factors guide the decision to grant a preliminary injunction: "(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury absent the injunction; (3) whether the injunction

would cause substantial harm to others; and (4) whether the public interest would be served by the issuance of an injunction.”

*S. Glazer’s Distribs. of Ohio, LLC v. Great Lakes Brewing Co.*, 860 F.3d 844, 849 (6th Cir. 2017) (quoting *Bays v. City of Fairborn*, 668 F.3d 814, 818-19 (6th Cir. 2012)). “[T]hese are factors to be balanced, not prerequisites to be met.” *Id.* (citing *Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp.*, 511 F.3d 535, 542 (6th Cir. 2007)). “For example, ‘a finding that the movant has not established a strong probability of success on the merits will not preclude a court from exercising its discretion to issue a preliminary injunction if the movant has, at minimum, shown serious questions going to the merits and irreparable harm which decidedly outweighs any potential harm to the defendant if the injunction is issued.’ *Six Clinics Holding Corp., II v. Cafcomp Sys., Inc.*, 119 F.3d 393, 399–400 (6th Cir. 1997) (internal quotations and brackets omitted).

#### A. Likelihood of Success on the Merits.

HOKC seek relief under both federal and state law, alleging federal trademark infringement, unfair competition, dilution, and violation of the Anticybersquatting Consumer Protection Act and state-law claims of defamation, common-law trademark infringement, unfair competition, dilution, and unjust enrichment. [DE 1, at 9–16]. HOKC’s motion for preliminary injunction only addresses the trademark infringement and cyberpiracy claims.

##### 1. *Trademark Infringement*

In granting the TRO, the Court evaluated in detail HOKC’s trademark infringement claim under the eight factor test.<sup>1</sup> [DE 32 at 813-20]. As to the first factor, the Court held that HOKC’s

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<sup>1</sup> These factors are: (1) strength of the plaintiff’s mark; (2) relatedness of the goods; (3) similarity of the marks; (4) evidence of actual confusion; (5) marketing channels used; (6) likely degree of purchaser care; (7) defendant’s intent in selecting the mark; [and] (8) likelihood of expansion of the product lines. *Frisch’s Rests., Inc. v. Elby’s Big Boy of Steubenville, Inc.*, 670 F.2d 642, 648 (6th Cir. 1982).

mark is moderately strong [*Id.* at 815] and this factor has not changed. Wright argues in response, as he did before, that the Mark is part of the “public domain” because the term “Kentucky Colonel” has been engaged since the 18th century to market different products and is part of Kentucky’s history and culture. [DE 42-1 at 984-87]. The Court had held this argument fails because the HOKC has an incontestable mark in the “Honorable Order of Kentucky Colonels” as it relates to eleemosynary services and Wright presents no evidence that the mark is invalid. [DE 32 at 815]. Further, Wright’s public domain argument fails because legally protected intellectual property, such as the trademark here, is the exception to the general rule that creations in the public domain are not protected. § 1:23. *Public domain is the general rule: intellectual property is the exception*, 1 MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 1:23 (5th ed.). In other words, “[a] thing is truly in the ‘public domain’ only if no intellectual property right protects it.” § 1:26. *What is in the public domain?*, 1 MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 1:26 (5th ed.). HOKC has presented unrefuted evidence that it has legally defined exclusive rights to the KENTUCKY COLONELS mark for use in connection with certain good and services. [DE 48 at 1042-43; DE 1-2 at 27-19 (chart of HOKC’s trademark registrations and applications)]. As a result, the KENTUCKY COLONELS mark is not in the public domain when used in connection with certain goods and services as identified in its registrations and pending applications.

Wright also argues that HOKC has committed “copyfraud” of content in the public domain. [DE 47 at 1022-23]. But “copyfraud” is inapplicable. Plaintiff does not claim copyright infringement. “Copyfraud” is a type of copyright infringement where “someone [is] actively misrepresenting the protected status of a work.” Matthew Cooper, *The Keepers of the Culture: How the Creation of A Public Domain Registry Could Prepare Fine Art Museums for the Digital Age*, 47 AIPLA Q.J. 119, 128 (2019). As discussed above, the KENTUCKY COLONELS mark



is not in the public domain when used in connection with certain goods and services as identified in its registrations and pending applications. The strength of the mark factor remains in support of a substantial question of infringement.

As to the second factor, the Court found relatedness of the goods supported a finding of infringement. [DE 32 at 816-17]. Among several similarities, the Court found HOKC and Kentucky Colonels International both seek donations from individuals who want the Kentucky Colonels name preserved in integrity and put to good use. [*Id.*] Wright does not rebut the relatedness of the goods and services offered by the parties. HOKC offers proof that the KCI website and blog continue to describe the entity as offering related services as HOKC [DE 39-2] and Wright intends for KCI to offer paid memberships, provide credentials to members, and charge monthly dues for his services. [DE 23 at 720]. Wright cites unrelated businesses that may use HOKC's mark, but HOKC does not claim to have the right to use its mark in connection with hotels or horse racing promoters. [DE 48 at 1044]. This factor thus continues to support a likelihood of success on the infringement claim.

As to the third factor, the similarity of the marks, HOKC holds a registered and incontestable trademark for "Honorable Order of Kentucky Colonels" for eleemosynary associations, scholarships, and grants, and its similarity with "Kentucky Colonels International," remains. [DE 32 at 817]. As before, Wright's organization's name change to "Kentucky Colonel Foundation" lessens the distinction between the organizations and implies the organization has a philanthropic purpose associated with the title of Kentucky Colonel. [DE 32 at 816-17]. This factor thus continues to support a likelihood of success on the infringement claim.

The Court found the fourth through seventh factors, evidence of actual confusion, the marketing channels used, likely degree of purchaser care, and defendant's intent, all supported



HOKC's infringement claim. [DE 32 at 817-19]. Wright presents no evidence to rebut the Court's previous finding the HOKC has presented evidence of actual confusion with Facebook posts and the testimony of Sherry Crose ("Crose"), HOKC's executive director, at the preliminary injunction hearing. [DE 32 at 818]. The parties use virtually identical marketing channels—Facebook and online platforms—to communicate, solicit donations, and maintain memberships. [DE 32 at 819]. As to Wright's intent, he admits that he has "developed a program that provides genuine membership services to Kentucky Colonels and fairly competes with the their [HOKC's] organization . . ." [DE 37, Mot. Dis. at 838]. Crose testified at the preliminary injunction hearing that Wright tried to "shakedown" HOKC when he submitted a "merger proposition" that would allow Wright to serve as a consultant for HOKC with a six-figure buyout. [DE 32 at 810, DE 29 at 784]. Wright intends to continue to infringe on the KENTUCKY COLONELS mark by using the name Kentucky Colonel Foundation and continuing to offer products and services. [DE 23 at 720, 726]. And although degree of purchaser care is low, there is a high possibility of actual confusion. [DE 32 at 819]. These factors thus continue to support a likelihood of success on the infringement claim.

As for the eight factor, expansion of product lines, it remains of little relevance. [DE 32 at 820]. HOKC continues to show likelihood of success on its trademark infringement claim.

## *2. Anticybersquatting Claim*

HOKC moves for a preliminary injunction prohibiting Defendants' alleged cyber piracy activity under the Anticybersquatting Consumer Protection Act ("ACPA") because of Wright's using of the domain name kentucky.colonels.net and kyclonels.international. [DE 39 at 857]. The TRO prohibited infringement, including the website and domain name at the root of HOKC's cyberpiracy claim. [DE 32 at 813]. But in response to the TRO, Wright changed the name of the

organization from “Kentucky Colonel International” to “Kentucky Colonels Foundation.” [DE 23 at 726]. These actions made the distinction between the entities even less clear. [DE 32 at 821]. Wright changed the domain name to kentucky.colonels.net. [DE 39 at 860].

The Court first considers whether HOKC is likely to success on the merits of its claim under the ACPA. The ACPA, an amendment to the Lanham Act, prohibits “cybersquatting” and applies to a party who “registers, traffics in, or uses a domain name” that is “identical or confusingly similar to” a “distinctive” mark or that is “identical or confusingly similar to or dilutive of” a “famous” mark. 15 U.S.C. § 1125(d)(1)(A). 9. “Cybersquatting” occurs when a person other than a trademark holder registers a domain name of a well-known trademark and then attempts to profit by either ransoming the domain name back to the trademark holder or by using the domain name to divert business from the trademark holder to the domain name holder. *Daimlerchrysler v. The Net Inc.*, 388 F.3d 201, 204 (6th Cir. 2004) (citing *Sporty’s Farm L.L.C. v. Sportsman’s Market, Inc.*, 202 F.3d 489, 493 (2d Cir. 2000)). To successfully establish a claim for violating the statute, HOKC must show: (1) they have a valid trademark entitled to protection; (2) the mark is distinctive or famous; (3) the Defendants’ domain name is identical or confusingly similar to, or with famous marks, dilutive of, the owner’s mark; and (4) the Defendants used, registered, or trafficked in the domain name (5) with a bad-faith intent to profit. *Ford Motor Co. v. Catalanotte*, 342 F.3d 543, 546 (6th Cir. 2003).

As to the first and second elements, the Court has analyzed the strength of HOKC’s mark above and in its previous order [DE 32] based on the filings and the evidence presented at the preliminary injunction hearing. [DE 29]. HOKC has presented sufficient evidence that they have a valid mark entitled to protection that is distinct. The domain names above used by Wright are confusingly similar to HOKC’s marks as Wright’s domain name incorporates the KENTCUKY

COLONELS mark. *N. Light Tech. v. N. Lights Club*, 97 F. Supp. 2d 96, 117 (D.Mass.2000) (In making this determination, the Court is to make a “direct comparison between the protected mark and the domain name itself,” rather than an assessment of the context in which each is used or the content of the offending website). There is no dispute by Wright as to the use of the kentucky.colonel.net domain name.

As to the fifth element, 15 U.S.C. § 1125(d)(1)(B)(i) outlines the factors for the Court to consider in determining whether the plaintiff has shown a bad faith intent to profit:

- (I) the trademark or other intellectual property rights of the person, if any, in the domain name;
- (II) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;
- (III) the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;
- (IV) the person's bona fide noncommercial or fair use of the mark in a site accessible under the domain name;
- (V) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;
- (VI) the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services, or the person's prior conduct indicating a pattern of such conduct;
- (VII) the person's provision of material and misleading false contact information when applying for registration of the domain name, the person's intentional failure to maintain accurate contact information, or the person's prior conduct indicating a pattern of such conduct;
- (VIII) the person's registration or acquisition of multiple domain names which the person knows are identical or confusingly similar to marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous

marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of the parties; and

(IX) the extent to which the mark incorporated in the person's domain name registration is or is not distinctive and famous within the meaning of [the Act].

15 U.S.C. § 1125(d)(1)(B)(i). These factors are not exhaustive and the Court may also consider “unique circumstances . . . which do not fit neatly into the specific factors enumerated by Congress.” *Sporty’s Farm*, 202 F.3d at 499. Wright admits that he has “developed a program that provides genuine membership services to Kentucky Colonels and fairly competes with the their [HOKC’s] organization using . . . ‘the Internet.’” [DE 37, Mot. Dis. at 838; DE 42-1 at 989-90]. Wright is using a domain name that incorporates HOKC’s mark and links directly to the KCI website, which provides membership services to compete with HOKC. Given the evidence of confusion discussed above, there is enough in the record to demonstrate a bad faith intent to profit.

In sum, HOKC has shown a likelihood of success on the merits of its claim under the ACPA.

#### B. Irreparable Harm to Plaintiff

“To demonstrate irreparable harm, the plaintiffs must show that . . . they will suffer actual and imminent harm rather than harm that is speculative or unsubstantiated.” *Abney v. Amgen, Inc.*, 443 F.3d 540, 552 (6th Cir. 2006). An injury is irreparable if “‘it is not fully compensable by monetary damages.’” *Tenke*, 511 F.3d at 550. (quoting *Overstreet v. Lexington–Fayette Urban County Gov’t*, 305 F.3d 566, 578 (6th Cir. 2002)). Ordinarily, “irreparable injury . . . ‘follows when a likelihood of confusion or possible risk to reputation appears’ from infringement or unfair competition.” *Circuit City Stores, Inc. v. CarMax, Inc.*, 165 F.3d 1047, 1056 (6th Cir. 1999), quoting *Wynn Oil Co. v. Am. Way Serv. Corp.*, 943 F.2d 595, 599 (6th Cir. 1991). As noted above, the Court finds a likelihood of confusion as a result of the Defendants’ use of the mark and domain

names. Thus, the Court finds that HOKC will suffer irreparable harm if the Court does not enjoin the Defendants' use of the mark and operation of the domain names and linked sites

C. Substantial Harm to Others

Next, the Court must determine whether an injunction would harm others. *Tenke*, 511 F.3d at 550–51. This factor requires the Court to determine whether HOKC's harm absent an injunction outweighs the Defendants' or others' harm if the Court grants the preliminary injunction. As before, if individuals are confusing KCI with HOKC and unknowingly donating money to the wrong organization, the public may be harmed. *See Tenke*, 511 F.3d at 550–51 (quoting *Tumblebus Inc. v. Cranmer*, 399 F.3d 754, 760 (6th Cir. 2005)). As discussed in the Court's previous TRO and above, the public has confused KCI (now marketed as Kentucky Colonels Foundation) and HOKC. [DE 29, Prelim. Inj. Hrg. at 798; DE 32 at 821]. The distinction between the two entities is even less clear [DE 27] as a result of Wright's changes to the name and domain. This factor thus supports the preliminary injunction and any harm to Defendants is outweighed by HOKC's and the public's potential harm.

D. Public Interest

The final factor the Court should evaluate is “whether the public interest would be served by the issuance of the [restraining order].” *Tenke*, 511 F.3d at 551. ‘Trademark infringement, by its very nature, adversely affects the public interest in the ‘free flow’ of truthful commercial information.’” *Big Boy Restaurants v. Cadillac Coffee Co.*, 238 F. Supp. 2d 866, 873 (E.D.Mich.2002) (quoting *Gougeon Bros., Inc. v. Hendricks*, 708 F. Supp. 811, 818 (E.D.Mich.1988)). Allowing Defendants to continue to use HOKC's marks violates the statutory protections guaranteed to HOKC, and increases the chance that potential customers might inadvertently purchase Defendants' services when they intend to procure HOKC's services. *Audi*

*AG*, 469 F.3d at 550 (6th Cir. 2006) (affirming the district court's decision to issue an injunction to “prevent consumers from being misled.”). So this factor supports a preliminary injunction as well.

Having considered these factors, the Court finds that a preliminary injunction is appropriate.

### **3. Motion for Entry of Default**

HOKC moves for entry of default [DE 54] under Rule 55(a) against the Corporate Defendants. Under Rule 55(a) “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” HOKC has shown by affidavit that the Corporate Defendants have failed to plead or otherwise defend this action after being properly served. HOKC’s motion is granted and the Court directs the Clerk of Court to make entry of default.

### **4. Motions to Dismiss**

Wright moves to dismiss under Rule 12(b)(1) for lack of jurisdiction and under Rule 12(b)(6) for failure to state a claim upon which relief may be granted. [DE 24, 37, 47, DE 52-2 Supp. Mot. Dis.]. Wright also argues that the Court should grant summary judgment on Kentucky Colonels’ claims. [DE 47 at 1033; DE 52-2 at 1097]. The Court will address each motion in turn below.

#### **A. Motions to Dismiss under Rule 12(b)(1)**

Federal Rule of Civil Procedure 12(b)(1) allows dismissal for “lack of jurisdiction over the subject matter” of claims asserted in the Complaint. Fed. R. Civ. P. 12(b)(1). Generally, Fed. R. Civ. P. 12(b)(1) motions fall into two categories: facial attacks and factual attacks. Fed. R. Civ. P.

12(b)(1); *United States v. Richie*, 15 F.3d 592, 598 (6th Cir. 1994). In a facial attack, the Defendant asserts that the allegations in a Complaint are insufficient on their face to invoke federal jurisdiction. *Id.* By contrast, in a factual attack, the Defendant disputes the truth of the allegations that, by themselves, would otherwise invoke federal jurisdiction and the Court is free to weigh the evidence. *Id.* Plaintiff has the burden of proving subject matter jurisdiction to survive a motion to dismiss pursuant to Rule 12(b)(1). *Madison-Hughes v. Shalala*, 80 F.3d 1121, 1130 (6th Cir. 1996). Lack of subject matter jurisdiction is a non-waivable, fatal defect. *Von Dunser v. Aronoff*, 915 F.2d 1071, 1074 (6th Cir. 1990).

