

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION**

STELLAR RENEWABLE POWER, LLC)
and HENDERSON COUNTY SOLAR, LLC,)

Plaintiffs,)

v.)

HENDERSON COUNTY, KENTUCKY;)

HENDERSON COUNTY FISCAL COURT;)

HENDERSON COUNTY CODES)

DEPARTMENT; HENDERSON CITY)

COUNTY PLANNING COMMISSION;)

HENDERSON COUNTY BOARD OF)

ADJUSTMENT; BRAD SCHNEIDER, in his)

official capacity as Henderson County Judge-)

Executive; STEVE GOLD, in his official)

capacity as Henderson County Attorney and)

individually; RANDY TASA, in his official)

capacity as Codes Administrator and)

individually; and NICK STALLINGS, in his)

official capacity as Henderson County Codes)

Department County Engineer.)

Defendants.)

FILED
JAMES J. VILT JR,
CLERK
6/22/2026

U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

CASE NO. 4:26CV-435-BJB

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, WRIT OF
MANDAMUS, INJUNCTIVE RELIEF, DAMAGES, AND OTHER RELIEF**

Plaintiffs Stellar Renewable Power, LLC (“Stellar”) and Henderson County Solar, LLC (“Henderson Solar”) bring this Verified Complaint against Defendants to enjoin Henderson County and the County officials responsible for site-plan, engineering, zoning, and building permit administration from retroactively applying a solar moratorium and revised Level 2/Level 3 solar energy system classification to a previously approved and grandfathered 50-megawatt solar project in Henderson County, Kentucky (the “Project”).

The Project is not a new solar development. The Henderson City-County Planning Commission approved the Project site plan in April 2021 under Henderson County's December 2019 Solar Energy Ordinance. After the County's 2025 moratorium took effect, the Planning Commission, through Planning Director Brian Bishop and the Commission itself, treated the Project as a continuation of that approved site plan and renewed the site-plan approval. County officials repeatedly confirmed, including in writing and on the public record, that the Project was grandfathered under the prior ordinance.

On May 29, 2026, WHC, LLC ("WHC"), the Project contractor and building permit applicant of record, submitted the building permit application and confirmed submission with Defendant Randy Tasa, the Codes Administrator and zoning enforcement officer. Section 6.02(C)(3) of the Henderson County Zoning Ordinance required Tasa, as enforcement officer, to issue the permit if the proposed construction conformed to applicable provisions, ordinances, regulations, and codes, or to deliver a written refusal stating the reasons for refusal within two weeks. Section 6.02(C)(1) also requires nonresidential site plans addressing drainage, entrances, exits, and other pertinent information to be approved by the enforcement officer and local government engineer acting jointly, in consultation with the Planning Commission, before a building permit may issue. Defendant Nick Stallings, as the Henderson County Codes Department County Engineer, is the local government engineer responsible for that ministerial engineering review and sign-off to the extent Henderson County contends such sign-off remains necessary for the building permit.

Tasa and Stallings have not identified any drainage, entrance, exit, site-plan, building code, safety code, or construction document nonconformity. Instead, (1) Tasa stated that the moratorium precluded him from processing solar installation applications; (2) Tasa made or was reported to

have made a written recommendation to the Fiscal Court concerning non-issuance or denial; (3) Gold advised, directed, approved, or ratified the County's position on the permit and the Level 2/Level 3 classification issue; (4) Schneider and the Fiscal Court authorized, ratified, or maintained the County policy position concerning the moratorium; and (5) the County, through these officials and bodies, has withheld the permit based on the later moratorium and later classification issue despite the Project's prior approvals and grandfathered status.

Plaintiffs seek immediate declaratory and injunctive relief, a writ of mandamus or mandatory injunction compelling issuance of the building permit, a declaration that the Project is exempt from the later ordinance and moratorium, an order preserving and extending the Project's site-plan approval during the pendency of this action, damages of at least \$16,000 per day for each day of delay, damages for all other losses caused by Defendants' failure to issue the permit in a timely manner, attorneys' fees, costs, interest, and all further relief to which Plaintiffs are entitled.

PARTIES

1. Plaintiff Stellar Renewable Power, LLC ("Stellar") is a limited liability company organized and existing under the laws of the State of Delaware and having its principal place of business located at 14643 Dallas Parkway, Suite 250, Dallas, TX 75254. Stellar's parent entities include Global Atlantic Re Limited, a Bermuda insurer and reinsurer, and Stellar Renewable Power Management, LLC, a Delaware limited liability company that offers private stock warrants that vest over time as part of a private equity fund. Global Atlantic Re Limited owns 100% of Stellar Renewable Power, LLC. Global Atlantic Re Limited is wholly owned by KKR & Co., Inc., a Delaware corporation that is publicly traded. None of the LLC members of the affiliated entities are citizens of Kentucky. No other publicly traded corporation owns 10% or more of Stellar.

