

**COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION 8
CASE NO. 19-CI-03576**

**KELLY GAGE, individually and doing
business as Team EnGaged Dressage,**

PLAINTIFF,

vs.

LISA DUNCKLEY,

DEFENDANT.

ORDER

This matter was heard on the 18th day of November, 2022 on this Court's Show Cause Order for defendant Lisa Dunckley to appear before the Court to show cause as to why judgment should not be entered against her in accordance with the pleadings for her failure to appear at the Pretrial Conference which was held on October 31, 2022. Plaintiff appeared at the Show Cause Hearing through counsel, Allan Blaine Chappell. Defendant Lisa Dunckley failed to appear at the Show Cause Hearing.

On November 9, 2022 this Court issued the above described Show Cause Order, and the same was served on defendant Lisa Dunckley at her last known address and by email transmission. In the Court's November 9, 2022 Show Cause Order defendant Lisa Dunckley was specifically cautioned that if she failed to appear at the Show Cause Hearing, judgment would be entered by the Court in favor of the plaintiff. Previously, defendant Dunckley had been advised

by Order entered on September 11, 2022 that if she failed to appear at the earlier scheduled Pretrial Conference docketed for October 31, 2022 dismissal and/or judgment may be entered against her.¹ She failed to appear.

In summary, defendant Lisa Dunkley has twice failed to appear at regularly scheduled hearings despite this Court's Orders and despite the Court having twice admonished her as indicated above. Further, the defendant has filed nothing in the record concerning her failure to appear on October 31, 2022 and again on November 18, 2022.

After having considered the matter, and good cause appearing therefor, it is hereby **Ordered, Adjudged and Decreed** as follows:

1. Defendant Lisa Dunckley's Answer and her Counterclaim are hereby stricken.

2. Plaintiff's counsel shall tender a proposed Order reflecting the Court's decision to strike defendant's pleadings and enter judgment in favor of plaintiff, and shall tender a proposed Judgment awarding plaintiff relief consistent with that prayed for in her Complaint and in her Reply to Counterclaim.

This is a final and appealable Order there being no just cause for delay in its enforcement.

DATED THIS ____ DAY OF _____, 2022.

	 <p>1/ HON. THOMAS L. TRAVIS electronically signed 11/28/2022 11:27:16 PM ET</p>
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HONORABLE THOMAS L. TRAVIS
FAYETTE CIRCUIT COURT, DIVISION 8

¹ It must be noted that Lisa Dunkley was advised in both instances by Orders of this Court, that she could appear by Zoom and she was provided with the Meeting ID and the Password.

CLERK'S CERTIFICATE OF SERVICE

A true and correct copy of the foregoing ORDER was served by First Class Mail postage prepaid and by email as follows on this the ____ day of _____, 2022:

Lisa Dunckley
12401 Atkinson Road
Lodi, CA 95240
flashykatt@yahoo.com

And by electronic notice through the Court's e-Filing system on the following at:

Allan Blaine Chappell
Attorney at Law
United Professional Building
100 United Drive, Suite 4D
Versailles, Kentucky 40383
thoroughbredlaw@windstream.net

Clerk, Fayette Circuit Court

**COMMONWEALTH OF KENTUCKY
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vs.

LISA DUNCKLEY,

DEFENDANT.

JUDGMENT

This matter is before the Court, the defendants' pleadings having been stricken as Ordered by this Court on _____, 2022. The Court, having considered the record, Good Cause appearing, and being otherwise sufficiently advised, does hereby Order as follows:

1. That the plaintiff, Kelly Gage, individually and doing business as Team EnGaged Dressage, be and hereby is awarded JUDGMENT against the defendant, LISA DUNCKLEY, as follows:

ON PLAINTIFF'S COMPLAINT

- a. For general damages in the sum of \$174,176.16;
- b. On the Seventh Cause of Action, for foreclosure of plaintiff's agricultural lien on the stallion identified in plaintiff's complaint as Joyride. The Court adjudges that plaintiff has a valid and enforceable agricultural lien on Joyride and upon

plaintiff's demand, defendant shall turn over possession of Joyride to the plaintiff. Plaintiff may but shall not be required to take possession of Joyride. However, in the event plaintiff does take possession of Joyride pursuant to this Judgment or pursuant to any Sister State Judgment, plaintiff shall as soon as is reasonably practicable following the transfer of possession, cause a foreclosure sale in accordance with the provisions of the Uniform Commercial Code.¹ In the event plaintiff proceeds to take possession of Joyride pursuant to this Judgment or pursuant to any Sister State Judgment, defendant shall receive credit for any sales proceeds resulting from the foreclosure and sale, less the costs of such foreclosure sale.² Plaintiff is entitled to credit bid up to \$174,176.16 at any foreclosure sale concerning Joyride.

- c. Pre-Judgment Interest at the legal rate of 8.00% per annum from October 4, 2019 through and including the date of entry of judgment; and,
- d. Post-Judgment Interest from and after entry of judgment at the rate of 6.00% per annum until paid.
- e. Costs in the sum of \$221.00 for filing fees and \$40.00 for service of process.

¹ This Judgment for foreclosure identifies Joyride only because Alberich, the other stallion involved in this action, died while in defendant's custody during the pendency of this action.

² Plaintiff is likewise entitled to possession and sale of Joyride pursuant to plaintiff's causes of action concerning the dissolution and winding up of the Joyride partnership.

ON DEFENDANT’S COUNTERCLAIM

1. Judgment for plaintiff. Defendant shall take nothing by her Counterclaim herein.

This is a final and appealable Judgment and no just cause exists for delay in its enforcement.

IT IS SO ORDERED.

DATED THIS ____ DAY OF _____, 2022.



HONORABLE THOMAS L. TRAVIS
FAYETTE CIRCUIT COURT, DIVISION 8

CLERK’S CERTIFICATE OF SERVICE

A true and correct copy of the foregoing JUDGMENT was served by First Class Mail postage prepaid and by email as follows on this the ____ day of _____, 2022:

Lisa Dunckley
12401 Atkinson Road
Lodi, CA 95240
flashykatt@yahoo.com

And by electronic notice through the Court’s e-Filing system on:

Allan Blaine Chappell
Attorney at Law
United Professional Building
100 United Drive, Suite 4D
Versailles, Kentucky 40383
thoroughbredlaw@windstream.net

Clerk, Fayette Circuit Court