Federal district courts have original jurisdiction of civil actions arising under any act of Congress relating to trademarks. 28 U.S.C. § 1338(a); *see* 15 U.S.C. § 1114 et seq. (federal district courts have original jurisdiction of cases arising under the Lanham Trademark Act). When a complaint specifically alleges a federal statutory provision at issue, subject matter jurisdiction exists. *Rote v. Zel Custom Mfg. LLC*, 816 F.3d 383, 387-97 (6th Cir. 2016) (affirmative pleading of precise statutory basis for federal subject matter jurisdiction is not required as long as complaint, read as a whole, alleges enough facts to establish jurisdiction). Likewise, federal district courts have original jurisdiction, concurrent with state courts, of civil actions asserting state law claims of unfair competition or defamation joined with substantially related claims under the federal trademark laws. 28 U.S.C. § 1338(b); *Astor-Honor, Inc. v. Grossett & Dunlap, Inc.*, 441 F.2d 627, 629-30 (2d Cir. 1971).

HOKC's Verified Complaint states the federal statutes that provide the basis for recovery and describes the factual detail underlying the alleged violations of those statutes. HOKC's Verified Complaint [DE 1] cites several federal statutes: 15 U.S.C. § 1114(1); 15 U.S.C. § 1125(a); and 15 U.S.C. § 1125(c). The Verified Complaint alleges that (1) HOKC has promoted and

protected the goodwill of the KENTUCKY COLONELS Mark for almost a century [DE 1, at 5]; (2) the Mark plays a critical role in HOKC’ fundraising efforts [*Id.*]; (3) HOKC owns federal trademark registrations for the Mark, filed federal trademark applications for the Mark, and has carefully protected and enforced the Mark [*Id.* at 6]; (4) HOKC continuously used the Mark in connection with its philanthropic activities and the Mark carries a positive connotation worldwide [*Id.*]; and (5) HOKC experienced actual confusion because of Wright’s activities infringing on the Mark [*Id.* at 8]. The Verified Complaint thus survives Wright’s facial attack under Rule 12(b)(1).

The Verified Complaint also survives Wright’s factual attack under Rule 12(b)(1). Wright argues that HOKC’s mark is part of the “public domain” and thus not intellectual property that trademark may protect. [DE 47 at 1024-28]. Wright’s factual attack under 12(b)(1) fails because merits based attacks are not appropriate for attacks on subject matter jurisdiction. *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133, 150-51 (2000). Thus this argument is more appropriately characterized as one under Rule 12(b)(6).

#### B. Motions to Dismiss under Rule 12(b)(6)

Federal Rule of Civil Procedure 12(b)(6) instructs that a court must dismiss a complaint if the complaint “fail[s] to state a claim upon which relief can be granted[.]” Fed. R. Civ. P. 12(b)(6). To properly state a claim, a complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). When considering a motion to dismiss, courts must presume all factual allegations in the complaint to be true and make all reasonable inferences in favor of the non-moving party. *Total Benefits Planning Agency, Inc. v. Anthem Blue Cross & Blue Shield*, 552 F.3d 430, 434 (6th Cir. 2008) (citation omitted). “But the district court need not accept a bare assertion of legal conclusions.” *Tackett v. M & G Polymers, USA, LLC*, 561 F.3d 478, 488 (6th Cir. 2009) (citation omitted). “A pleading that offers labels



and conclusions or a formulaic recitation of the elements of a cause of action will not do. Nor does a complaint suffice if it tenders naked assertion[s] devoid of further factual enhancement.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks and citation omitted).

To survive a motion to dismiss, a plaintiff must allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556). “A complaint will be dismissed . . . if no law supports the claims made, if the facts alleged are insufficient to state a claim, or if the face of the complaint presents an insurmountable bar to relief.” *Southfield Educ. Ass’n v. Southfield Bd. of Educ.*, 570 F. App’x 485, 487 (6th Cir. 2014) (citing *Twombly*, 550 U.S. at 561–64).

Wright’s motions to dismiss under Rule 12(b)(6) fail. As discussed above and in the Court’s previous TRO [DE 32], the Court has analyzed and found HOKC has presented a substantial question on its trademark and cyberpiracy claims based on the documents presented and preliminary injunction hearing. The Court rejected Wright’s primary arguments that HOKC’s mark is part of the public domain [DE 52-2, Supp. Mot. Dis. at 1078] and that HOKC has committed copyfraud for the reasons stated previously [DE 32] and above. As reiterated above, HOKC’s rights related to the KENTUCKY COLONELS mark in connection to charitable organizations and membership services and it is not in the public domain as it relates to these services. Wright’s motions to dismiss under Rule 12(b)(6) are thus denied.

### C. Summary Judgment

Wright moves the Court to grant summary judgment on HOKC’s claims. [DE 47 at 1033]. But Wright does not address genuine issues of fact or law on any of HOKC’s claims. Wright states

that the Defendants were “only reinstated and legally incorporated since January 21, 2020 and that previously we operated as an unincorporated civil society from 2001 until 2019” and “do not understand why the Plaintiff has not convened or accepted our offers to negotiate a settlement . . . does not understand the Court’s authority to encumber our rights . . . or to make decisions that encompass civil right over property that belong in the public domain.” [DE 47 at 1034]. The Court addressed the public domain issue above and, in the Court’s previous order. Wright has not met his burden of setting forth the basis and support for his motion for summary judgment. Thus, the motion for summary judgment is denied.

### **5. Motion for Leave to Seal Document**

Wright moves the Court to “File Notification with the Court Under Seal.” [DE 44]. Wright states that “I am hereby requesting leave from the Court to provide a notification ‘under seal’ stating the reasons and explaining the premises for their inability to send me or deliver postal mail to me.” [*Id.* at 1006]. Wright also states

Defendant respectfully request that the Court grant an Order permitting leave and issue a Memorandum relative to the unredacted document presented in the form of a Notification to the Court supplement the Court record in confidence . . . Defendant has not contacted Plaintiffs’ counsel because this matter is not related to the case itself nor should its influence the outcome of the case and should be unopposed, it is an issue relative to service by the Court to the Defendant . . .

[*Id.*]

Under Local Rule 5.7(c), a party wishing to have a document sealed must move to do so if no a federal statute, rule of civil procedure, local rule, or standing order applies. The moving party must state specific reasons why the Court should seal the document and why it deserves protection from public disclosure. *Id.* The Sixth Circuit has long recognized a “strong presumption in favor of openness” for court records, although there are certain interests that overcome this

“strong presumption.” *Rudd Equip. Co., Inc. v. John Deere Construction & Forestry Co.*, 834 F.3d 589, 593 (6th Cir. 2016) (citing *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1179 (6th Cir. 1983)). In determining whether to seal records, the Court considers the public’s interest in the litigation’s subject matter, whether the information is required by statute to be maintained in confidence, and the privacy interests of innocent third parties. *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305, 308 (6th Cir. 2016).

Wright’s motion is unclear and the Court does not have information sufficient to make specific findings and legal conclusions which justify nondisclosure to the public of the exhibit submitted by Wright for the Court to seal. The motion is accordingly denied.

#### **6. Motion to Drop Defendants**

Wright moves under Rule 21 “to drop defendants” from the case. [DE 51]. Wright argues that the Court should drop the Corporate Defendants from the case because the Corporate Defendants could not obtain counsel, answer the lawsuit, or defend the case. [DE 51 at 1062]. The motion is denied. Rule 21 is inapplicable. Rule 21 states, “[m]isjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.” Rule 21 applies to technical mistakes in the misjoinder or non-joinder of a party. *United States v. Commercial Bank of N. Am.*, 31 F.R.D. 133, 135 (S.D.N.Y. 1962) (“it is intended to permit the bringing in of a person, who through inadvertence, mistake or for some other reason, had not been made a party and whose presence as a party is later found necessary or desirable . . .”). Wright’s motion is a repackaging of his motions to dismiss, which the Court has addressed above. Wright’s motion is thus denied.

### **CONCLUSION**

**IT IS ORDERED** as follows:

1. Defendant Wright's pro se Motion for Leave to File Supplement to Amended Motion to Dismiss [DE 52] is GRANTED.
2. The Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [DE 7] and Motion for Preliminary Injunction [DE 39] are GRANTED and:
  - a. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are enjoined from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION, on or in connection with the sale of any goods or services including, but not limited to, the solicitation of charitable donations and the promotion of charitable and philanthropic causes.
  - b. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are enjoined from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION, on any website, social media page, blog or in such a way as is likely to cause consumers to be confused, mistaken, or deceived into believing that HOKC has sponsored, sanctioned, approved, licensed, or is any way affiliated with Defendants or any organization or cause sponsored or supported by Defendants.

- c. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are enjoined from using the domain names kentucky.colonels.international, kycolonels.international, kentucky.colonels.net, or any domain name that is confusingly similar to “kycolonels.org” or any domain name that incorporates the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION.
  - d. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are enjoined from using the Facebook or any other social media platform usernames “Kentucky Colonels International” or “Kentucky Colonel Foundation” or any other username or handle that is confusingly similar to the KENTUCKY COLONELS Mark.
  - e. The entered bond will remain in place.
  - f. The preliminary injunction shall remain in place during the pendency of this action until the claims are resolved on the merits.
3. Plaintiff’s Motion for Entry of Default [DE 54] is GRANTED and the Clerk of Court is DIRECTED to enter the Order [DE 54-2] tendered by Plaintiff.
  4. Defendant David J. Wright’s (“Wright’s”) pro se Motions to Dismiss [DE 24, DE 37, DE 47, DE 52-2] are DENIED.
  5. Defendant Wright’s, pro se Motion for Leave to Seal Document [DE 44] is DENIED.

6. Defendant Wright's pro se Motion to Drop Defendants [DE 51] is DENIED.
7. The Court will issue a separate order referring this matter to the Magistrate Judge to conduct a Rule 16 case-management conference and entering a scheduling order.

# EXHIBIT 6

**MEDIATOR'S PROPOSAL**

**3:20-CV-00132- RGJ-RSE**

**The Honorable Order of Kentucky Colonels, Inc.**

**v.**

**Kentucky Colonels International, et al**

This Mediator's Proposal is to resolve the action *The Honorable Order of Kentucky Colonels, Inc. v. Kentucky Colonels International, et al.*, Civil Action No. 3:20-CV-00132-RGJ-RSE ("Civil Action"), which is currently pending before this Court. The Mediator proposes the following:

- The Parties acknowledge that they entered into this proposal willingly and that no transfer of assets occurred in connection with the proposal.
- The Parties agree that they will make no representations or take any action that indicates that a party has acquired control over an asset of the other party.
- The Parties will jointly move the Court to enter the **Agreed Permanent Injunction** attached as Exhibit A. The Agreed Permanent Injunction governs the appropriate use of the KENTUCKY COLONELS Mark. Court entry of the injunction will make the terms of the Preliminary Injunction granted by the Court on August 13, 2020 permanent. The Parties agree that the Court shall maintain jurisdiction over this matter with regards to enforcing the Agreed Permanent Injunction.
- Defendants agree to not oppose any pending or future trademark application by Plaintiff related to the KENTUCKY COLONELS Mark in the spirit of the Agreed Permanent Injunction.



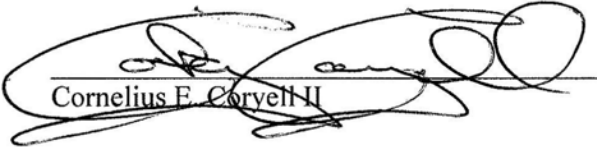
- Defendants agree to not attempt to cancel any current trademark registrations or future trademark registrations obtained by Plaintiff related to the KENTUCKY COLONELS Mark in the spirit of the Agreed Permanent Injunction.
- Plaintiff agrees to not interfere with Defendants' use of the honorable title "Kentucky Colonel" as a personal description.
- Plaintiff agrees to release Defendants from any and all claims, actions, causes of action, demands, obligations, rights, damages, expenses, and/or compensation in relation to the pending Civil Action.
- Plaintiff agrees to execute an Agreed Order of Dismissal dismissing all claims made against the Defendants in the Civil Action with prejudice. Both the Agreed Order of Dismissal and the Agreed Permanent Injunction will state that the Court will maintain jurisdiction over this matter with regards to enforcing the Agreed Permanent Injunction.
- The parties agree that all future disputes regarding this matter shall be interpreted, enforced, and governed under the laws of the Commonwealth of Kentucky and the United States of America.
- The Parties agree that they will be responsible for their own costs, expenses, and attorney's fees incurred in litigating the Civil Action.
- The Parties acknowledge that agreement to the Mediator's Proposal is not an admission by Defendants of any liability nor is it an admission by Defendants that Plaintiff has any rights against it.
- Upon execution of the Mediator's Proposal and entry of the Agreed Permanent Injunction and Agreed Order of Dismissal, Plaintiff agrees to post an announcement on its website and public social media pages stating that the claims made in the Civil Action have been

resolved through a mutually agreed settlement and that the Civil Action has been dismissed.

- Plaintiffs agree that there will be no interference with any book Defendants wish to publish regarding the history of the Kentucky Colonel, Kentucky colonels or Kentucky colonelcy so long as the terms of the Agreed Permanent Injunction are abided by.

This Mediator's Proposal shall become effective upon signature of the Parties as indicated below and upon Court entry of the Proposed Agreed Permanent Injunction. By signing the Mediator's Proposal, the Parties represent that they have fully read and understood the provisions of this Proposal. Nothing contained in this Proposal shall be construed as an admission of liability or fault by either party.

**Agree:**



Cornelius E. Coryell II  
WYATT, TARRANT & COMBS, LLP  
400 West Market Street, Suite 2000  
Louisville, Kentucky 40202  
(502) 589-5235  
[ccoryell@wyattfirm.com](mailto:ccoryell@wyattfirm.com)

*Counsel for Plaintiff, The Honorable Order  
of Kentucky Colonels, Inc.*

**Agree:**



Col. David J. Wright  
Defendant, Pro Se  
302 General Smith Drive  
Richmond, Kentucky 40475  
(859) 379-8277  
[david.wright@colonels.net](mailto:david.wright@colonels.net)

*Executive Director and Authorized Agent for  
Kentucky Colonels International; Global  
International; and Ecology Crossroads  
Cooperative Foundation, Inc.*

# EXHIBIT 7



**Kentucky Colonel™**

Protecting the Honorable Title Mark and Office of the Kentucky Colonelcy in Old Kentucky, when the Colonels were Kings.

Public Relations and Communications Services · Richmond, Kentucky · 139 followers

See 1 employee on LinkedIn

Follow

Learn more ↗

More

Home

About

Posts

Jobs

People

All

Images


Videos

Articles

Documents

Ads

Sort by: Top ▾



**Kentucky Colonel™**  
139 followers  
6h • 🌐

+ Follow

...

Welcome new members some of the most important Kentucky colonels in the world today!

<https://lnkd.in/e3g3bvGA>

👍 3

1 repost

👍 Like

💬 Comment

↻ Repost


✉ Send

Be the first to comment on this


**LinkedIn Premium**

Job search smarter and access exclusive company insights

Try for free



...



**Kentucky Colonel™**  
139 followers  
2d • 🌐

+ Follow

...

We never thought we would be trending! [#kycolonel](#)

<https://lnkd.in/erU2YSsg>



Kentucky Colonel™

139 followers  
1w • 🌐

+ Follow ...

We have talked long enough and planned around the laws we established for the Kentucky Colonel in 2021. It is time to take action, our attorneys have given us a green light to start a collective licensing program for the Common-Law Title Mark through our sponsors which are all colonels. If you are a colonel 21 year of age or older, join us!  
[#law https://lnkd.in/etiPgUSE](https://lnkd.in/etiPgUSE)



Kentucky Colonel: Honorable Title and Official

kyclonelcy.us • 2 min read

🌐 5

2 reposts

👍 Like

💬 Comment

↻ Repost

➦ Send

Be the first to comment on this



Kentucky Colonel™

139 followers  
2mo • 🌐

+ Follow ...