2. Plaintiff Henderson County Solar, LLC (“Henderson Solar”) is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 14643 Dallas Parkway, Suite 250, Dallas, TX 75254. Henderson County Solar, LLC has one member: Stellar US Asset Co, LLC, a Delaware limited liability Company. Stellar US Asset Co, LLC has one member: Stellar Renewable Power, LLC, a Delaware limited liability company. Stellar Renewable Power, LLC has two members: Global Atlantic Re Limited, a Bermuda insurer and reinsurer, and Stellar Renewable Power Management, LLC, a Delaware limited liability company that offers private stock warrants that vest over time as part of a private equity fund. Global Atlantic Re Limited owns 100% of Stellar Renewable Power, LLC. Global Atlantic Re Limited is wholly owned by KKR & Co., Inc., a Delaware corporation that is publicly traded. None of the LLC members of the affiliated entities are citizens of Kentucky. No other publicly traded corporation owns 10% or more of Henderson County Solar, LLC.

3. Stellar and Henderson Solar are collectively referred to herein as the “Plaintiffs.”

4. Defendant Henderson County, Kentucky (“Henderson County” or the “County”) is a county and political subdivision of the Commonwealth of Kentucky with its principal offices located at 20 N. Main Street, Henderson, KY 42420. Henderson County may sue and be sued and is responsible for the actions, policies, customs, practices, and final decisions of its officials, departments, agencies, boards, policymakers, and employees acting under color of state law.

5. Defendant Henderson County Fiscal Court (“Fiscal Court”) is the governing body for Henderson County, Kentucky, with its principal offices located at 20 N. Main Street, Henderson, KY 42420. It is sued to the fullest extent it may be sued as a county legislative and governing body and as an agency, arm, alter ego, or final policymaker of Henderson County. The Fiscal Court is responsible for County policy concerning the moratorium, for receiving or acting

on written explanations from the enforcement officer when no building permit action is taken, and for ratifying or directing the County's position on the Project permit.

6. Defendant Henderson County Codes Department ("Codes Department") is the department or agency responsible for building permits, codes administration, and enforcement of building-code, property-maintenance, and zoning requirements, with offices located at 1990 Barrett Court, Suite H, Henderson, KY 42420. It is sued to the fullest extent it may be sued as an agency, arm, alter ego, or department of Henderson County. If the Codes Department lacks separate capacity to be sued, Plaintiffs plead all claims against Henderson County acting by and through the Codes Department.

7. Defendant Henderson City-County Planning Commission ("Planning Commission") is the municipal planning commission that approved and renewed the Project site plan, with offices located at 1990 Barrett Court, Suite C, Henderson, KY 42420. It is sued to the fullest extent it may be sued as an agency, arm, or final decision making body involved in the Project's zoning and site plan approvals and for complete prospective relief preserving and extending the site plan approval.

8. Defendant Henderson County Board of Adjustment ("Board of Adjustment") is the board empowered under KRS 100.257 and KRS 100.261 to hear appeals from orders, requirements, decisions, grants, or refusals by administrative officials in the enforcement of zoning regulations, with offices at or through 1990 Barrett Court, Suite C or Suite H, Henderson, KY 42420. It is sued to the fullest extent it may be a necessary party for complete relief, exhaustion, review, or mandamus related relief, including relief preserving the site plan approval and preventing administrative action inconsistent with this Court's orders.

9. Defendant Brad Schneider (“Schneider”) is the Henderson County Judge-Executive. Schneider is sued in his official capacity for prospective and equitable relief and, to the extent permitted by law and supported by discovery, in his individual capacity for damages and other relief arising from actions taken under color of state law. Schneider may be served at 20 N. Main Street, Henderson, KY 42420. Schneider made the County level representation that already approved renewable energy projects would not be impacted by County action and later signed or supported the moratorium recommendation that Defendants now seek to apply to the Project.

10. Defendant Steve Gold (“Gold”) is a Kentucky citizen residing in Henderson County. Gold is the Henderson County Attorney. He is sued in his official capacity for prospective and equitable relief and, to the extent permitted by law, in his individual capacity for damages and other relief arising from actions taken under color of state law. Gold participated in the County’s permit review communications, participated in discussions concerning the County’s legal exposure, asked questions concerning mobilization and staging, and, on information and belief, advised, directed, approved, or ratified the position that the permit should not issue based on the moratorium or revised classification issue.

11. Defendant Randy Tasa (“Tasa”) is the Henderson County Codes Administrator and/or zoning enforcement officer charged with administering the building permit process. He is sued in his official capacity for prospective and equitable relief and, to the extent permitted by law, in his individual capacity for damages and other relief arising from actions taken under color of state law. Tasa may be served at 1990 Barrett Court, Suite H, Henderson, KY 42420. Tasa provided permit submission guidance, received and acknowledged the permit application, asserted that the moratorium precluded processing of solar installation applications, failed to issue the permit or

provide legally sufficient written reasons within the ordinance deadline, and, on information and belief, submitted a written recommendation to the Fiscal Court concerning non-issuance or denial.