Now you can have a professional career as a Kentucky Colonel and make you old career secondary! Details coming soon!

🌐 8

1 comment • 2 reposts

👍 Like

💬 Comment

↻ Repost

➦ Send



Kentucky Colonel™


139 followers  
1w • 🌐

+ Follow ...

People often ask: "Which came first Kentucky or the Colonel?" but we know in your heart you should know the answer. [#people](#) [#kentucky](#) [#colonels](#)  
<https://lnkd.in/engJAYMJ>




Promoted




Betty Blocks Legal tech

Rapid, governable & scalable app development for automation and innovation



Attorney Needed ASAP

Crucial need for a local attorney in your area. View new cases now!



Scale teams affordably

Find more talent with less overhead on Upwork. Post a job for free.


...

>

>

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Pages people also viewed




The Honorable Order of Kentucky Colonels

Philanthropic Fundraising Services

854 followers

+ Follow




Sons of the American Revolution

Civic and Social Organizations

1,268 followers

+ Follow



GUILD OF FREEMEN OF THE CITY OF LONDON


Non-profit Organizations

994 followers

+ Follow

See all similar pages


People also follow




Dayton Business Journal

Book and Periodical Publishing

10,789 followers

 2 connections follow this page

+ Follow




WMBF

Broadcast Media Production and Distribution

1,038 followers


+ Follow



Kentucky Restaurant Association

Restaurants

1,310 followers

 1 connection follows this page

+ Follow

See all recommended pages

https://www.linkedin.com/company/kentucky-colonel/posts/?feedView=all

4/4

# EXHIBIT 8





Group by Goodwill Ambassadors

## Kentucky Colonel Community ☆

Private group · 2.0K members

[Join group](#)[About](#)[Discussion](#)

### About this group

The Kentucky Colonel Community is the "First" and "Official" Commonwealth of Kentucky Facebook Group organized independently by Kentucky colonels living around the world connected via Facebook. Our virtual online headquarters is "this group," to be a member of "this group" you must already be a Kentucky Colonel commissioned by one of the Governors of the Commonwealth of Kentucky. This group is administered by the Transylvania Company, which is known as the origin and source of the First Kentucky Colonel in 1775 with Col. Daniel Boone and 12 others.

To become a member here you must already know a Kentucky Colonel in the Community, if a Kentucky Colonel nominates you as a colonel, they must invite you and tag to join the group.

Colonels here must take an active and constructive desire to exercise their "rights, privileges and responsibilities thereto appertaining" as independently recognized Kentucky Colonel based on their own abilities using their title as a common-law trademark association with their name or business name. Such as "Col. John Smith" or "Kentucky Colonel™" as a title mark. As well as a desire to preserve the integrity of the Honorable Title.

This is a non-political, non-religious and non-discriminatory equitable community. We request that all members follow basic rules for Facebook Groups are civil and courteous in their actions towards one another. Anyone who violates these rules is removed from the group, sometimes with prejudice.

Kentucky Colonel Badges, ID Cards and Nameplates are only issued to official cooperative employees and sponsors with access to our Internet publishing platform, on January 01, 2023 the cards will become available to all cooperative capital investors and network platform users that support the cooperative as partial owners.



NOTIFICATION: Our online group here on Facebook is a grassroots manifestation within the social media of independent Kentucky colonels to establish a cooperative company and social enterprise. Members here together have developed a number of other social network media sources that we aggregate may be of interest to other Kentucky colonels who have received this prestigious honor to share with their friends, families, and social media followers.

DISCLAIMER: This Facebook Group is not affiliated, associated, endorsed or sponsored by the "Honorable Order of Kentucky Colonels, Inc." and does not use the HOKC trademark "Kentucky Colonels®", the trade dress "1813", or any fictitious background or cover story. There is no exception for confusing the Kentucky Colonel with a fictitious militia, except for fun of course. The HOKC is 4 star on Charity Navigator and has performed good works in Kentucky since 1957, but it is often mistaken as the official source of Kentucky colonelcy which it is not, "Old-Kentucky History" is. [See less](#)

**Private**

Only members can see who's in the group and what they post.

Tags

Entrepreneurship & Startups • Travel & Hospitality














Transparency

History

Group created on November 12, 2006. Name last changed on December 20, 2022.

See all

Members · 2.0K



Luis and David are admins. Nicholas and Maria are moderators.

There are Pages in this group. Pages may be managed by multiple people who can see all group members and content. [Learn More](#)

Activity

No new posts today

30 in the last month

1,970 total members

No new members in the last week

Created 16 years ago

Group rules from the admins

- 1

**Stay on the Topics of the Group**

This group is developed for Kentucky Colonels by Kentucky Colonels to meet and know other Kentucky Colonels around the world. It is not a group about party politics, nationalism or religion.
- 2

**Post your Certificate**

Members should upon entering the group post their Commission Certificate, they may also state why the Governor recognized them as a Kentucky Colonel if they know.
- 3

**Participate in the Group**

As a member it is our duty and obligation to participate and acknowledge posts that are relevant to others in the group by commenting, liking and welcoming their interactions when appropriate.
- 4

**Report and Post Relevant News**

Many local newspapers are not searchable so we request that Kentucky Colonels share articles that they find about newly commissioned colonels and post news about themselves for publication.
- 5

**Be Kind and Courteous**

We're all in this group together to create a welcoming environment. It is important for members to treat one another with courtesy and respect.
- 6

**Respect Everyone's Privacy**

Being part of this group requires mutual trust. Authentic, expressive discussions



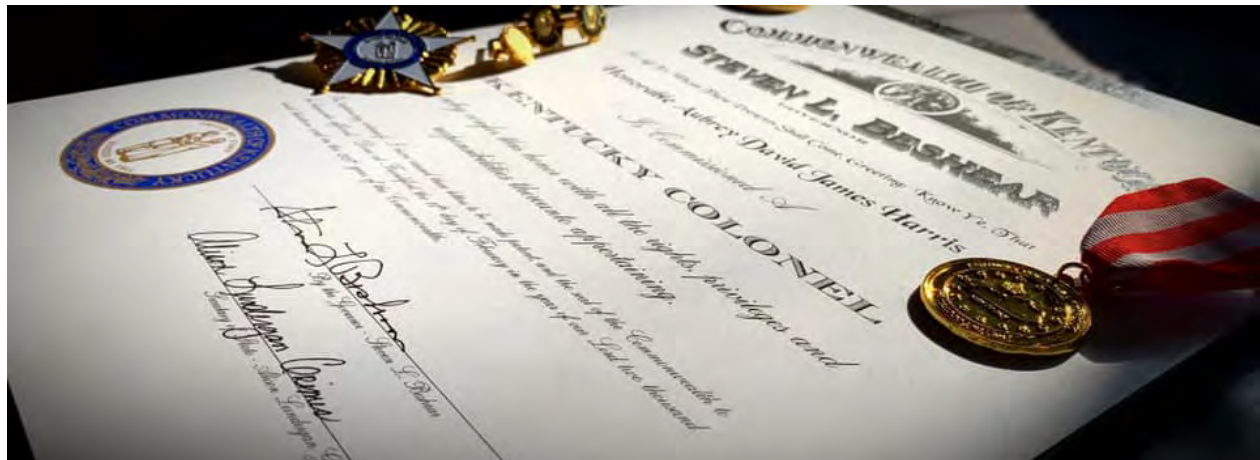
7 **No Promotions or Spam**

Promotions, unrelated causes, fundraising, spam and irrelevant links are not allowed. Anyone attempting to post prohibited material can be removed with prejudice.

8 **No Hate Speech or Bullying**

Make sure everyone feels safe. Bullying of any kind is not allowed, degrading comments about things like race, religion, culture, sexual orientation, gender or identity will not be tolerated.

# EXHIBIT 9



Group by Kentucky Colonel

## Kentucky Colonel Club 🏅

Private group · 2.1K members

Join group

About

Discussion

### About this group

The Kentucky Colonel Club 🏅 is an official online social media group of commissioned Kentucky colonels living around the world that are connected on Facebook. The 1st Kentucky Colonel Club was established in 1902, this club was developed to carry on that legacy. This Facebook Group represents the origin and source of Kentucky and the formerly lost Fount of Honor (Boonesborough 1775) located today in Madison County.

The group discussion here centers around Old Kentucky History, customs and traditions of the First Kentucky Colonels, using the commission to exercise the rights, privileges, and responsibilities while treating the certificate as a vehicle to personal success through the office of lifetime achievement award and the honorable title.

Greatly misunderstood for over 200 years (even by the state) the Kentucky Colonel Commission is a (somewhat archaic) civilian title that was granted originally to the civil leaders of a colony, company or county before the formation of government which they were responsible for creating. Colonels were until 1791, the Kings of Kentucky.

We request that all members follow some basic rules for Facebook Groups and are civil towards one another. Anyone who violates these rules is removed from the group.

=====

DISCLAIMER: This group is not affiliated, associated, endorsed or sponsored by the "Honorable Order of Kentucky Colonels, Inc." or any of its Chapters, the group does not use their trademark "Kentucky Colonels®", the trade dress "1813" or engage in the sale of trademark unofficial products or the promotion of services using the HOKC service mark, all are strictly prohibited under court order. Members here may not post membership cards, merchandise or other items that do or may violate Title 15 U.S. Code § 1125 which prohibits the false designation of the origin of the Kentucky Colonel.

This group is managed by individual social media users who are all Kentucky colonels who support and are recognized as commissioners of the Commonwealth. The official Websites for this group are:

[<https://www.colonels.net>], [<https://kentucky.colonelcy.org>] and [[https://en.wikipedia.org/wiki/Kentucky\\_Colonel](https://en.wikipedia.org/wiki/Kentucky_Colonel)] See less


#### Private

Only members can see who's in the group and what they post.

#### Visible

Anyone can find this group.


#### Boonesborough, Kentucky

 **History**

Group created on April 16, 2009. Name last changed on December 22, 2022.

[See all](#)

**Members · 2.1K**



David and Nicholas are admins. Maria and Luis are moderators.

There are Pages in this group. Pages may be managed by multiple people who can see all group members and content. [Learn More](#)

**Activity**

 1 new post today

24 in the last month

 2,139 total members

No new members in the last week

 Created 13 years ago

**Group rules from the admins**

1

**Stay on the Topics of the Group**

This group was developed for Kentucky colonels by Kentucky Colonel™ 1775 (formerly Kentucky Colonels International) to meet and know other Kentucky colonels on Facebook and to add value to the Kentucky Colonel Commission. It is "not a group" about politics, national pride, religion or the military; this group is not associated with the Honorable Order of Kentucky Colonels®.

2

**Post your Certificate**

Members should upon entering the group post their Commission Certificate, they may also state why the Governor recognized them as a Kentucky Colonel™.

3

**Activate Group Notifications**

If you care about being part of the group, you should "activate" the notifications for "All Posts" then you will be notified when new members join us and make posts.

4

**Participate in the Group**

This is a social network group. As members it is our duty to participate and acknowledge posts that are relevant to others in the group by commenting, liking and welcoming their interactions.

5

**Report and Post Relevant News**

Many local newspapers are not searchable online so we request that Kentucky colonels share articles that they find about newly commissioned colonels and post news about themselves for publication.

6

**Be Kind and Courteous**

We're all in this group together to create a welcoming environment. It is important for members to treat one another with courtesy, dignity, and respect. Please refrain from reaction using angry or sad face emojis.

7

**Respect Everyone's Privacy**



Being part of this group requires mutual trust. Authentic, expressive discussion or debate make groups great, but may also be sensitive and private. Conversations between members should not be shared.



8 **No Promotions or Spam**



Promotions, unrelated causes, fundraising, spam and irrelevant links are not allowed. Anyone attempting to post prohibited material can be removed with prejudice and blocked.



9 **No Hate Speech or Bullying**



Make sure members feel safe. Bullying of any kind is not allowed, degrading comments about things like race, religion, culture, sexual orientation, gender or national identity will not be tolerated.



10 **Like and Share our WebSite and Blog**



We share and post articles that are submitted to us by Kentucky colonels or about them that we find online. This is a page you can share with your friends.  
[facebook.com/Honorable.Title](https://www.facebook.com/Honorable.Title)



# EXHIBIT 10



May 16, 2022

**VIA EMAIL**

David J. Wright  
Edificio Torre 997, Local B  
San Juan, Caracas  
Distrito Capital, Venezuela 1021  
[david.wright@globcal.net](mailto:david.wright@globcal.net)

**Re: Violation of Permanent Injunction and Continued Trademark Infringement**

Dear Mr. Wright,

It has come to our attention that you, or someone acting on your behalf, is in violation of the Agreed Permanent Injunction entered by the Court on February 23, 2021 for the lawsuit filed by The Honorable Order of Kentucky Colonels ("HOKC") against you, Kentucky Colonels International, Globcal International, Ecology Crossroads Cooperative Foundation, Inc., and Unknown Defendants (collectively, "Defendants") for the enforcement of HOKC's intellectual property rights.

According to the Agreed Permanent Injunction, you, along with the other Defendants and anyone acting on your or their behalf, including any other owners, members, officers, agents, servants, employees, attorneys, and any other person in active concert or participation with Defendants, were permanently enjoined and prohibited from:

1. using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, on or in connection with sale of any goods or services including, but not limited to, the solicitation of charitable donations and the promotion of charitable and philanthropic causes;
2. using the KENTUCKY COLONELS Mark, or any mark confusingly similar to the KENTUCKY COLONELS Mark, on any website, social media page, or blog in such a way as is likely to cause consumers to be confused, mistaken, or deceived into believing that HOKC has sponsored, sanctioned, approved, licensed, or is any way affiliated with Defendants or any organization or cause sponsored or supported by Defendants;
3. using the domain names [kycolonels.international], [kentucky.colonels.net], or any other domain name that is confusingly similar to [kycolonels.org] or *any domain name* that incorporates the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark; and
4. using Facebook or any other social media platform username or handle that is confusingly similar to the trademark KENTUCKY COLONELS for the purposes

David J. Wright

May 16, 2022

Page 2

of forming a membership organization, a civil society association or other non-commercial activity such as an event or charitable fundraising endeavor

A copy of the Agreed Permanent Injunction (the “Injunction”) is attached for your reference.

Despite our attempts to reach an amicable and reasonable resolution of this matter, you, either alone or with the assistance of others, including those involved with Defendants, continue to blatantly disregard the Injunction and the intellectual property rights of HOKC. Specifically, HOKC is aware of the KYCOLONELCY.US domain name; the KENTUCKY COLONEL COMMUNITY Facebook group, with Luis Cruz Diaz and you as administrators and Maria Veneke Ylikomi and Nicholas Wright as moderators; and the KENTUCKY COLONEL Facebook page that you, either alone or in concert with the Defendants and others, continue to run. The use of such confusingly similar marks in this manner is in direct violation of the Injunction.

Moreover, the KENTUCKY COLONEL Facebook page post pictured below, which offers to sell the “trademark KENTUCKY COLONEL website (w/ 4 domains),” is not only in violation of the Injunction, but also in violation of the Lanham Act. You have no rights in or to HOKC’s trademarks and therefore no rights to attempt to sell HOKC’s intellectual property or to pass off your websites as originating from HOKC. Your willful and repeated violations of HOKC’s intellectual property rights must cease immediately.

David J. Wright

May 16, 2022

Page 3



HOKC hereby demands that you immediately cease and desist from your unlawful activities in violation of the Court's Injunction and HOKC's intellectual property rights. HOKC further demands that you provide written assurances of your compliance with this demand by no later than seven (7) days after your receipt of same. HOKC will continue to monitor your activities. Should you fail to terminate your improper conduct, HOKC will take action to enforce its rights, including but not limited to bringing this matter in front of the Court, which retained jurisdiction to enforce the Injunction.

The above is not an exhaustive statement of all of the relevant facts and law. HOKC expressly reserves all of its legal and equitable rights and remedies, including the right to seek further injunctive relief and recover monetary damages.

David J. Wright

May 16, 2022

Page 4

You or your attorney may contact me should you have any questions. I look forward to receiving your response within seven (7) days.