12. Defendant Nick Stallings (“Stallings”) is, on information and belief, the Henderson County Codes Department County Engineer and the local government engineer responsible for review or sign-off of nonresidential site plan matters addressing drainage, entrances, exits, and other pertinent information under Section 6.02(C)(1) of the Henderson County Zoning Ordinance. He is sued in his official capacity for prospective and equitable relief and, to the extent permitted by law and supported by discovery, in his individual capacity for damages and other relief arising from actions taken under color of state law. Stallings may be served at 1990 Barrett Court, Suite H, Henderson, KY 42420. To the extent Henderson County contends that local government engineer approval or sign-off is a prerequisite to issuance of the building permit, Stallings has a ministerial duty to conduct that review under the applicable ordinance, identify any objective engineering nonconformity if one exists, and provide the required sign-off when the plans conform.

13. Defendants Henderson County, the Fiscal Court, the Codes Department, the Planning Commission, the Board of Adjustment, Schneider, Gold, Tasa, and Stallings, are collectively referred to herein as the “Defendants.”

14. At all relevant times, Defendants acted individually, officially, jointly, in concert, under color of state law, and/or as agents, employees, officials, policymakers, or representatives of Henderson County, as specifically alleged below. Plaintiffs do not rely on undifferentiated group allegations; each count identifies the defendants against whom it is asserted and the conduct attributed to those defendants.

15. On information and belief, Plaintiffs allege that none of the Defendants have a citizenship in any state other than Kentucky.

JURISDICTION AND VENUE

16. This Court has federal-question jurisdiction under 28 U.S.C. § 1331 because Plaintiffs assert claims under the United States Constitution and 42 U.S.C. § 1983, including claims for deprivation of procedural due process, substantive due process, equal protection, and property rights under the color of state law.

17. This Court has jurisdiction over Plaintiffs' claim for declaratory relief under 28 U.S.C. §§ 2201 and 2202.

18. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiffs' related Kentucky law claims because those claims arise from the same case or controversy as Plaintiffs' federal claims.

19. This Court also has diversity jurisdiction under 28 U.S.C. § 1332 if Plaintiffs' members are citizens of states other than Kentucky and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Plaintiffs allege, based on information presently available, that the amount in controversy exceeds \$75,000 because Defendants' conduct has caused and continues to cause damages of at least \$16,000 per day, in addition to other delay, financing, mobilization, equipment, contractual, and reliance damages. Plaintiffs will supplement the citizenship of each LLC member as necessary.

20. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332(a) because the citizenship of the Plaintiffs is diverse from the citizenship of all Defendants and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

21. Venue is proper in this District under 28 U.S.C. § 1391 because the events and omissions giving rise to the claims occurred in Henderson County, Kentucky; the Project is located in Henderson County, Kentucky; Defendants reside in or are located in this District; and the requested relief concerns a building permit and land use approvals in this District.

22. Venue is proper in this District pursuant to 28 U.S.C. §1391 as the contract upon which the action is based was entered into within this District, the events giving rise to this action occurred within this District, and all Defendants reside within this District.

23. The Owensboro Division is the proper division because Henderson County lies within the Owensboro Division of the Western District of Kentucky.

FACTUAL ALLEGATIONS

24. In December 2019, Henderson County adopted a Solar Energy Ordinance governing solar energy systems in Henderson County (the “2019 Ordinance”). In April 2021, the Planning Commission approved the Project’s original site plan under the 2019 Ordinance. The Project was the first solar farm site plan considered by Henderson County. The Project is a 50-megawatt solar photovoltaic electric generating facility located in Henderson County, Kentucky, near Kentucky Highway 425.

25. On April 11, 2024, Henderson Solar entered into a Power Purchase Agreement (“PPA”) with Henderson Municipal Power & Light (“HMPL”) for development, construction, operation, and sale of solar-energy output from a Henderson County facility with expected total maximum power output of approximately 50 megawatts alternating current (“MWac”).

26. The PPA and Project were undertaken for the benefit of HMPL and its customers. The public record reflects that HMPL contracted to purchase 100% of the Project’s power for

twenty years for the benefit of approximately 12,000 HMPL customers and to maintain power-cost stability.

27. In July 2024, while the parties were finalizing the Project decommissioning plan, Tasa reviewed the plan on behalf of the Codes Department and raised the issue whether the Project should be treated under revised Level 2 nomenclature rather than Level 3 nomenclature and whether a different decommissioning percentage should apply. Stellar responded that the Project was grandfathered into the old ordinance, that Stellar was following the old ordinance naming convention, and that the old ordinance's requirements applied.

28. On or about August 19, 2024, Brian Bishop ("Bishop"), acting as Planning Director and on behalf of the Planning Commission staff, responded that, from the County's standpoint, he agreed with Stellar's position and the grandfathered percentages for decommissioning.

29. On or about November 20, 2024, in response to HMPL's concerns that a proposed moratorium could affect energy infrastructure and power costs, Schneider, acting as Henderson County Judge-Executive and as a County policymaker, represented that nothing the County might do would impact any renewable energy project in the city or any project in the county that had already been approved.

30. On or about November 26, 2024, Schneider signed or supported a recommendation for a two-year moratorium on large-scale solar projects, citing 2023 House Bill 4 and regulatory issues for Level 2 solar-energy systems, including setback distances, decommissioning bonds, and related public protections.

31. The moratorium took effect in or around February 2025. By its terms, purpose, and the County's own pre-adoption representations, the moratorium applies to new or pending

applications for Level 2 solar-energy systems and should not apply retroactively to already-approved, grandfathered projects.