Sincerely

WYATT, TARRANT & COMBS, LLP



Julie Laemmle Watts

JLW/

cc: The Honorable Order of Kentucky Colonels

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

*Electronically Filed*

THE HONORABLE ORDER OF  
KENTUCKY COLONELS, INC.

PLAINTIFF

V.

KENTUCKY COLONELS  
INTERNATIONAL, et al.

## DEFENDANTS

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CIVIL ACTION 3:20CV-132-RGJ-RSE

### AGREED PERMANENT INJUNCTION

Plaintiff The Honorable Order of Kentucky Colonels, Inc. (“HOKC”) and Defendants David J. Wright; Kentucky Colonels International (defunct); Globcal International; and Ecology Crossroads Cooperative Foundation, Inc. (collectively “Defendants”) being in agreement and having moved the Court for entry of this Agreed Permanent Injunction, adopting and incorporating the analysis, findings, and conclusions reached in the Court’s Order dated August 13, 2020, further negotiated in a Settlement Conference on December 29, 2020 thereby converting the Preliminary Injunction reflected therein to a similar Agreed Permanent Injunction, and the Court being otherwise duly and sufficiently advised,

IT IS HEREBY AGREED, ORDERED AND ADJUDGED as follows:



1. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION, on or in connection with the sale of any goods or services including, but not limited to, the solicitation of charitable donations and the promotion of charitable and philanthropic causes.

2. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION, on any website, social media page, or blog in such a way as is likely to cause consumers to be confused, mistaken, or deceived into believing that HOKC has sponsored, sanctioned, approved, licensed, or is any way affiliated with Defendants or any organization or cause sponsored or supported by Defendants.

3. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using the domain names [kycolonels.international], [kentucky.colonels.net], or any other domain name that is

confusingly similar to [kycolonels.org] or *any domain name* that incorporates the KENTUCKY COLONELS Mark, or any mark that is confusingly similar to the KENTUCKY COLONELS Mark, including, but not limited to, KENTUCKY COLONELS INTERNATIONAL and KENTUCKY COLONEL FOUNDATION.

4. Defendants and anyone acting on their behalf, including their owners, members, officers, agents, contractors, employees, attorneys, and any other persons in active concert or participation with Defendants, are permanently enjoined and prohibited from using Facebook or any other social media platform usernames “Kentucky Colonels International” or “Kentucky Colonel Foundation” or any other username or handle that is confusingly similar to the trademark KENTUCKY COLONELS for the purposes of forming a membership organization, a civil society association or other non-commercial activity such as an event or charitable fundraising endeavor.

5. Notwithstanding the aforestated prohibitive terms and conditions, this Agreed Permanent Injunction does not prohibit the Defendant, Col. David J. Wright or other Kentucky colonels (as individuals) from using “Kentucky Colonel,” “Kentucky colonels” and/or “Kentucky colonelcy” as words or terms to describe Kentucky colonels, as an honorary title, or for editorial, educational, informative, journalistic, literary or other non-commercial purposes so long as the use is not related to the trademark or service mark uses registered, or pending, by the HOKC with the U.S. Patent and Trademark Office.

6. The Court shall retain jurisdiction to enforce this Agreed Permanent Injunction and the terms of the Settlement Agreement entered by the parties for no less than ten (10) years.

This is a final judgment and there is no just cause for delay.

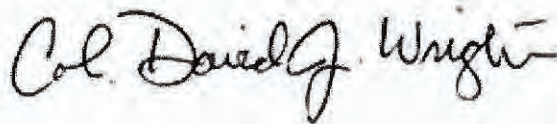
AGREED TO:



Cornelius E. Coryell II

WYATT, TARRANT & COMBS, LLP  
400 West Market Street, Suite 2000  
Louisville, Kentucky 40202  
(502) 589-5235  
ccoryell@wyattfirm.com

*Counsel for Plaintiff, The Honorable Order  
of Kentucky Colonels, Inc.*

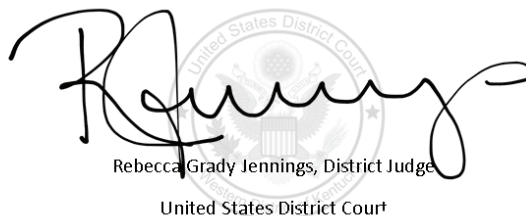


Col. David J. Wright

Defendant, Pro Se  
302 General Smith Drive  
Richmond, Kentucky 40475  
(859) 379-8277  
david.wright@colonels.net

*Executive Director and Authorized Agent for  
Kentucky Colonels International; Globcal  
International; and Ecology Crossroads  
Cooperative Foundation, Inc.*

February 23, 2021



Rebecca Grady Jennings, District Judge  
United States District Court



# EXHIBIT 11

Col. David J. Wright  
david.wright@colonelcy.org

VIA EMAIL

May 23, 2022

WYATT, TARRANT & COMBS, LLP  
Julie Laemmle Watts — jwatts@wyattfirm.com

Dear Ms. Julie Watts,

I received a copy of your Cease and Desist Letter dated May 16, 2022—your firm, The Honorable Order of Kentucky Colonels, Inc. (HOKC) and a Magistrate from the US District Court have already settled this matter with me to the satisfaction of your client, your verified complaint and its grounds were dismissed without judgment as a matter of law.

Apparently your client is not satisfied with the terms, they are demonstrating contumacy for the law and court with the injunction seeking additional intellectual property territory and rights, however I have not violated any laws or terms by offering my “trademark Kentucky Colonel [cy] website” on Facebook to other Kentucky colonels **in a ‘private community’ that is not affiliated, associated, created, endorsed or sponsored by the HOKC**, nor can the HOKC bestow the title Kentucky Colonel upon a person, or discipline a Kentucky Colonel, much less for the pursuit of educational and historical facts that pre-date the HOKC. I view your discrimination as unlawful harassment, trademark misuse and continued trademark bullying to establish a monopoly. Further your client is undermining the historical significance of Kentucky colonelcy as an honorable title by recognizing white supremacists and disgraced politicians with medals as if they were earnest recognition with governmental legitimacy.

Simply put, your client **is not a source of Kentucky colonels (people)**, it encourages the rampant creation of colonels referring potential donors to the Governor’s office to make dubious (non-traditional) nominations, but it is not an actual authoritative agency of the state, and they cannot issue certificates, commissions or credentials. The only source of a Kentucky Colonel Commission is the Commonwealth of Kentucky. Frankly, aside from our disclaimer, I am most reluctant to associate anything we do with the HOKC, a.k.a. Kentucky Colonels™ or comment about them because your client is not viewed as a credible or reliable source of academic information about the history or legacy of Kentucky Colonelcy 1775—1925 since at least September of 2020 when the Secretary of State, the State Archives, the ECU Library, the State Historical Society and the Filson Library were consulted about your client’s 1813 aide-de-camp story, which was viewed to be propaganda, folklore or pseudohistory, perhaps qualifying as trade dress with a fraternal purpose created by them to compliment the Civil War officer uniform they embraced. During the time none of these parties were interested in taking any position in our civil matter as experts, one directed us to the HOKC 1941 Kentucky Colonel Dinner presentation where these stories emerged. It is clear that your client needs to be disambiguated from the historical title, the fraternal membership group it emulates, its ulterior purposes and the charity it represents.

I understand the Preliminary Injunction was created as a solution to protect your client’s wordmarks **[KENTUCKY COLONELS]** and **[KYCOLONELS]** from confusion or damage during the trial and as implied trade names based on the **[KENTUCKY COLONELS ®]** Mark. Without the letter ‘S’ or the ® does not your registered trademark make, that is unless an image serves as the mark in which case the words KENTUCKY and COLONEL are not claimed as being exclusive or distinguished by your client, much like your other disclaimers on file at the USPTO. Their logo would make a nice trademark, but I

also understand that is not registerable because it incorporates the American flag in the form of a shield that is used by the United States Military and Armed Forces, it is not representational of Kentucky Colonelcy or those designated by the Commonwealth of Kentucky as a Kentucky Colonel, we consider it misleading conspiracy. Soon the HOKC may be forced to live up to its legacy with General J. Fred Miles, his whiskey brand and his reputation as its formational leader from 1939 to 1963.

KENTUCKY COLONEL™ is definitely not your client's trademark, nor is it a registrable trademark, in common-law—it belongs to the Commonwealth of Kentucky and all those who were commissioned as colonels past and present through *letters patent* (which is not an arcane term that you should disregard as an attorney), but as an organization it has. KENTUCKY COLONEL was introduced as a reaffirmed tradition to create prosperity for the Commonwealth in 1895 by recognizing its most prestigious citizens under William O'Connell Bradley, who was known as a Kentucky Colonel since he was 16 as a civilian. The term KENTUCKY COLONEL is a title that is endemic to Kentucky customs, there were colonels before the existence of the Virginia County of Kentucky (1776), the Kentucky District of Virginia (1778-1791) or the Commonwealth of Kentucky (1792).

If you notice a specific violation of your trademark "KENTUCKY COLONELS" being (mis)used as a trademark by me or other Kentucky colonels; without assuming that your client's trademark is based on the idea of a "KENTUCKY COLONEL" as a legal title or name moniker issued by the Commonwealth of Kentucky please inform me by providing the specific URL and we will be glad to correct it immediately. The American Colonels Network, Office of Civilian Colonelcy, and our Kentucky Colonelcy website (and social media accounts) are not responsible for comments or statements made by third parties or other Kentucky colonels that have been granted the Honorable title: **Kentucky Colonel**. Kentucky Colonelcy (the website) is responsible for publishing and republishing the rich history of the Kentucky Colonel in all of its glory and grandeur when Kentucky was just an idea before it was established in 1776 with a Kentucky Colonel from Virginia under a commission issued by Gov. Patrick Henry.

We are very clear on the first four paragraphs quoted in your letter from the Agreed Injunction, and you should be equally clear about the paragraph you did not include. Paragraph number 5 (five) of the Agreed Permanent Injunction clearly states:

"Notwithstanding the aforesated prohibitive terms and conditions, this Agreed Permanent Injunction does not prohibit the Defendant, Col. David J. Wright or other Kentucky colonels (as individuals) from using "Kentucky Colonel," "Kentucky colonels" and/or "Kentucky colonelcy" as words or terms to describe Kentucky colonels, as an honorary title, or for editorial, educational, informative, journalistic, literary or other non-commercial purposes so long as the use is not related to the trademark or service mark uses registered, or pending, by the HOKC with the U.S. Patent and Trademark Office.

Your client is an organization that depends on Kentucky colonels which are not its actual legal members (but donors) to receive its propaganda to generate its goodwill and its affiliated private Kentucky Colonels Shop owned by Jimmy Dawahare depends on Kentucky colonels to buy merchandise endorsed by your client which most assume is going to charity. The HOKC is permitted as the registrants and Upper Right Marketing as its licensees to use the term "KENTUCKY COLONELS" as their trademark, if there is any doubt they are supposed to affix the ® to distinguish and protect the fine line or the difference between KENTUCKY COLONELS (organization and brand) as a trademark with the original KENTUCKY COLONEL, this Kentucky colonel's hat, them Kentucky colonels, the Kentucky Colonels Little League team, the Eastern Kentucky Colonels ®, the Kentucky Colonels (band) or the ABA Kentucky Colonels. When the *term* KENTUCKY COLONELS is used with the ® symbol there should not be any doubt that it is being used as a trademark or it would behold a different meaning like in the sentence "I just met some Kentucky colonels." which has nothing to do with your client or their trademark, failure to use the ® symbol confuses the public and your donors..

You should most likely leave me alone, not make frivolous or overreaching claims. You are engaged in speciously claiming and ambiguating the *term and trademark*, along with anything connected to the

generic idea and the highly descriptive concept "Kentucky Colonel" (which is part of Kentucky culture) by routinely bullying those who are Kentucky Colonel(s) in law. You might confuse the court with double talk, but you cannot confuse me or those with knowledge about actual Kentucky Colonel history.

Does your law firm really want to take me back to court to risk losing everything including the injunction and your trademarks? If you do then we may as well make a big show of it, we should do it in Washington, DC where the issues can be viewed more fairly; Judges have already recused themselves for being Kentucky colonels in Louisville. The last document in our case says that **the claims asserted in the Complaint ... are hereby, dismissed with prejudice**. It was never determined that any infringement ever occurred, neither side gave the other anything, nothing was exchanged, we voluntarily changed our name three times to satisfy Mr. Coryell and never surrendered any of our intellectual property, not even the ideas expressed in the sealed exhibit were considered an infringement. It is clear we are not using the [KENTUCKY COLONELS ®] trademark or confusing anyone to make them believe that we are your client. Kentucky colonels are not created by the state for the benefit of your client, your organization was created for Kentucky colonels that already existed.

If the KENTUCKY COLONELS ® trademark ever becomes so ambiguated or assimilated with the term|title KENTUCKY COLONEL then the trademark your client is protecting becomes generic and too descriptive to serve as a distinctive trademark. After all the KENTUCKY COLONELS MARK does not belong to all Kentucky colonels, it does not belong to members of the HOKC, nor does it belong to the Commonwealth, it belongs to the HOKC for commercial purposes which is obligated to use it within the jurisdiction of the law; without contumacy (or contempt) for other legal uses, as well as understand all fair-use circumstances considering your voluntary ambiguation with so many products, services and events, afterall it is a trademark and/or service mark you should use it like one.

Sincerely,



Col. David J. Wright

**Postscript:** I have assimilated and indexed more than 5,000 references in American and Genealogical History to our website Kentucky Colonelcy [kyclonelcy.us] from 1775-1925 and our first-use online copyright work Kentucky Colonels:... at [colonel.org] from 1998 which your law firm is fully aware of. Seeking sponsors, collaborators, investors, patrons, publishers or writers, or anything else to further develop our online creative commons works, presence or my own written work will not be interfered with "if for editorial, educational, informative, journalistic, literary or other non-commercial purposes." Our book, copyright and creative works about Kentucky colonels are not an infringement of any of your client's trademarks, all of our content is protected by the First Amendment.

Your client is infringing on the rights of the holders of the Kentucky Colonel Commission who are not made colonels to (solely or partially) support the mystical HOKC, their false historical narrative, listen to its almighty fake generals or participate in a fictitious militia of donors under an unlawful simulated command. It is only their dream, you have no legal grounds to contact me further unless it is to make a good-faith offer with consideration for my intellectual property, social media assets, websites and/or 1998 first-use in electronic publication copyright.

# EXHIBIT 12



About

Colonels of Culture and Society since 1775, 1st American Title of Authority, Origin/Source of the Kentucky Colonel Trademark and License.

Richmond, Kentucky, United States

51-100

Equity Crowdfunding

Private

[www.kycolonelcy.us](http://www.kycolonelcy.us)

34,485

Highlights

Total Funding Amount

\$7.5K



Similar Companies

9



Recent News & Activity

News • Dec 26, 2022

Courier & Press — Former Gleaner, Courier & Press photojournalist honored as Kentucky Colonel

News • Dec 25, 2022

Mail Online — Why is KFC so popular for Christmas dinner in Japan?

News • Dec 22, 2022

The Telegram News - — Longtime local entertainer, Mark Wood, commissioned as Kentucky Colonel

[VIEW ALL](#) >



# Kentucky Colonel™

Summary   Financials   People   Technology   Signals & News   Similar Companies

Business Development   Creative Agency   Environmental Consulting


Information Technology   Intellectual Property   Publishing

Diversity Spotlight (US Headquarters Only)

American Indian / Alaska Native Led   Black / African American Led   Hispanic / Latine Led

Women Led

Headquarters Regions  
Southern US

Sub-Organization of  
 Globcal International

Founded Date  
May 23, 1775

Founders  
David Wright, Godfrey Brock-Gadd

Operating Status  
Active

Last Funding Type  
Equity Crowdfunding

Also Known As  
Transylvania Company, Kentucky Colonel Trademark Company, Kentucky Colonel 1775, Honorable, Official Title Company

Legal Name  
Transylvania Company (Non-Profit Cooperative Startup of Ecology Crossroads & Globcal International)

Contact Email  
contact@kycolonelcy.us

Private company in reformation dedicated to the reinvigoration and rejuvenation of the Honorable Title(s): "Colonel", "Kentucky Colonel", "Tennessee Colonel" and "Goodwill Ambassador" as American Honorific Civil Titles and restore the legal precedential standing of colonels as the great leaders and guiding protagonists

responsible for the development and reformation of civil governments and societies since 1775. Good government cannot be created from within, it should and must be developed by colonels much like most civil governments began. Our company (a cooperative of commissioned colonels) is a Creative Commons Workgroup all of our work is based on publishing books, news articles and website publications. Since



## Kentucky Colonel™

### Summary

### Financials

### People

### Technology

### Signals & News

### Similar Companies

Our workgroup is responsible for the structural development of a viable historical record and to distinguish the colonels from books, movies and tv from the Real Kentucky Colonel dating back to the very first colonel that builds the Wilderness Road in March of 1775 with 100 men and their families. The very real and untold story (that very few people know) is powerful and worthwhile for the big screen as well as a book leading up to present day Kentucky featuring an entire series of scenes with more highlights than downfalls. The entire story has never been told about the origins of Kentucky or the colonel's role in creating it.

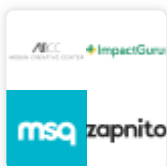
As a creative group we understand that the content is potentially viable intellectual property based on the popularity of the Kentucky Colonel Title and the Kentucky Colonel Name which we are authorized as a collective group to license under our common-law trademark rights, and trade name rights in letters patent, in various forms such as "Kentucky Colonel + \_\_\_\_\_" or by Col. \_\_\_\_\_, Kentucky Colonel. We are at the disposal of multiple brands and marketing companies to develop the common-law trademark rights into their themed products.

Currently we are working with other colonels to develop new licensed brands, ideas and nicknames for classical relative products originated in the Commonwealth prior to its establishment as a state. Soon the Transylvania Company will introduce Kentucky Colonel Beer, the Kentucky Colonel Quarter Horses, Kentucky Colonel Cannabis, Kentucky Colonel Carbon Credits, Kentucky Colonel Cash Cryptocurrency and an official Kentucky Colonel ID Card which is an international work credential. As a cooperative workgroup we require an investment of \$10,000 with a 10% good-faith deposit waiver (\$1,000) to get into the cooperative and sign the NDA. Other work assimilation programs are under development for 2023; now that we have a good working platform and a low liability high potential investment structure. Any investor that is not a Kentucky Colonel now will become one by investing in this Kentucky business! These investors are the potential protagonists. A Kentucky Colonel can however; become a single share or partial share investor by joining the cooperative and working as a Kentucky Colonel.

There are obviously a lot of terms and ideas that are based on intellectual property laws that the Kentucky Colonel may own or the Commonwealth of Virginia, however senseless there is practically nothing invented in Kentucky that the colonel does not have jurisdiction. The addition of the Honorable Title to a newspaper article does not make it as popular as it does rare for all the right reasons.

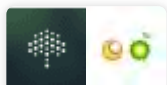
^ READ LESS

## Lists Featuring This Company



Creative Agency Companies With More Than 10 Employees

⚡ TRACK







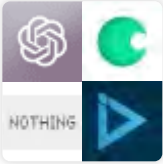
Environmental Consulting Companies With Fewer Than 1000 Employees

⚡ TRACK



## Kentucky Colonel™

- Summary
- Financials
- People
- Technology
- Signals & News
- Similar Companies



Information Technology Companies With Fewer Than 1000 Employees (Top 10K)

⚡ TRACK

⚡ SHOW MORE

### Frequently Asked Questions



Where is **Kentucky Colonel™**'s headquarters? **Kentucky Colonel™** is located in **Richmond, Kentucky, United States**.

How much funding has **Kentucky Colonel™** raised to date? **Kentucky Colonel™** has raised **\$7.5K**.

When was the last funding round for **Kentucky Colonel™**? **Kentucky Colonel™** closed its last funding round on **Nov 27, 2022** from a **Equity Crowdfunding** round.

Who are **Kentucky Colonel™**'s competitors? Alternatives and possible competitors to **Kentucky Colonel™** may include **Schibsted, Dartmouth College, and Penn State University**.

## Want to explore more?



Uncover in-depth company data and buy signals



Monitor companies with custom lists and alerts



Export company data to CSV



Sync with your CRM

Choose the right Crunchbase solution for you



Kentucky Colonel™

Summary

Financials

People

Technology

Signals & News

Similar Companies

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# EXHIBIT 13



## About Kentucky Colonelcy

The [Kentucky Colonelcy \(website\)](#) is a publication of a cooperative civil rights interest group made up of Kentucky colonels promoting and supporting colonels as goodwill ambassadors for the Commonwealth at home and abroad. Cooperatively we are publishers. Association as a user of our website(s) is Open-Source, that is free to all persons interested in learning about the customs, folklore, history and traditions of Kentucky since the first American colonels pioneered and settled 'Kentucke' as the first organized democratic establishment in North America starting in 1775.



Kentucky Colonel: Honorable & Official...


HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Our Focus and Mission

Our focus on recognizing the first Kentucky Colonels, their history, deeds and why 'colonels' were so important to Kentucky's history as a Commonwealth. The website is being developed to collaborate with other colonels a definitive resource that is publicly accessible for Kentucky colonels and the academic community including anthropology, geography, history and social science students.

Our mission is to build a website and write a book that explores and factualizes the roots and purposes of Kentucky colonels and colonelcy from 1775-2025.

Any Kentucky Colonel that has a commission can potentially contribute as an author or make a contribution to the anthology.



Louisville, The Kentucky Colonels c. 1925 (Insurance) Public Domain

Our History

Our Kentucky Colonel website is an objective that began in 1998 online to extend goodwill and project fellowship internationally between the Commonwealth of Kentucky to people of other nations and states around the world. The grand effort is to bestow an official high regard upon the title of [Kentucky Colonel](#) as an internationally recognized award and proper title. The focus is upon its colonels being **legally designated as goodwill ambassadors**, nationally and internationally while being **officially recognized** as representatives of traditional Kentucky values when travelling abroad.

The Kentucky Colonelcy (website) began as an idea was adapted, conceived, developed and originated by [Col. David Wright](#) starting in 1998 to establish **an active international membership association and public registry** where members could participate socially and perpetuate their recognition as Kentucky colonels in a dignified and professional manner. What we have become is more of an equal social order rather than as military Kentucky colonel brigade, command, sociopolitical group, or a subjective membership structure.

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

### Our International Commissioners


Our Colonelship has eight officers including **Col. Nicholas Wright**, **Col. Luis Cruz Diaz**, **Col. Maria Veneke Ylikomi**, **Col. Djordje Marinkovic**, **Col. James D. Garcia**, **Col. Fiyinfoluwa Elegbede**, **Col. Godfrey Brock-Gadd** and **Col. David Wright**; all of them are considered volunteers to carry authorship; most of them have extensive experience in international affairs or other special skills that qualify them as professional goodwill ambassadors.

The title of "Kentucky Colonel" has come to be recognized by heads of state, the United States Congress, at the United Nations, by international non-governmental organizations, and among royalty through these noteworthy individuals. The Kentucky Colonelcy authors have extensive experience in human and civil rights or are cause advocates for social justice issues including the environment, migration, animal welfare, indigenous peoples, women and children as well as other global issue areas.

### International Registry of Kentucky Colonels

Our formation was developing a Registry Project that we announced in 2018 exclusively for Kentucky colonels who wanted to be recognized in the international theater for their achievement and officialize their title internationally to practice as goodwill ambassadors. The registry (a decentralized blockchain project) first became available in November 2019 for those who were interested in receiving an additional credential and having their title recognized in a publicly searchable database, however due to budget setbacks and technical problems the project was halted to be professionally redeveloped under a sister organization, the [Goodwill Ambassador Commission](#) which is established offshore as a non-state entity for the international theater. The project will now formally be restarted independently for many different tiles in 2022 using our original registry idea.

The registry will offer colonels a **certificate of registration**, a **lifetime ID card** and additional **Internet services** with Google using a credential called **IDaaS (Identity-as-a-Service)**. The electronic online directory is searchable so Kentucky colonels can have their titles verified by a third party wherever they present it. The identity service will be compatible with Chrome, iPhone and Android it can be used with any Mac, Windows or Linux based operating system to access special Google services provided by the organization.



### Kentucky Colonel™ is not Kentucky Colonels®

Kentucky Colonel™, Commonwealth Colonels and the Kentucky Colonelcy WebSite are not The Honorable Order of Kentucky Colonels, Inc. (HOKCI) nor are we a military brigade or fictitious militia of Kentucky colonels; many of our followers in the social media have also



Kentucky Colonel! Honorable & Official...

Home

Articles

Guide

History

News

Resources

Topics

Sitemap

Kentucky Colonel™ is not Kentucky Colonels®

Kentucky Colonel™, Commonwealth Colonels and the Kentucky Colonelcy WebSite are *not* The Honorable Order of Kentucky Colonels, Inc. (HOKC) nor are we a military brigade or fictitious militia of Kentucky colonels; many of our followers in the social media have also been recognized by the Honorable Order as their supporters or donors at some point and are always welcome to support their independent charitable institution; however our formation is **not endorsed, affiliated, associated or sponsored by the Honorable Order of Kentucky Colonels**. The fact of the matter is the HOKC has never deliberately used the term "colonelcy" to describe the idea of the Kentucky Colonel during their almost 90 year history.

The Differences

The 'Honorable Order of Kentucky Colonels' is a private non-profit organization and registered charity in Kentucky, it is **not a state operated charter or order**, its supporters have no voting powers, participation, or personal influence over the organization or its charitable activities. As is stated in their Articles of Incorporation that are on file in Frankfort, Kentucky: "The Honorable Order of Kentucky Colonels has no members." The HOKC does however, offer symbolic membership cards to its donors as a token of appreciation or a perk to encourage participation to show solidarity with their charity, they hold several annual events fundraising for their Good Works Fund which provides funds to other Kentucky nonprofits and they sell memorabilia and other products using the trademark "Kentucky Colonels ®" as well. In summary the HOKC operates a trademarked collective giving program that is funded by colonels, organizes events in association with the Kentucky Derby, and commercially markets products labeled under their trademark such as clothing, keychains, cigars, bourbon and other items.

Whereas, the 'Commonwealth Colonels' is focused on providing educational information, literary works, pursuing history, promoting civil rights, international project development, and enhancing the abilities of colonels as diplomats through education. Much like the first colonels who founded Kentucky, Tennessee, Ohio, Texas, Illinois, Indiana, Michigan and West Virginia our objectives remain rooted in the history of these predecessors taking actions that are lawful, honorable and noteworthy to better the society through the creation of new efforts and establishing new horizons much like the pioneers of the past. Colonels today likewise possess specific abilities and rights under the Commonwealth to form companies and develop organizations under the same ideals that drove these pioneers.

New Understanding (Facts are not Just History)

According to our research and new understanding today, the first Kentucky Colonel was actually commissioned by Commonwealth

### New Understanding (Facts are not Just History)

According to our research and new understanding today, the first Kentucky Colonel was actually commissioned by Commonwealth Governor Patrick Henry, Jr. In December 1776, John Bowman from Transylvania was commissioned colonel in-charge of Kentucky, to form a company of 100 men and set up a government in [Kentucky County, Colony of Virginia](#). The term Commonwealth of Kentucky has its roots in the Commonwealth of Virginia and Pennsylvania, their colonists and the ideas of Transylvania Colonels from Boonesborough and Harrodsburg who wrote the "Kentucke Magna Charta." Colonel was highest responsible delegated authority in the Commonwealth Colony of Virginia under Governor Henry and the Territorial Major, Brigadier General (Colonel) [George Rogers Clark](#) in 1776. The colonels under the new governor and major, divided Kentucky County into three counties by 1780, then four, then five, seven, then nine counties by 1788.

General Clark and Gov. Patrick Henry had the authority to issue colonelcies across the entire modern states of [West Virginia](#), [Kentucky](#), [Indiana](#), [Illinois](#), [Ohio](#), [Michigan](#) and portions of and [Western Pennsylvania](#) were all created from the territory encompassed, or claimed by, the Colony of Virginia (Commonwealth of Virginia) at the time of further American independence in July 1776. Why Commonwealth Colonels?

**Commonwealth** is a traditional English term for a political community founded for the [common good](#). Historically it has sometimes been synonymous with 'republic'. The noun 'commonwealth', meaning 'public welfare general good or advantage', dates from the 15th century. The term literally meant 'common well-being'. In the 17th century, the definition of 'commonwealth' expanded from its original sense of 'common good' or '[commonweal](#)' to mean 'a state in which the supreme power is vested in the people; a republic or [democratic state](#)'. The term commonwealth also has affinity to the ideal of '[common law](#)'.

By 1792 when Colonel Isaac Shelby became the First Governor there were as many as 100-250, perhaps more Kentucky District Colonels in the newly formed Commonwealth of Kentucky. Isaac Shelby himself was a North Carolina Colonel from Sullivan County, which later became part of the [State of Franklin](#) and then [Tennessee](#). Col. Shelby moved to Kentucky in 1783, to land that he received as a bounty surveying for the Transylvania Colony in 1775. By this time most large landholders that immigrated to the Kentucky District which received a warrant deed as an American Revolutionary War Veteran were also called colonels honorarily based on land holdings and age. Many of these colonels and their colonists (settlers) became the legislators, sheriffs, and justices of the peace after Kentucky became a state. Colonels were also responsible for polling votes from the colonists in these early years. Prior to the establishment of the State Legislature and the formation of the State the "colonels" were the highest acting officials.

Colonels continued under common law to issue commissions over landholdings, issue deeds now under the new government and all things that could be managed as the highest county officials until the Second Constitution in 1799 which did not provide powers to designate colonels or acknowledge their powers, nor did it prohibit the continuing emergence of new colonels as a customary title, but it did for justice of the peace, judges and other positions. By this time 9 counties became 30, subdivided by mostly colonels, there were hundreds of colonels. Daniel Boone, Isaac Shelby, John Bowman and of course, often called "General" or "Colonel George Rogers Clark"



Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

were all also land surveyors and governmental authorities; well-respected in their time. [Col. Leonard Helm](#), [Col. Benjamin Logan](#) and [Col. Daniel Boone](#) were the among the highest authorities in Kentucke. *The history does not end here*, this is just a brief overview.

Colonels continued greatly in their prominence, until 1802 under an Act of Congress the [Military Peace Establishment Act](#) authorized the duties of the rank of "colonel" in the U.S. Army using the language "one **colonel**, one lieutenant-colonel, four majors, one adjutant, and twenty companies..." In Kentucky and Tennessee the traditions adopted of conferring colonelcy as a rite of passage, customarily, among one another under common law was dying out. As we understand, more than ever now, there are many more high and low points for Kentucky's Honorary Colonelcy in 1775, 1776, 1780, 1784, 1790, 1791, 1792, 1793, 1799, 1804, 1813, 1815, 1861, 1865, 1890, 1892, 1895, 1898, 1906, 1920, 1930, 1931, 1932, 1934, 1936, 1939, 1941, 1947, 1957, 1992, 2007, 2016, 2020 and other dates. Together have resulted in the ideals of the Kentucky Colonel becoming more and more commonplace as an honorary commission. Since 2007 more than 150,000 commissions have been issued in less that 15 years, a number that can sharply rise in 2020, considering basically anyone can now nominate a colonel which started on February 19, 2020.

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work "[Gateway to the West](#)" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled [Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap](#). 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." [Boone Society](#)

[Cumberland Gap \(Poster\)](#): Image Size: 24" x 20"; Type: Poster; Price: \$ 35; Category: American Frontier | Posters

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Facebook Groups

YouTube Channel

Twitter Account

LinkedIn Profile

Colonel Quora Com

Kentucky Colonel Title and Law

It is unlawful to impersonate a Kentucky Colonel™, punishable by a fine, imprisonment, or both. Kentucky colonels receive letters patent in their own name, to recognize them honorably. Kentucky colonels (as individuals) may use "Kentucky Colonel", "Kentucky Colonel Commission", "Kentucky colonels" and/or "Kentucky colonelcy" as words or terms to describe [themselves], as an honorary title, or for editorial, educational, informative, journalistic, literary or other non-commercial purposes so

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Myth of the Colonel

US Newspapers

Image Gallery

Kentucky Goodwill Ambassadors

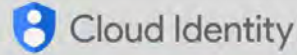
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**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work **"Gateway to the West"** hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap, 1775** has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center. -[Boone Society](#)



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- [Wikipedia Article](#)



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# EXHIBIT 14

Kentucky Colonel: Honorable & Official...