32. On July 1, 2025, after the moratorium took effect, the Planning Commission renewed and extended the Project's site plan for one year. The Planning Commission, with Bishop presenting the matter to the Commission, did not treat the moratorium as barring the Project.

33. At the July 1, 2025 Planning Commission meeting, Bishop confirmed that the Project's original site-plan approval, dated April 2021, was approved under the December 2019 Solar Energy Ordinance, and that the Project had remained in continuous contact with Planning Commission staff. Bishop further stated that staff believed the request was a continuation of the original April 2021 site plan approval. When a commissioner stated that the Project was "grandfathered," Bishop responded, "that would be a good way to describe it."

34. At the same meeting, Bishop explained that the action before the Planning Commission was to extend the site plan approval. Bishop stated that the one-year deadline required the applicant to come back to the Planning Commission, give an update, or apply for a building permit. The Planning Commission then voted to extend the Henderson Solar site plan request for a period of one year.

35. Because the Planning Commission's July 1, 2025 extension was for one year, Defendants may contend that the site-plan approval expires or requires further extension on or about July 1, 2026. Any such expiration or refusal to extend caused by Defendants' permit delay would compound the harm and would allow Defendants to benefit from their own withholding of the building permit. Preservation and extension of the site-plan approval is necessary to maintain the status quo while this Court adjudicates Plaintiffs' claims.

36. Stellar and Henderson Solar reasonably relied on the County's approvals, renewals, and repeated representations that the Project was grandfathered under the 2019 Ordinance. In reliance on the County's approvals and representations, Plaintiffs and their affiliates have spent approximately \$29.7 million on development, equipment, procurement, engineering, permitting, interconnection, contracting, and other Project costs.

37. Beginning in January 2026 and continuing through May 2026, Tasa provided guidance to Stellar, WHC, and Kimley-Horn concerning the documents needed for approval of the Project building permit. Tasa did not advise Plaintiffs that the Project was barred by the moratorium during this permit preparation process.

38. Under Section 6.02(C)(1) of the Henderson County Zoning Ordinance, an applicant for a building permit must submit a plan with the application showing lot dimensions, outside dimensions of structures, yard depths, and other information necessary to determine conformance. For nonresidential development, site plans addressing drainage, entrances, exits, and other pertinent information must be approved by the enforcement officer and the local government engineer, acting jointly, in consultation with the Planning Commission, and site plan approval must be granted before a building permit can be issued.

39. Tasa is the enforcement officer and Codes Administrator responsible for the building permit decision and for acting on the permit within the mandatory ordinance deadline. Stallings is, on information and belief, the local government engineer responsible for the engineering component of the County's sign-off, including drainage, entrances, exits, and other pertinent site plan matters if Henderson County contends such review remains outstanding.

40. On May 29, 2026, WHC Project Manager Anthony Caronna submitted the online building-permit application for the Project and confirmed the submission with Tasa. The permit

application triggered Tasa's mandatory obligation to act within two weeks under Section 6.02(C)(3). It also triggered any ministerial obligation of Stallings to complete or confirm any local government engineer sign-off necessary for issuance.

41. Section 6.02(C)(3) provides that if the proposed construction or alteration conforms with all applicable provisions and all other applicable ordinances, regulations, and codes, the enforcement officer **shall** issue a building permit authorizing the construction or alteration. If the proposed construction or alteration fails to conform, the enforcement officer shall refuse to issue a building permit and **shall** deliver written notice to the applicant stating the reasons for refusal. The enforcement officer shall act upon building-permit applications within two weeks from submission or shall inform Fiscal Court in writing why no action has been taken.

42. The two-week deadline for Tasa to act on the May 29, 2026 building-permit application expired on or about June 12, 2026.

43. On May 29, 2026, the same day the building permit application was submitted, Tasa asserted by email that the moratorium precluded him from processing any solar installation applications and stated that he was seeking legal guidance from Henderson County's retained counsel. Tasa's May 29, 2026 statement referred to the Project as a "proposed project," despite the fact that the Project's site plan had been approved since April 2021 and renewed after the moratorium took effect.

44. Tasa did not issue the building permit by June 12, 2026. Tasa also did not deliver a legally sufficient written refusal identifying any specific site-plan, drainage, entrance, exit, building code, safety code, or construction document nonconformity that would justify withholding the permit.

45. Stallings has not issued or communicated any local government engineer objection identifying any objective deficiency in the Project's drainage, entrance, exit, or other engineering materials. To the extent the County contends that Stallings' approval or signature is required for permit issuance, Stallings has not provided that approval or signature and has not provided any objective engineering reason for withholding it.

46. On information and belief, Tasa made a written recommendation to the Fiscal Court concerning denial or non-issuance of the building permit. On information and belief, Tasa's recommendation was based on the moratorium and revised Level 2/Level 3 classification issue rather than on any objective nonconformity with the approved site plan, engineering requirements, or building code requirements.

47. Gold participated in County communications regarding the permit. During a June 2026 call, Gold and Harold "Mac" Johns ("Johns") discussed the County's position and legal exposure. Gold asked about whether trucks arriving on site would be overweight trucks, which was the only operational concern County representatives raised at that time. Gold did not identify any building code, engineering, site plan, drainage, entrance, exit, or safety code nonconformity justifying non-issuance of the permit.

48. On information and belief, Gold advised, directed, approved, or ratified Tasa's recommendation or the County's refusal to issue the building permit based on the moratorium and revised Level 2/Level 3 classification issue. Upon information and belief, Gold's advice or approval was a driving factor behind the County's continued failure to issue the permit.

49. Schneider, the Fiscal Court, and Henderson County authorized, ratified, or maintained the policy of applying the moratorium to the Project, notwithstanding Schneider's prior

representation that already approved renewable energy projects would not be affected, and notwithstanding the Planning Commission's July 2025 extension of the site plan.

50. The Board of Adjustment has authority under KRS 100.257 and KRS 100.261 to hear Plaintiffs' emergency administrative appeal from Tasa's refusal or constructive denial. Plaintiffs are pursuing or have pursued that administrative remedy to preserve their rights. The Board of Adjustment is included to the extent necessary to provide complete relief, to prevent administrative action inconsistent with this Court's orders, and to preserve and extend the site plan approval while this action is pending.

51. Defendants' use of the later ordinance and moratorium at the building permit stage creates an unlawful inconsistency: the Planning Commission and Bishop applied the 2019 Ordinance and treated the Project as approved and grandfathered, while Tasa, Stallings to the extent he withholds sign-off, Gold, Schneider, the Fiscal Court, the Codes Department, the Board of Adjustment to the extent it accepts the same position, and Henderson County now seek to apply a later ordinance to the same Project.

52. No Defendant has identified substantial evidence that the submitted building permit materials fail to conform to the approved site plan or applicable building, safety, engineering, drainage, entrance, exit, or construction code requirements.

53. The building permit process should be ministerial at this stage. Tasa's role is to determine whether the construction documents conform to the approved site plan and applicable construction-code requirements. Stallings's role, to the extent implicated, is to apply objective engineering standards to drainage, entrances, exits, and similar site-plan matters. Neither Tasa nor Stallings may use ministerial building permit or engineering review to reclassify the Project, retroactively impose a moratorium, or re-adjudicate the Project's land use entitlement.

54. The County's refusal and delay have caused immediate and continuing harm. Plaintiffs are incurring damages of at least \$16,000 per day for each day the permit is not timely issued, including costs associated with construction delay, procurement, equipment delivery and storage, mobilization, labor, contractor commitments, interconnection obligations, financing and carrying costs, professional fees, and related delay impacts.

55. Plaintiffs also face additional damages, including potential acceleration costs, increased construction costs, interconnection and PPA impacts, financing impacts, tax-credit or tax-equity impacts, mitigation costs, attorneys' fees, consultant fees, and other consequential and reliance damages.

56. According to HMPL, if this Project is delayed, HMPL's annual power cost could increase significantly. Conversely, if the Project is built as planned, HMPL anticipates saving \$3 million per year which equates to \$60 million over 20 years or 8.5% in savings.

57. On May 30, 2026, Brad Bickett with HMPL sent an email to the Utility Commission, County, and Planning Commission, explaining that Henderson County Solar had received approval from the Kentucky Public Siting Commission Electric Generation and Transmission Siting Board, and that construction was expected to begin on June 15, 2026. Mr. Bickett recognized the Project as grandfathered in and explained that HMPL was in the process of completing network upgrades to facilitate receipt of the power.

58. Plaintiffs have no adequate remedy at law for the immediate loss of Project schedule, loss of construction season, regulatory uncertainty, threatened expiration or impairment of site-plan approval, and ongoing daily damages caused by Defendants' refusal to issue the permit.

59. To the extent Defendants contend that Plaintiffs must exhaust administrative remedies, Plaintiffs have pursued or are pursuing available administrative relief, including an emergency appeal to the Board of Adjustment under KRS 100.257 and KRS 100.261. Exhaustion is not required for Plaintiffs' federal constitutional claims under 42 U.S.C. § 1983, and any administrative remedy is inadequate, futile, or incapable of preventing ongoing irreparable harm to the extent it cannot compel timely issuance of the permit, preserve the site plan approval, and compensate Plaintiffs for the full harm caused by Defendants' conduct.

60. All conditions precedent to Plaintiffs' claims have occurred, have been performed, have been waived, or are excused.

LEGAL BACKGROUND

61. KRS 100.203(2) provides that a planning commission may require a development plan as a condition of zoning approval and that, where agreed upon, the development plan shall be followed.

62. KRS 100.271 provides that the administrative official designated to administer zoning regulations may issue building permits or certificates of occupancy in accordance with the literal terms of the regulation and may not permit construction or use that does not conform to the literal terms of the zoning regulation.

63. KRS 100.275 requires ordinances, rules, and regulations governing subdivision plats and development plans to be in the form of objective standards applied ministerially, except in limited circumstances not present here.

64. KRS 100.257 and KRS 100.261 authorize the Board of Adjustment to hear and decide appeals alleging error in any order, requirement, decision, grant, or refusal by an

administrative official in the enforcement of zoning regulations and to reverse, affirm, modify, or enter the order that ought to be made.