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# Kentucky Colonel Cooperative

The Authority and Empowerment of the Kentucky Colonel is based in American Common Law; is made a reality through taking cooperative non-political peer-reviewed actions that are recognized by government and society. Too many leaders in the room is never an obstacle for the Kentucky Colonel Cooperative, here forevermore through the remanifestation of the Transylvania Company.

## Transylvania Company (Kentucky Colonel 1775)

The Transylvania Company is a cooperative nonprofit pursuit to discover "Old Kentucky" colonial history, practice common-law social values and protect the intellectual property of Old Kentucky Heritage as it might exist today. As a cooperative our work will involve investments in producing new economic opportunities in the area of the preservation of our natural heritage, promotion of tourism, outdoor recreation and other socioeconomic development. The activities of the cooperative will also focus on souvenir parcels and suppletory deeds usina small barcel of land or monuments at tourism destinations. The





**Name:** Hon. Jane G. Smythe  
**Occupation:** Kentucky Colonel  
**Commission:** 12/31/2018  
**Number:** STE 0010101010  
**Issued:** February 02, 2019  
**Jurisdiction:** Switzerland  
**Authority:** Goodwill Ambassador

**For Official Lawful Use to Exercise all Rights,  
Privileges and Responsibilities of the Office**

**December 2022** - The Transylvania Company (the cooperative) will provide ID cards, badges and nameplates to its employees during 2023. Kentucky Colonel Badges and Kentucky Colonel Nameplates will not be available until June of 2023.

- To obtain an ID card a member needs to be enrolled and paying dues in the cooperative for a minimum of 30 days with a \$100 or greater investment after signing the cooperative agreement and elaborating a work profile.
- The entire communications network is based on a Virtual Workplace and the use of Google Workspace (this step of the enrollment is the most challenging involving the use of their electronic IDaaS (Identity as a Service) credential).
- Employees are required to complete several information and knowledge quizzes that will define and demonstrate their competency and character.
- Kentucky Colonel Cooperative is not our name, but it is a term that describes ethically **what we are officially forming in 2023!** The cooperative service organization in formation will be empowered with the same legal "rights, privileges and responsibilities" of the Kentucky Colonel under the same unwritten honorable code of ethics and moral obligations as the **First Pioneer Colonels of Old Kentucky** (descriptive origin) from 1775-1792 also known as "Old Kentucky".



The Office of the Kentucky Colonel is not a physical office that you can visit, it refers to the duties and responsibilities of a Kentucky Colonel that has taken an oath to serve the Commonwealth of Kentucky as a colonel professionally among other

Kentucky Colonel: Honorable & Official...

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Office of the Kentucky Colonelcy

News for Immediate Release

**RICHMOND, 28 DEC 2022** - The world's greatest state officials and most popular goodwill ambassadors are getting their jobs back with the professional occupational title: **Kentucky Colonel** by making the Honorable Title more appealing, legal, official, recognized and better understood than it has ever been as a fictitious military order, a social club, for making good chicken or to use on Facebook as a byline when attending the Kentucky Derby to drink a Mint Julep. The cooperative social enterprise based in Richmond, Kentucky is a decentralized remotely collaborated Internet publishing company focused on the progressive development of Creative Commons content from the public domain since Colonel Daniel Boone was commissioned to build the Wilderness Road almost 250 years ago. As a cooperative it means that colonels will be invested as stakeholders entitled to dividends and as owners with equity to a professional role as an Official Kentucky Colonel.

As a cooperative social enterprise they will issue official ID cards, badges and nameplates; the cooperative colonels will be connected to a virtual workplace, have company email and be required to collaborate online or in the community for 50 hours per year. They will receive the same rate of annual pay as does a United Nations goodwill ambassador and through their investments of time and money can be paid a dividend for their work efforts and collaborative submissions. The group is currently working with a planned objective to develop a documentary project spanning the entire 250 year history of the colonel.

The organizer, Col. David Wright, commissioned in 1996 by Governor Paul Patton said, "Since we won the lawsuit filed by the Honorable Order of Kentucky Colonels in 2020, we have completely debunked their fictional militia myth of 1813 with the Secretary of State, we also discovered dozens of actual sources of Kentucky colonels, starting with Col. Daniel Boone in 1775. There is no reason to cheat descendants of their history or discredit their legacies; there were over 300 colonels in Kentucky when it was founded, all of them should be recognized. We also found the most accomplished colonels with counties named after them; it is outrageous to think today that a Kentucky Colonel can be anything legally if the first colonel is fictitious or from a pseudo-historical origin."

The organization's website says the founders of Kentucky, Lexington and Louisville were all colonels, the organization also says Kentucky is the first state that was founded exclusively by colonels who all selected Col. Isaac Shelby as its first governor in 1791.



The cooperative will focus on and reinforce the fact that **real Kentucky colonels** were the architects of government, creators of customs and traditional intellectual property, accredited discoverers of

colonel professionally among other colonels.The Governor provides the opportunity through the commission.

As an Civil Officer or Civilian State Official depending whether you are inside the state or outside of it our general role is the same, that is to promote the state's prosperity.

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work "Gateway to the West" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." -[Boone Society](#)

[Cumberland Gap \(Poster\)](#); Image Size: 24" x 20"; Type: Poster; Price: \$ 35; Category: American Frontier | Posters



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Myth of the Colonel

US Newspapers


Image Gallery

List of Colonels

Wikipedia Article



Kentucky Goodwill Ambassadors



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# EXHIBIT 15





## Office of the Kentucky Colonelcy

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### News for Immediate Release

**RICHMOND, 28 DEC 2022** - The world's greatest state officials and most popular goodwill ambassadors are getting their jobs back with the professional occupational title: **Kentucky Colonel** by making the Honorable Title more appealing, legal, official, recognized and better understood than it has ever been as a fictitious military order, a social club, for making good chicken or to use on Facebook as a byline when attending the Kentucky Derby to drink a Mint Julep. The cooperative social enterprise based in Richmond, Kentucky is a decentralized remotely collaborated Internet publishing company focused on the progressive development of Creative Commons content from the public domain since Colonel Daniel Boone was commissioned to build the Wilderness Road almost 250 years ago. As a cooperative it means that colonels will be invested as stakeholders entitled to dividends and as owners with equity to a professional role as an Official Kentucky Colonel.

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Kentucky places, legal advisors to the first settlers, officials of the counties, entrepreneurs of companies, investors in commerce, inventors of industrial patents and social innovations of Old Kentucky (1775-1792), colonels did it all. As civilian officers recognized by the governor, some colonels went on to other jurisdictions to exercise their “rights, privileges and responsibilities” colonelling the colonists establishing towns, counties and states across America into the 20th century.

“As a new cooperative service organization being developed by 100 or more colonels, our first objective will be to restore the honor, integrity and trust in the iconic trademark figure and symbol of our historical customs, heritage and traditions associated with Kentucky and its first settlers almost 250 years ago,” according to the program developers. The cooperative is being named after the “**Transylvania Company**” which was the original charter company of colonels, Daniel Boone and Richard Henderson, before being incorporated as a business name for a publisher in Kentucky for much of the 20th century.

Hon. Godfrey Brock-Gadd, a diplomatically distinguished Goodwill Ambassador and Kentucky Colonel in Belfast, Northern Ireland, advisor and mentor to the organizer of the new cooperative says, “This cooperative venture must be based on the mutual consent of its member selected board being made up of those who have received a Kentucky Colonel Commission certificate from one of the Commonwealth’s governors, all decisions should be made through a majority consensus”.

According to the group’s ancestral, genealogical, historical former and now, its new colonels, receiving a colonelcy commission bestows a great deal of authority, confidence, honor and prestige; in Common Law. a Kentucky Colonelcy legally confers and designates the recipient with **unregulated “rights, privileges and responsibilities”** as the benefits of the civil office (it is not an empty military order without duties). Some state governors have confused the commission as an award of merit (1921) or mythical military order (1933). Justice Bertram Combs when serving on the Kentucky Court of Appeals, 1951-1955 said on the bench that a Kentucky colonel is an legal officer of the Commonwealth with greater or equal powers than those of a notary public (without an expiration date).

Col. David Wright, added, “They must understand the genuine history of the Kentucky Colonelcy well enough to bar and set aside the allegorical folklore, parody, satire and mythical colonels that arose from the idea of the Kentucky Colonel placed in purely fictional situations which began as early as 1813, 1824 and 1833. It is clear these stories have covered the trail and most obvious facts with a mystery narrative shrouding the real honorability of the title, office and person with a parallel collective illusion of a militia myth being passed off as truth and fact. If we had not discovered this reality the Kentucky Colonel Commission would have no legal basis or authority in Common Law, making it meaningless in today’s society”.

The sponsor of the decentralized cooperative development, responsible for technological developments using ICT and the Internet is **Ecology Crossroads Cooperative Foundation**, established in 1994 with its registered office in Richmond, Kentucky. The nonprofit was merged in 2020 with Globcal International which previously sponsored the society for its Kentucky colonels (2008-2020) and others that have gathered as followers online.

# EXHIBIT 16



## Kentucky Colonel Directory

This electronic directory of Kentucky colonels is a special free service provided by this WebSite in cooperation with our sister company "**Honorificus**" which is part of Globcal International which is decentralized at the Birthplace of the Kentucky Colonel in Madison County near Boonesborough; only persons that are legally registered to work with the **Office of the Civilian Colonelcy** using the **Title: Kentucky Colonel** internationally, or are Kentucky residents that use the **Honorable Title: Kentucky Colonel, Col. or Colonel** in association with Kentucky (the state, its people, not government or politics) as individual public figures, community leaders, attorneys, journalists, bloggers, celebrities and business owners or anyone who may have been issued a **Kentucky Colonel License™** or requested a **Kentucky Colonel™ ID Card** or **Goodwill Ambassador™ ID Card** (Official Identification Cards). This is a planned objective to enhance the perspective and scope of Kentucky Colonelcy, the Honorable Title, the modern duties of the office and its importance as the origin and source of democratic civilian government, idealism and society throughout America.

[Offsite Search Engine Goes Here](#)

## Kentucky Colonel Directory Participants

Data and information provided to the **Kentucky Colonel Directory** will be used here within our WebSite in the future for mapping programs

## Kentucky Colonel Directory Participants

Data and information provided to the **Kentucky Colonel Directory** will be used here within our WebSite in the future for mapping programs, demographics and the development of a historical archetype for museums internationally. Currently our database contains 200 historical figures from the 18th, 19th, 20th and 21st centuries.

- **Creative Commons Directory** - Listed are all those Kentucky colonels that have been known in association with their reciprocal acknowledgement of the award with a news release, in a news article, in a historical account or that was described by an independent third party in writing.
- **Genealogical Directory** - Persons that find or encounter information in the public records, genealogical records, old photographs, church records, land records, military records or other archives may supplement existing records where the pronominal prefix "Colonel" or "Col." was clearly used.
- **Memorial Directory** - Family members with animate and intimate knowledge of a deceased Kentucky Colonel may submit an obituary, personal data profile, worded biographical summary, genealogical information, and a photograph by submitting a donation to support our educational website.
- **Verification Directory** - Persons that apply for and receive a working **Kentucky Colonel™ ID Card** or **Kentucky Colonel License** may request to have their name added to our directory beginning in 2023. Living persons must complete a short application and waiver form based on the information they submit.

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work "**Gateway to the West**" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." -[Boone Society](#)

[Cumberland Gap \(Poster\)](#); Image Size: 24" x 20"; Type: Poster; Price: \$ 35; Category: American Frontier | Posters



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# EXHIBIT 17



## Kentucky Colonel Branches

A Kentucky Colonel Branch can be one of several things; it can refer to our bank which we hope to open in the future, it can refer to the branch of the Kentucky River, the branch of the Divine Elm, it could refer to several colonels meeting together at a restaurant (decentralized branch) or anyplace where colonels designate to together to conduct business while exercising their "rights, privileges and responsibilities" as a Kentucky Colonel. Any cooperative colonel can create a **new branch** simply by organizing a location or a meeting with two additional colonels. The Divine Elm Tree (a symbolic reference) has over 1,000 branches and many new ones can grow as the Governor continues to make new colonels.

**Page Coming Soon in 2023!**

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work "**Gateway to the West**" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." [Boone Society](#)




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# EXHIBIT 18

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap




## Kentucky Colonel Guide (Professional)

Some believe that the Kentucky Colonel has a stereotype, which they do if you study the history of this iconic figure. The Kentucky Colonel evolved from Daniel Boone to the plantation owner and has continued to evolve to the goodwill ambassador. The highlight of course was during the 20th century when Col. Harland Sanders put on a white split tail coat and adorned his character with a goatee and moustache.

### Kentucky Colonel Guide to Pomp and Style

Today there are as many concepts and misconceptions about what a Kentucky colonel is exactly because there are so many in so many countries all around the world; however there are some general stereotypes that remain in our classic American imagination which gave prominence to the idea ranging from a frontiersman like [Colonel Daniel Boone](#) to master distillers like the famous [Colonel James Edward Pepper](#) and statesmen like [Colonel Abraham Lincoln](#), who was actually an Illinois colonel from the Black Hawk War, that later in 1861 made 1,000 Kentucky Colonels (Honorary Officers) as part of a war strategy through [Col. John Marshall Harlan](#). Or the type and style as seen on our homepage the Kentucky Colonel Model Initiation Team of the **Honorable Order of the Blue Goose** in 1914-Current.



The following is some of the content we are researching now for our website that will be linked from here. All of the foregoing topics are covered here or potentially discussed in our blog by Kentucky colonels.

Kentucky Colonel Model Initiation Team of the  
Honorable Order of the Blue Goose, International.  
Date 1939

## Common Law, Customs, Duties, Etiquette, Hat, Jacket, Staff, and Traditions

### In Common Law:

The recipient of the Kentucky Colonel Certificate (Commission) is received for being recognized by the Governor or the Secretary of State of the Commonwealth of Kentucky with the **[HONORABLE]** title that is conferred letters patent from the Commonwealth as a honorary commissioned officer for the state, a **[Kentucky Colonel]**. In common law a '**colonel**' is the '**colonizer**' or 'head of **colony**' inasmuch as the person implicitly charged with creating or maintaining civil order and supporting a democratic government made from ourselves as pioneers and settlers. The **colonel** was the *highest civil authority* in Kentucky from 1774-1799. Colonels are authorized to appoint lieutenant-colonels and raise a civilian militia or company to promote the formation and maintenance of civil government. The power of the colonel remained in common law, while his role changed as colonels came and went, there were thousands of colonels known in Kentucky by 1921, today there are over 100,000-250,000 Kentucky colonels.

The term "Kentucky Colonel(s)" has been in nine precedential US court decisions, seven of them demonstrate the generic and descriptive use of the "idea" in United States Courts. [Court Listener](#)

### In Customs:

Kentucky Colonels have been closely associated with many different customs in-law through the years, people have been received based on being a Kentucky colonel to Congress and U.S. Courts of Law on many occasions since the 1870s. Kentucky colonels in history are: known for being bibulous; known for making whiskey; often associated; known to be well-dressed; known to pronounce "sir" as "suh"; known for breeding horses, are known to receive their awards gracefully. Of course the list goes on... In Kentucky the corn is full of kernels and the colonels full of corn.

Colonels became known as honorable people because of their title and the conferrance of the term in being named as honorable with the title (commission) of "Kentucky Colonel" while honor may mean different things to some people, the basic rule is to protect, defend and promote the ideas of the state (its people, culture, history, morals and in general customs) with dignity and honor in particular to call yourself a Kentucky Colonel and carry the honor well.



Customarily it is said that Kentucky colonels are good storytellers, so it is a good idea to read some of the stories about Kentucky Colonels and the Kentucky Colonel on our Newspaper Archive and Chronicling America project. ["American News"](#) page.