65. KRS 100.347 provides for judicial review of final actions of boards of adjustment, planning commissions, and legislative bodies, and provides that final actions not timely appealed are not subject to judicial review.

66. KRS 446.080(3) provides that no statute shall be construed to be retroactive unless expressly so declared. The same anti-retroactivity principle applies to local ordinances and amendments absent clear retroactive intent.

67. Kentucky law recognizes vested rights where, before later restrictions are enacted or applied, a property owner or developer has in good faith substantially undertaken acts necessary to accomplish the approved use. *Darlington v. Board of Councilmen of Frankfort*, 282 Ky. 778, 140 S.W.2d 392 (1940); *City of Berea v. Wren*, 818 S.W.2d 274 (Ky. App. 1991).

68. Kentucky law prohibits arbitrary administrative action. An administrative action is arbitrary when it exceeds the official's granted powers, fails to afford procedural due process, or is not supported by substantial evidence. *American Beauty Homes Corp. v. Louisville & Jefferson County Planning & Zoning Comm'n*, 379 S.W.2d 450, 456-57 (Ky. 1964).

69. In *Boone Development, LLC v. Nicholasville Board of Adjustment*, 709 S.W.3d 88 (Ky. 2024), the Kentucky Supreme Court recognized that a final development plan may control later implementation and may limit and control the issuance of building and occupancy permits.

70. The United States Supreme Court has recognized that elementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly. In *Landgraf v. USI Film Products*, Justice Stevens explained the “antiretroactivity principle” is found in several provisions of the United States Constitution:

The antiretroactivity principle finds expression in several provisions of our Constitution. The *Ex Post Facto* Clause flatly prohibits retroactive application of penal legislation. Article I, § 10, cl. 1, prohibits States from passing another type of retroactive legislation, laws “impairing the Obligation of Contracts.” The Fifth Amendment's Takings Clause prevents the Legislature (and other government actors) from depriving private persons of vested property rights except for a “public use” and upon payment of “just compensation.” The prohibitions on “Bills of Attainder” in Art. I, §§ 9–10, prohibit legislatures from singling out disfavored persons and meting out summary punishment for past conduct. The Due Process Clause also protects the interests in fair notice and repose that may be compromised by retroactive legislation; a justification sufficient to validate a statute's prospective application under the Clause “may not suffice” to warrant its retroactive application.

Landgraf, 511 U.S. 244, 266–69 (1994) (internal citations omitted). Importantly, restrictions on retroactivity serve to limit the government’s unmatched power to sweep away settled expectations suddenly, without individualized consideration, such as in response to political pressures. *Id.*

COUNT I – WRIT OF MANDAMUS AND/OR MANDATORY INJUNCTION

Against Henderson County, Kentucky; Henderson County Fiscal Court; Henderson County Codes Department to the extent separately suable; Randy Tasa in his official capacity as Codes Administrator; and Nick Stallings in his official capacity as County Engineer

71. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

72. Tasa has a clear, ministerial, nondiscretionary duty under Section 6.02(C)(3) to act on the permit application, to issue the permit if the proposed construction conforms, or to provide a written refusal stating specific reasons for refusal within the ordinance deadline.

73. Stallings has a clear, ministerial, nondiscretionary duty, to the extent Henderson County requires local government engineer sign-off, to apply objective engineering criteria to drainage, entrances, exits, and other pertinent site plan matters, to identify any specific objective nonconformity, and to provide the required sign-off when the materials conform.

74. Henderson County, the Codes Department, and the Fiscal Court are responsible for ensuring that Tasa and Stallings perform those ministerial duties and do not withhold permit issuance based on a later moratorium or revised classification that does not apply to the Project.

75. Tasa has not identified any nonconformity with the approved site plan or applicable construction codes. Stallings has not identified any drainage, entrance, exit, or engineering nonconformity. Their refusal or failure to act rests on, or has been overtaken by, a later moratorium and classification issue that do not apply to this grandfathered Project.

76. Plaintiffs have a clear legal right to issuance of the permit, or at minimum immediate ministerial processing and issuance upon objective confirmation of conformity. Plaintiffs lack an adequate remedy at law because each day of delay causes continuing damages, threatens the Project schedule, and risks impairment or claimed expiration of the site-plan approval.

77. Plaintiffs request a writ of mandamus under Kentucky law, or alternatively a mandatory injunction under this Court's equitable powers, compelling Tasa and Stallings to complete their ministerial duties and compelling Henderson County, the Codes Department, and the Fiscal Court to issue, or cause issuance of, the building permit immediately or within a Court-ordered deadline.

COUNT II – DECLARATORY JUDGMENT

Against Henderson County, Kentucky; Henderson County Fiscal Court; Henderson City-County Planning Commission; Henderson County Board of Adjustment; Randy Tasa in his official capacity; Nick Stallings in his official capacity; and Brad Schneider in his official capacity

78. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

79. An actual, ripe, and justiciable controversy exists between Plaintiffs and the County Defendants concerning whether the Project is governed by the 2019 Ordinance and prior site plan approvals or by the later ordinance, moratorium, and revised Level 2/Level 3 classification.