**In Diplomacy:**

To use your title professionally nationally or internationally you need to have your title document notarized for national use by a notary public or apostilled by the Secretary of State for the country that you are using it in. If you do not plan to travel but want an apostilles certificate for your title get one for the Hague, Netherlands; the UN Headquarters in Geneva; or the City of London Corporation. When you have your apostilles send a postal letter to someone talking about your colonelcy and enclosing a copy of your apostille certificate. Apostille certificates can be acquired for just a few dollars if you do-it-yourself *in-person* or as much as \$100-\$300 by service companies and law firms.

**In Duty:**

Officially there are few duties required of a person who is commissioned as a Kentucky Colonel, even though it is an honorary title it is a real title that can be used by placing Col. before your name in writing instead of Mr., Ms. or Mrs. and identifying yourself as a "Kentucky Colonel". Legally as an "honorary officer" you are responsible to act and function to your best ability of the honor to perform similar to a high officer of the state, while understanding the history of the *Kentucky Colonels and Colonelcy*. World-wide Kentucky colonels are known, received and touted by the state as Kentucky's Goodwill Ambassadors.

In promoting the state and performing the duties of a colonel it is recommended that you understand the history, origins and stories about colonels.

**In Etiquette:**

In general Kentucky Colonels are supposed to be courteous, friendly, honorable, humble and strong-willed ladies and gentlemen with a steady ego and respectful nature.

**In Letter Writing:**

In common law a person who is acting as a colonel should inform the party that they are addressing that they are commissioned as a Kentucky Colonel in their signature line of a well-formatted email or electronic PDF letter.

**Kentucky Colonel Apparel:**

Find out where to buy official and unofficial merchandise from third-parties recommended to impress your friends with your Kentucky

Find out where to buy official and unofficial merchandise from third-parties recommended to impress your friends with your Kentucky colonelcy, including uniforms and period style clothing guidelines with photos, what today's Kentucky colonels should be wearing. Manufacturers and suppliers of hats, string ties, jackets, sunglasses, uniforms, insignia, badges, and other items will be discussed, send your links to us at: [webmaster@colonels.net](mailto:webmaster@colonels.net); our ideal is to connect you with suppliers that support our open-source platform and creative work.

Also see product reviews for merchandise from the [Kentucky Colonels Shop](#) produced by the Honorable Order of Kentucky Colonels in our blog.

#### Get Involved:

Emulate the image of the **Kentucky Colonel as you see fit** that projects a positive image of Kentucky culture, food, heritage, history, and ideas which brings prosperity to the commonwealth. You might want to browse the areas of interest in promoting the state informally through increasing tourism directly or indirectly which generates in-state out-of-state revenue. Often this may even use you projecting your own image as a Kentucky Colonel, within your business or with your friends as Kentucky Colonels locally or yourself as Col. Firstname Lastname.

You can do this through your business or as an individual freelancer; it should be known from the date of your commission that you began working honorarily as a commissioned officer, a Kentucky Colonel. We have already seen the term **[Kentucky Colonel]** applied to everything from bars, to barber shops, to corner stores, to organizations; but uniquely it is different when applied to a human **[Person]** or **[Persons]**.

#### More To Do:

Start a new community project, a business, a club or apply for your new bank loan as **[Col. Firstname Initial Lastname, Kentucky Colonel]**, many people view colonelcy with Kentucky in some states and places in higher esteem than a diploma, it is better in fact because it is "letters patent", as a colonel it allows you to do all things necessary to accomplish your mission, appoint lieutenant-colonels and other company officers. You might even want to start a local Kentucky Colonel travel agency, or a local club and send people to Kentucky? Or send things from Kentucky as a colonel like hundreds of people often do with postal correspondence. If you present yourself as a colonel you will be reciprocally recognized accordingly from the most important people.

#### Join an Organization:

Immediately when you become a Kentucky Colonel it is good to have a background news story behind it, what your award was for and

Join an Organization:

Immediately when you become a Kentucky Colonel it is good to have a background news story behind it, what your award was for and provide some history behind the award for the news media. Use that news article to make a statement of what you plan to do now that you are a Kentucky colonel. They should be ready to say and call themselves a "Kentucky Colonel".

Emblems, Flags, Insignias, Logos, Mottos and Seals

There are many terms used to describe and generically identify individuals with acts, causes, history, ideas, organizations, places and purpose. As a Kentucky colonel with *letters patent*, an individual *commissioned honorary officer* has the legitimate authority to use the state's official colors, flag, motto, seal and its symbols. A colonel is also empowered to use the ideas created and conceived by the state's governors and elected officials to represent the state when they are using their name and the honorable title of "Kentucky Colonel."

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work "**Gateway to the West**" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." [Boone Society](#)

[Cumberland Gap \(Poster\)](#); Image Size: 24" x 20"; Type: Poster; Price: \$ 35; Category: American Frontier | Posters





Social Media

Facebook Page

Facebook Groups

YouTube Channel

Twitter Account

Kentucky Colonel Title and Law

It is unlawful to impersonate a Kentucky Colonel™, punishable by a fine, imprisonment, or both. Kentucky colonels receive letters patent in their own name, to recognize them honorably. Kentucky colonels (as individuals) may use "Kentucky Colonel," "Kentucky Colonel Commission," "Kentucky colonels" and/or "Kentucky

Popular Links

Bibliography

Title Mark (TM)

Resources

Myth of the Colonel



Kentucky Goodwill Ambassadors

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1/1



Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

purpose. As a Kentucky Colonel with *letters patent*, an individual *commissioned nonilitary officer* has the legitimate authority to use the state's official colors, flag, motto, seal and its symbols. A colonel is also empowered to use the ideas created and conceived by the state's governors and elected officials to represent the state when they are using their name and the honorable title of "Kentucky Colonel."

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Cloud Identity

Social Media

Facebook Page

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LinkedIn Profile

Colonel Quora Com

Pinterest Board

Crunchbase SU

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Popular Links

Bibliography

Title Mark (TM)

Resources

Myth of the Colonel

US Newspapers

Image Gallery

List of Colonels

Wikipedia Article

Kentucky Goodwill Ambassadors

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1/1



# EXHIBIT 19

Kentucky Colonel: Honorable & Official...

Home

Articles

Guide

History

News

Resources

Topics

Sitemap

# Kentucky Colonel Identification (Photo ID Cards)

Under the laws of the United States a person commissioned a Kentucky Colonel must possess evidence of their legal status in order to assert claims to exercise particular rights, privileges and responsibilities of their honorable title. This is not a Kentucky colonel membership card, an organization membership card does not denote lawful authority of title or status as a civilian official.


## Identity Credential (ID Card)

We searched and reviewed a wide variety of resources to help guide Kentucky colonels to increase their posterity with a professional credential, separately we have developed a guideline for colonels to create business and presentation cards.

A compatible work credential based on the model for the Kentucky (United States) Real ID was collaborated and it was decided that this would be the model based on a verified Kentucky Colonel presenting their commission and true name with the additional attribution data required on the card, scannable URL and in the chip. The first batch of cards however for economics purposes need to be made in batches of at least 100 at a time



UNITED STATES GOVERNMENT



ALLIANCE

CIVILIAN

OFFICE OF THE SECRETARY


Department of Homeland Security

## Credentials, ID Cards and Passports

A credential is any document that details a qualification, competence, or authority issued to an individual by a third party with a relevant or *de facto* authority or assumed competence to do so. Titles are credentials that identify a person as belonging to a specific designated class of individuals in largely symbolic ways.

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap



An identity document (also called ID) is any document that may be used to prove a person's identity. If issued in a small, standard credit card size form, it is usually called an identity card. When the identity document incorporates a person's photograph, it may be called photo ID; when it involves a person's occupation or a professional title it may be called or used as an ID badge or credential.

A title of honor or honorary title is a title bestowed upon individuals as an award in recognition of their merits. Often the title bears the same or nearly the same name as a title of authority, but the person bestowed does not have to carry out any duties, except for ceremonial or voluntary ones. Evidence of beholding an honorary title is usually demonstrated with a badge, business card, certificate, credential, medal, an insignia, by word of mouth or any combination thereof. Those who receive titles of honor frequently use them on their resumé or curriculum vitae. Impressive official identity credentials are essential for anyone who uses the title of "Colonel" or abbreviation "Col." as a prefix to your honorable name, especially those living outside of Kentucky.

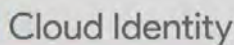
Some states and some nations recognize the Honorable Title: Kentucky Colonel and the Office of the Colonelcy from Colonial history, while others falsely assume it is a militia rank so our special cards will clearly state particular details that distinguish the Honorable Title and the Person that has been commissioned as a civilian officer of the Commonwealth of Kentucky. Only a commissioned Kentucky Colonel can obtain a card by joining our groups on Facebook or LinkedIn and invest in our platform as a cooperative owner.

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work **"Gateway to the West"** hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." -[Boone Society](#)

*Cumberland Gap (Boone's) Image Size: 24" x 30" Turn: Boone Price: \$ 25. Catherine Amador Emmerl Boone*

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work **"Gateway to the West"** hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap, 1775** has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center. -Boone Society

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### Popular Links

- [Bibliography](#)
- [Title Mark \(TM\)](#)
- [Resources](#)
- [Myth of the Colonel](#)
- [US Newspapers](#)
- [Image Gallery](#)
- [List of Colonels](#)
- [Wikipedia Article](#)



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# EXHIBIT 20

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap


# Kentucky Colonel Business Cards

The Office of the Colonelcy recommends that Kentucky colonels make their own business, Internet and personal presentation cards based on our official guidelines. The Office of the Colonelcy does not recommend combining Kentucky Colonel with other trades, business concepts, organizations or ideas outside of their personal branding and title use.

## Presentation, Signature and Certification

When a Kentucky Colonel is introduced it is because it was for an honor that is awarded to less than one hundredth of one percent of the population, so it is important that they act like a colonel to impress their audience or company. Having an impressive business card is one of the best ways to make an impression, especially if they like you!

Today there are different types of business cards and methods of presentation that extend to the computer. Check back in 2023 when we add some standard models that can be produced by a number of printers.



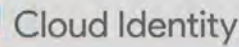
### Kentucky Colonel Business Cards

Business cards are cards bearing business information about a company or individual. They are shared during formal introductions as a convenience and a memory aid. A business card typically includes the giver's name, company or business affiliation (usually with a logo or other image) and contact information such as street addresses, telephone number(s), fax number, email addresses and website.

Today business cards may include social media addresses such as Facebook, Instagram, LinkedIn and Twitter. Traditionally, many cards were simple black text on white stock, and the distinctive look and feel of cards printed from an engraved plate was a desirable sign of professionalism. In the late 20th century, technological advances drove changes in style, and today a professional business card will often include one or more aspects of striking visual design.

Download our Business Card recommendation sheet.

**Cumberland Gap (Poster);** Image Size: 24" x 20"; Type: Poster; Price: \$ 35; Category: American Frontier I Posters



- [Bibliography](#)
- [Title Mark \(TM\)](#)
- [Resources](#)
- [Myth of the Colonel](#)
- [US Newspapers](#)
- [Image Gallery](#)
- [List of Colonels](#)
- [Wikipedia Article](#)



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# EXHIBIT 21



Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap



## List of Kentucky Colonels 1775-2025

The complete list of persons that have received the Kentucky Colonel Commission is lengthy to say the least there are over 300,000 people that have received a Kentucky Colonel Commission from one of 55 of its 59 governors that have served the state. Two of the governors never had an opportunity to name any colonels on their staff because they died in office shortly after their elections.

### Non Exhaustive List of Recognized Persons that Behold the Honorable Title "Colonel" (Project 2023-2025)

Due to personal privacy laws we cannot publish the entire list of persons that have been named a

[Add your Name to our List](#)

A

B

C

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Bibliography

Newspapers

Kentucky Colonel, despite it being awarded under the auspices of a public act. This section does reflect Kentucky colonels that we discover in the news media, in the social media that have shown their commissions or have requested to be included on this list of Kentucky colonels.

The state records can be visited and accessed in the State Capitol in Frankfort in person. The Governor's Office will not confirm who is or is not a Kentucky Colonel, they do not maintain a database of all that have been granted the award. According to the Commonwealth, at the beginning of the 20th century the State Capitol burned, all the important records were lost in the fire, so it is not likely a complete list can be assembled. The most accomplished colonels did their work prior to the commission becoming a civil award in 1896 under the governor.

**Add your Name to our List**

To add your name to this list take a 800 to 1600 pixel wide PNG or JPG photo holding your commission by placing it in Google Photos and making the photo public, make sure you add your personal metadata and contextual description of the photo. The photo can also contain the geolocation, the camera data, date, time, etc; some of these settings can only be edited using the camera or a photo editing app. You can edit the photo in [Google Photos](#) or you can use the [Online Image Editor](#) that we use..

Once your photo is ready:

Email us a link - Subj: (The List) along with your full name on the commission "Honorable \_\_\_\_\_", the date you were commissioned, and the name of the governor that commissioned you. A form will be developed for this in the future, but for now it is just old-fashioned email. Other links can be included in your email our webmaster will connect them to your profile record which is automatically created when your email is received. Send your email to [kycolonelcy@gmail.com](mailto:kycolonelcy@gmail.com) a volunteer will stylize your name preceded with the abbreviation "Col." and link your name to your photo or webpage. Photos using a Facebook/Meta URL or a LinkedIn URL are not acceptable because they have already been published, all photos must be on Google Photos or a personal website. Pinterest and Flickr links are also acceptable. Photos under 800 pixels or over 1600 pixels wide will not be accepted.

D

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E

G

H

I

J

K

L

M

N

O

P

Q

R

S

T

V

W

Y

Z

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

A

Colonel Abrams

Billy Adams (rockabilly musician)

Michael Adams (Kentucky politician)

Tomilea Allison

Eddie "Rochester" Anderson

Edward P. Abraham

Ansel Adams

Harold Adamson

Muhammad Ali

Mario Andretti

Ann-Margret

Princess Anne

Arthur Ashe

Izzy Asper

Fred Astaire

John James Audubon



Col. Eddie "Rochester" Anderson

Bourbon

Cannabis

Commonwealth

Food Culture

Kentucky

Pennsylvania

North Carolina

People

Places

Things

US Court Case

Virginia (Dominion)

- B
- René Balcer

Red Barber

Brett Bigham

Billy ThunderKloud

Dave Blass

Kentucky Colonel: Honorable & Official...

Home

Articles

Guide

History

News

Resources

Topics

Sitemap

▪ [Agyenim Boateng](#)

▪ [Edward R. Bradley](#)

▪ [Sanders D. Bruce](#)

▪ [Keith Bulen](#)

▪ [Steve Butler](#)

▪ [Bob Barker](#)

▪ [Jim Beam](#)

▪ [Omar Bradley](#)

▪ [Lloyd Bridges](#)

▪ [Foster Brooks](#)

▪ [George H.W. Bush](#)

▪ [Richard F. Byrd](#)

C

▪ [Athena Cage](#)

▪ [James B. Conant](#)

▪ [Eoghan Corry](#)

▪ [Bantz J. Craddock](#)

▪ [Oleta Crain](#)

▪ [Ron Cyrus](#)

▪ [Eddie Cantor](#)

▪ [LeRoy T. Carlson](#)

▪ [Harry Carson](#)

▪ [Carol Channing](#)

▪ [Winston Churchill](#)

Kentucky Colonel: Honorable & Official...

Home

Articles

Guide

History

News

Resources

Topics

Sitemap

▪ [Bill Clements](#)

▪ [Bill Clinton](#)

▪ [Rosemary Clooney](#)

▪ [Alistair Cooke](#)

▪ [John S. Cooper](#)

▪ [Joan Crawford](#)

▪ [Bing Crosby](#)

▪ [Norm Crosby](#)

▪ [Henry Cuellar](#)

▪ [Billy Ray Cyrus](#)

D

▪ [John Dale \(minister\)](#)

▪ [George Daugherty](#)

▪ [Harry A. DeMaso](#)

▪ [Charles K. Duncan](#)

▪ [John C. Dvorak](#)

▪ [Bebe Daniels](#)

▪ [Jack Dempsey](#)

▪ [Johnny Depp](#)

▪ [Phyllis Diller](#)

▪ [Jimmy Durante](#)

E

▪ [Bek Edwards](#)

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Bob Edwards

Rusty Edwards

Emanuele Filiberto of Savoy, Prince of Venice

Tommy Emmanuel

Graves B. Erskine

Jade Esteban Estrada

Dale Evans

F

Joseph Fennimore

Peter S. Fosl

Randall Franks

Jose Ferrer

Jeff Foxworthy

Glenn Frey

G

Clarence Gaines

Evelyn Gandy

Whoopi Goldberg

Richard Greene (musician)

Clark Gable

Ralph F. Gates

Crystal Gayle

Phyllis George

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Bourbon

Cannabis

Commonwealth

Food Culture

Kentucky

Pennsylvania

North Carolina

People

Places

Things

US Court Case

Virginia (Dominion)

▪ [Newt Gingrich](#)

▪ [John Glenn](#)

▪ [Whoopi Goldberg](#)

▪ [Jeff Gordon](#)

▪ [Peter Graves](#)

▪ [Wayne Gretzky](#)

H

▪ [Des Hanafin](#)

▪ [George Helon](#)

▪ [Clifford A. Henricksen](#)

▪ [Clay Higgins](#)

▪ [Tom T. Hall](#)

▪ [Duncan Hines](#)

▪ [J. Edgar Hoover](#)

▪ [Bob Hope](#)

▪ [Louis McHenry Howe](#)

I

▪ [Christian Ingebrigtsen](#)

- J
- [Yahya Jammeh](#)
- Jan Johansson (bluegrass musician)

- K

- L

- [Juan LaFonta](#)
- [Buddy Landel](#)
- [Kevin Lembo](#)
- [Jerry Lewis](#)



Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

M

Lorin Maazel

Joe Madison

Mark B. Madsen

Marion M. Magruder

David Malachowski

Joey Manley

Austin Mardon

Gene Markey

Matthew Marsden

Glenn E. Martin

David T. McCoy

John L. Meisenheimer

Edward Frederick Moldenke

Bill Monroe

Thembi Mtshali-Jones

Lee Majors

Louise Mandrell

Barry Manilow

Reba McEntire

Frank McGuire

Tom Mix

Patsy Montana

Story Musgrave

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

N

Nanjundi Kalyana

Christopher S. Nickell

Bill Nimmo

Steve Nimmons

Wayne Newton

Joe Nickell

Ted Nugent

O

Richard Osterlind

Marie Osmond

O'Dell M. Owens

P

James E. Pepper

James Ashbrook Perkins

Garnet Porter

Hal Prewitt

Colonel Tom Parker

Mary Peters

Richard Petty

Elvis Presley

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Bibliography

Newspapers

Q

Lubna Khalid Al Qasimi

R

Rajkumar (actor)

Thomas Jefferson Ramsdell

D. Sudhaker Rao

Jean Redpath

Rick Stoddard

Sean W. Rowe

Patricia Roy

Alberto Ruy Sánchez

Ronald Reagan

Edward G. Robinson

Roy Rogers

Will Rogers

Peggy Rowe

S

Bill Sanders

Colonel Sanders

Alex Schomburg

Brenda Sell

Sturgill Simpson

London Smith (politician)

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

- Jordan Smith (musician)
- Pat Spearman
- Michael "Miles" Standish
- Susan Stanton
- Ivan Stedeford
- Samuel Taylor Suit
- Ruth C. Sullivan
- Ibrahim B. Syed
- Raphael Saadiq
- Norman Schwarzkopf
- Paul Shaffer
- Red Skelton
- Dick Smothers
- Tommy Smothers
- Igor Stravinsky

T

- Jim Teachenor
- Shirley Temple
- Wilson Edgar Terry
- Ashley Tesoro
- Dave Thomas (businessman)
- Hunter S. Thompson
- Harry Turtledove
- Robert A. Taft



- U

**V**

- W

- ①

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Bourbon

Cannabis

Commonwealth

Food Culture

Kentucky

Pennsylvania

North Carolina

People

Places

Things

US Court Case

Virginia (Dominion)

▪ [Reggie Walton](#)

▪ [Muse Watson](#)

▪ [Mae West](#)

▪ [Betty White](#)

▪ [Tiger Woods](#)

X

Y

▪ [Sean Yazbeck](#)

▪ [Dwight Yoakam](#)

Z

▪ [Irene M. Zoppi](#)

Homepage Header Image: Colonel David Wright of Tennessee internationally recognized work "Gateway to the West" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." [Boone Society](#)

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Cloud Identity

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Irene M. Zoppi

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Cloud Identity

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Facebook Groups

YouTube Channel

Twitter Account

LinkedIn Profile

Colonel Quora Com

Pinterest Board

Crunchbase SU

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Popular Links

Bibliography

Title Mark (TM)

Resources

Myth of the Colonel

US Newspapers

Image Gallery

List of Colonels

Wikipedia Article

Kentucky Goodwill Ambassadors

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1/1

# EXHIBIT 22



Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap


# Kentucky Colonel Registry

The Kentucky Colonel Registry was envisioned in 1998 by our group as a way to posterize the ideal of the Kentucky Colonel as the state's most important titled protagonist and recognized figure. The Kentucky Colonel is more than the official mascot for Kentucky, the colonel has proven to be its very source dating back to 1775 at the inception of the concepts that are inextricably confined to this origin.

## Kentucky Colonel Honorable Title Registry

Those who have received a colonel's commission may apply to be recognized in an **International title registry**, an idea originated by our network group in 1998, the registry will recognize *all* American and international academic, appointed, commissioned, elected, hereditary, identified, post-nominal, and purchased titles of achievement, distinction, honor, and merit from around the world. Nearly any honorific title of distinction issued by a head of state, secretary of state, secretariat, or an institutional official that can be recognized diplomatically will be registered. The combined program is scheduled to be online by early 2023 coincident with our reformation as the Transylvania Company (the source of Kentucky Colonelcy).

The **Title Registry** will be operated by the **Honorificus Foundation**, a non-state, non-political and non-governmental organization established offshore to maintain international neutrality. The registry will maintain a database of notarized titles, original certificate photos, apostilled certifications, personal data, genealogical links, provide a username, and a membership card to registrants, the registry will be based on the blockchain to ensure participants a permanent record is on file.



Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap

Registration is perhaps more difficult than becoming a Kentucky Colonel in the first place, but we believe it is a valuable tool and will provide colonels with a point of reference based on their claim to hold the Honorable Title. All titles require registration before they can be verified.

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work **"Gateway to the West"** hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." -[Boone Society](#)

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Cloud Identity

Social Media

Facebook Page

Facebook Groups

YouTube Channel

Twitter Account

LinkedIn Profile

Colonel Quora Com

Pinterest Board

Crunchbase SU

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Popular Links

Bibliography

Title Mark (TM)

Resources

Myth of the Colonel

US Newspapers

Image Gallery

List of Colonels

Wikipedia Article

Kentucky Goodwill Ambassadors

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1/1

# EXHIBIT 23

Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap



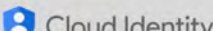

### Kentucky Colonel Club

Any three duly recognized persons with a Kentucky Colonel Commission can start a Kentucky Colonel Association, Club or Society to perform local activities or civil functions with all the rights, privileges and responsibilities of a Kentucky Colonel. The association, club and society structural styles are preferred among other designations.

### How to form a Kentucky Colonel Club

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work **"Gateway to the West"** hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West - Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center". [Boone Society](#)

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Kentucky Colonel: Honorable & Official...

HomeArticlesGuideHistoryNewsResourcesTopicsSitemap



# Kentucky Colonel Club

Any three duly recognized persons with a Kentucky Colonel Commission can start a Kentucky Colonel Association, Club or Society to perform local activities or civil functions with all the rights, privileges and responsibilities of a Kentucky Colonel. The association, club and society structural styles are preferred among other designations.

## How to form a Kentucky Colonel Club

**Homepage Header Image:** Colonel David Wright of Tennessee internationally recognized work "Gateway to the West" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled *Gateway to the West - Daniel Boone Leading The Settlers Through The Cumberland Gap*, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center. - Boone Society

**Cumberland Gap (Poster):** Image Size: 24" x 20"-Type: Poster-Price: \$ 35- Category: American Frontier | Posters



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Kentucky Goodwill Ambassadors



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**Last updated: December 01, 2022**

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By email: [contact@colonels.net](mailto:contact@colonels.net) or [legal@kycolonelcy.us](mailto:legal@kycolonelcy.us)

Homepage Header Image: Colonel David Wright of Tennessee internationally recognized work "Gateway to the West" hangs in numerous collections, as well as in the Booth Western Art Museum in Cartersville, GA and the Tennessee State Museum in Nashville. The Colonel's commissioned painting for Cumberland Gap National Historical Park, titled **Gateway to the West – Daniel Boone Leading The Settlers Through The Cumberland Gap**, 1775 has been made into a breathtaking wall-size mural that is on display at the Cumberland Gap Visitor's Center." -[Boone Society](#)

[Cumberland Gap \(Poster\)](#); Image Size: 24" x 20"; Type: Poster; Price: \$ 35; Category: American Frontier | Posters

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## Domain Information

Domain:	kycolonels.org
Registrar:	Network Solutions, LLC
Registered On:	2000-09-29
Expires On:	2026-09-29
Updated On:	2022-10-05
Status:	clientTransferProhibited
Name Servers:	ns.bluegrass.net ns1.bluegrass.net

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## Registrant Contact

State:	FL
Country:	US

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## Raw Whois Data

Domain Name: kycolonels.org  
 Registry Domain ID: 9a9d5a2b66b94ec982cc3d2fc74dd422-LROR  
 Registrar WHOIS Server: whois.networksolutions.com  
 Registrar URL: http://www.networksolutions.com  
 Updated Date: 2022-10-05T12:29:12Z  
 Creation Date: 2000-09-29T19:45:59Z  
 Registry Expiry Date: 2026-09-29T19:45:59Z  
 Registrar: Network Solutions, LLC  
 Registrar IANA ID: 2  
 Registrar Abuse Contact Email: domain.operations@web.com  
 Registrar Abuse Contact Phone: +1.8777228662  
 Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibi  
 Registry Registrant ID: REDACTED FOR PRIVACY  
 Registrant Name: REDACTED FOR PRIVACY  
 Registrant Organization:  
 Registrant Street: REDACTED FOR PRIVACY  
 Registrant City: REDACTED FOR PRIVACY  
 Registrant State/Province: FL  
 Registrant Postal Code: REDACTED FOR PRIVACY  
 Registrant Country: US  
 Registrant Phone: REDACTED FOR PRIVACY  
 Registrant Phone Ext: REDACTED FOR PRIVACY  
 Registrant Fax: REDACTED FOR PRIVACY  
 Registrant Fax Ext: REDACTED FOR PRIVACY  
 Registrant Email: Please query the RDDS service of the Registrar of Record identifi  
 Registry Admin ID: REDACTED FOR PRIVACY  
 Admin Name: REDACTED FOR PRIVACY  
 Admin Organization: REDACTED FOR PRIVACY  
 Admin Street: REDACTED FOR PRIVACY  
 Admin City: REDACTED FOR PRIVACY  
 Admin State/Province: REDACTED FOR PRIVACY  
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Tech Name: REDACTED FOR PRIVACY  
Tech Organization: REDACTED FOR PRIVACY  
Tech Street: REDACTED FOR PRIVACY  
Tech City: REDACTED FOR PRIVACY  
Tech State/Province: REDACTED FOR PRIVACY  
Tech Postal Code: REDACTED FOR PRIVACY  
Tech Country: REDACTED FOR PRIVACY  
Tech Phone: REDACTED FOR PRIVACY  
Tech Phone Ext: REDACTED FOR PRIVACY  
Tech Fax: REDACTED FOR PRIVACY  
Tech Fax Ext: REDACTED FOR PRIVACY  
Tech Email: Please query the RDDS service of the Registrar of Record identified in Name Server: ns.bluegrass.net  
Name Server: ns1.bluegrass.net  
DNSSEC: unsigned  
URL of the ICANN Whois Inaccuracy Complaint Form: https://www.icann.org/wicf/  
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Enterprise Email

Google Workspace

SSL Certificates

Sitelock

CodeGuard

Infrastructure

Datacenter Details

Hosting Security

24 x 7 Servers Monitoring

Backup and Recovery

Support

View Knowledge Base

Contact Support

Report Abuse

About Whois

# EXHIBIT 26



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Domain:	kycolonelcy.us
Registrar:	Google LLC
Registered On:	2021-01-30
Expires On:	2023-01-30
Updated On:	2022-02-04
Status:	clientTransferProhibited
Name Servers:	ns-cloud-b1.googledomains.com ns-cloud-b4.googledomains.com ns-cloud-b2.googledomains.com ns-cloud-b3.googledomains.com

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## Registrant Contact

Name:	Col. David J. Wright
Organization:	American Colonels Network
Street:	302 General Smith Drive
City:	Richmond
State:	KY
Postal Code:	40475
Country:	US
Phone:	+1.8593798277
Email:	david.wright@globcal.net

## Administrative Contact

Name:	Col. David J. Wright
Organization:	American Colonels Network
Street:	302 General Smith Drive
City:	Richmond
State:	KY
Postal Code:	40475
Country:	US

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Phone: +1.8593798277

Email: **david.wright**@globcal.net

### Technical Contact

Name: Col. David J. Wright

Organization: American Colonels Network

Street: 302 General Smith Drive

City: Richmond

State: KY

Postal Code: 40475

Country: US

Phone: +1.8593798277

Email: **david.wright**@globcal.net

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Domain Name: kycolonelcy.us  
Registry Domain ID: D27FD7112C0EB434AA31FDB1222FAD2E1-NSR  
Registrar WHOIS Server: whois.google.com  
Registrar URL: https://domains.google  
Updated Date: 2022-02-04T22:34:50Z  
Creation Date: 2021-01-30T18:12:26Z  
Registry Expiry Date: 2023-01-30T18:12:26Z  
Registrar: Google LLC  
Registrar IANA ID: 895  
Registrar Abuse Contact Email: **registrar-abuse**@google.com  
Registrar Abuse Contact Phone: +1.6502530000  
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibi  
Registry Registrant ID: C9DD57CBAE57C4C199BAC8C879C9F72BF-NSR  
Registrant Name: Col. David J. Wright  
Registrant Organization: American Colonels Network  
Registrant Street: 302 General Smith Drive  
Registrant Street:  
Registrant Street:  
Registrant City: Richmond  
Registrant State/Province: KY  
Registrant Postal Code: 40475  
Registrant Country: US  
Registrant Phone: +1.8593798277  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email: **david.wright**@globcal.net  
Registrant Application Purpose: P4  
Registrant Nexus Category: C11  
Registry Admin ID: C9DD57CBAE57C4C199BAC8C879C9F72BF-NSR  
Admin Name: Col. David J. Wright  
Admin Organization: American Colonels Network  
Admin Street: 302 General Smith Drive  
Admin Street:  
Admin Street:  
Admin City: Richmond  
Admin State/Province: KY  
Admin Postal Code: 40475  
Admin Country: US  
Admin Phone: +1.8593798277  
Admin Phone Ext:  
Admin Fax:  
Admin Fax Ext:  
Admin Email: **david.wright**@globcal.net  
Admin Application Purpose: P4  
Admin Nexus Category: C11



Registry Tech ID: C9DD57CBAE57C4C199BAC8C879C9F72BF-NSR  
Tech Name: Col. David J. Wright  
Tech Organization: American Colonels Network  
Tech Street: 302 General Smith Drive  
Tech Street:  
Tech Street:  
Tech City: Richmond  
Tech State/Province: KY  
Tech Postal Code: 40475  
Tech Country: US  
Tech Phone: +1.8593798277  
Tech Phone Ext:  
Tech Fax:  
Tech Fax Ext:  
Tech Email: **david.wright**@globcal.net  
Tech Application Purpose: P4  
Tech Nexus Category: C11  
Name Server: ns-cloud-b1.googledomains.com  
Name Server: ns-cloud-b4.googledomains.com  
Name Server: ns-cloud-b2.googledomains.com  
Name Server: ns-cloud-b3.googledomains.com  
DNSSEC: signedDelegation  
URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>  
>>> Last update of WHOIS database: 2023-01-24T21:14:16Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

.US WHOIS Complaint Tool - <http://www.whoiscomplaints.us>  
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