80. Henderson County, the Fiscal Court, and Schneider have adopted, ratified, or maintained the County policy position that the moratorium and revised classification may be applied to the Project. Tasa is applying that position to the building permit application. Stallings, to the extent he withholds engineering sign-off or approval, is participating in the same non-issuance. The Board of Adjustment may be asked to accept or reject that position in the administrative appeal. The Planning Commission is necessary to bind the public body responsible for the site plan approval and extension.

81. Plaintiffs seek a declaration under 28 U.S.C. §§ 2201 and 2202 that: (a) the Project is grandfathered; (b) the Project is exempt from the later ordinance and moratorium; (c) the 2019 Ordinance and approved/renewed site-plan framework govern the building-permit application; (d) Defendants may not retroactively apply the later ordinance or moratorium to the Project; (e) Tasa and Stallings must process the building-permit application ministerially under objective requirements; and (f) the Project's site-plan approval must be preserved and extended during the pendency of this action so Defendants cannot cause or exploit expiration through their own delay.

**COUNT III – TEMPORARY, PRELIMINARY, AND PERMANENT
INJUNCTIVE RELIEF**

Against Henderson County, Kentucky; Henderson County Fiscal Court; Henderson County Codes Department to the extent separately suable; Henderson City-County Planning Commission; Henderson County Board of Adjustment; Randy Tasa in his official capacity; Nick Stallings in his official capacity; Steve Gold in his official capacity; and Brad Schneider in his official capacity

82. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

83. Plaintiffs are likely to succeed on the merits because the Project is approved, grandfathered, and not subject to retroactive application of the later ordinance and moratorium. Tasa and Stallings have identified no objective nonconformity, and Gold, Schneider, the Fiscal Court, and Henderson County have no lawful basis to ratify withholding the permit on the basis of the moratorium or revised classification issue.

84. Plaintiffs will suffer irreparable harm absent immediate injunctive relief, including schedule loss, disruption to construction and interconnection obligations, impairment of public-power commitments, uncertainty affecting financing and tax-credit planning, daily damages, and threatened expiration or impairment of the site plan approval during the pendency of this dispute.

85. The balance of equities favors Plaintiffs because no Defendant has identified any code based, engineering based, or safety based nonconformity and because issuance of the permit advances an approved public-power project.

86. The public interest favors prompt issuance because the Project supports HMPL's long-term power supply, rate stability, and public utility objectives.

87. Plaintiffs request temporary, preliminary, and permanent injunctive relief prohibiting Defendants from applying the later ordinance, moratorium, or revised Level 2/Level 3 classification to the Project; requiring Tasa and Stallings to complete all ministerial permit and engineering sign-offs; requiring Henderson County and the Codes Department to issue or cause issuance of the building permit; and prohibiting Gold, Schneider, the Fiscal Court, the Board of Adjustment, and the Planning Commission from taking any action inconsistent with the Court's orders.

88. Plaintiffs further request that the Court preserve the status quo by tolling, extending, or ordering Defendants to extend the Project's site plan approval during the pendency of this action

and for a reasonable period after final adjudication or permit issuance sufficient to prevent Defendants from benefitting from the delay they caused. This relief is necessary because the July 1, 2025 site-plan extension was for one year and Defendants' withholding of the permit threatens to impair the very approval on which the permit should issue.

COUNT IV – 42 U.S.C. § 1983 - PROCEDURAL DUE PROCESS

Against Henderson County, Kentucky; Randy Tasa in his official capacity for prospective relief and in his individual capacity for damages; Nick Stallings in his official capacity for prospective relief and, to the extent supported by discovery, in his individual capacity for damages; and Steve Gold in his individual capacity

89. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

90. Plaintiffs possess constitutionally protected property interests in the Project approvals, the renewed site plan, the grandfathered status of the Project, the right to objective ministerial review, and issuance of the building permit upon satisfaction of objective requirements.

91. Tasa deprived Plaintiffs of those interests under color of state law by refusing or failing to timely issue the building permit, refusing or failing to provide timely written reasons identifying specific nonconformities, and invoking the moratorium rather than applying objective permit criteria.

92. Stallings deprived Plaintiffs of those interests under color of state law to the extent he failed to complete required engineering review or sign-off, failed to identify any objective engineering nonconformity, or withheld engineering approval because of the moratorium or County policy rather than objective engineering criteria.

93. Gold deprived Plaintiffs of those interests under color of state law to the extent he advised, directed, approved, or ratified Tasa's and the County's refusal to issue the permit without

constitutionally adequate process and despite the known site-plan approval and grandfathering record.

94. Henderson County is liable because the deprivation was caused by County policy, custom, practice, final-policymaker decision, ratification by County officials, and/or the actions of officials with final authority over the challenged permitting decision.

95. The available administrative process is inadequate to prevent the ongoing deprivation and damages, and Defendants' conduct was undertaken despite known approvals and representations that the Project was grandfathered.

96. As a direct and proximate result, Plaintiffs have suffered damages, including at least \$16,000 per day in delay damages and other compensable losses. Plaintiffs are entitled to damages, declaratory relief, injunctive relief, attorneys' fees under 42 U.S.C. § 1988, costs, and all further relief allowed by law.

**COUNT V – 42 U.S.C. § 1983 - SUBSTANTIVE DUE PROCESS / ARBITRARY
GOVERNMENT ACTION**

Against Henderson County, Kentucky; Randy Tasa in his individual capacity; Nick Stallings in his individual capacity to the extent he withheld required sign-off for non-engineering reasons; Steve Gold in his individual capacity; and Brad Schneider in his individual capacity to the extent supported by discovery

97. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

98. Tasa's conduct is arbitrary, capricious, irrational, and unrelated to any legitimate permitting objective because he refused or failed to issue the permit based on a later moratorium rather than any objective nonconformity with the approved site plan or applicable construction codes.

99. Stallings's conduct is arbitrary, capricious, irrational, and unrelated to any legitimate engineering objective to the extent he withheld required engineering approval or sign-off without identifying any drainage, entrance, exit, or other objective engineering nonconformity.

100. Gold's conduct is arbitrary, capricious, irrational, and unrelated to any legitimate governmental objective to the extent he advised, directed, approved, or ratified refusal of the permit despite the known grandfathering record and without any identified objective nonconformity.

101. Schneider's conduct is arbitrary, capricious, irrational, and unrelated to any legitimate governmental objective to the extent he represented that already approved projects would not be affected, then participated in, directed, approved, or ratified County action applying the moratorium to the Project notwithstanding that representation.

102. Henderson County is liable because the arbitrary conduct was caused by County policy, custom, practice, final-policymaker decision, or ratification.

103. Defendants' conduct is especially arbitrary because County officials repeatedly represented that the Project was grandfathered, the Planning Commission renewed the Project after the moratorium took effect, and the County now seeks to use the building-permit process to re-adjudicate the same land-use issue under a different ordinance.

104. As a direct and proximate result, Plaintiffs have suffered damages and are entitled to declaratory, injunctive, and monetary relief.

COUNT VI – 42 U.S.C. § 1983 - EQUAL PROTECTION / CLASS-OF-ONE

Against Henderson County, Kentucky; Henderson County Fiscal Court to the extent separately suable; Randy Tasa in his individual capacity; Nick Stallings in his individual capacity to the extent supported by discovery; and Brad Schneider in his individual capacity to the extent supported by discovery

105. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

106. Plaintiffs have been intentionally treated differently from similarly situated applicants, approved projects, and other projects proceeding under previously approved site plans without a rational basis, including because the County is signaling out the Project for retroactive application of the moratorium despite its prior approvals and grandfathered status.

107. Tasa intentionally treated the Project differently by refusing to process the application as an approved, grandfathered project and instead treating it as a new or barred solar installation application.

108. Stallings, to the extent he withheld engineering sign-off, intentionally treated the Project differently by refusing objective engineering approval based on non-engineering moratorium concerns rather than applying the same objective engineering criteria applied to other nonresidential projects.

109. Schneider and the Fiscal Court, to the extent they directed, approved, or ratified application of the moratorium to this already approved Project, intentionally treated the Project differently from already approved projects the County represented would not be affected.

110. On information and belief, Defendants' differential treatment is based on political pressure, fear of litigation, hostility to the Project, or disagreement with solar development rather than any objective nonconformity or legitimate permitting criterion.

111. Defendants' conduct violates the Equal Protection Clause of the Fourteenth Amendment and entitles Plaintiffs to declaratory, injunctive, and monetary relief.

COUNT VII – TAKINGS / INVERSE CONDEMNATION

Henderson County, Kentucky and the Henderson County Fiscal Court

112. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

113. Plaintiffs have cognizable property interests in the Project, site plan approvals, development rights, contractual rights, permit entitlements, and use of the Project site for the approved solar energy facility.

114. Henderson County and the Fiscal Court, through the moratorium and the refusal or delay in permit issuance, have deprived Plaintiffs of economically beneficial use of the Project site and/or imposed a severe regulatory burden on Plaintiffs' vested property and development rights.

115. To the extent Defendants' conduct constitutes a taking under the Fifth and Fourteenth Amendments to the United States Constitution and/or Sections 13 and 242 of the Kentucky Constitution, Plaintiffs seek just compensation, inverse condemnation damages, declaratory relief, and all other relief allowed by law.

COUNT VIII – VESTED RIGHTS

Against Henderson County, Kentucky; Henderson County Fiscal Court; Henderson City-County Planning Commission; Henderson County Board of Adjustment; Randy Tasa in his official capacity; Nick Stallings in his official capacity; and Brad Schneider in his official capacity

116. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

117. Before Defendants attempted to apply the later ordinance and moratorium to the Project, Plaintiffs had in good faith substantially undertaken the acts necessary to accomplish the approved use, including obtaining site plan approval, renewing the site plan, entering the HMPL PPA, contracting for engineering, procurement, and construction activities, progressing interconnection and permitting, and spending approximately \$29.7 million.

118. Henderson County, the Fiscal Court, Schneider, and the Planning Commission created, recognized, renewed, or ratified the Project approvals and grandfathered status. Tasa and Stallings are required to honor those vested rights in the ministerial permit and engineering review process. The Board of Adjustment is required to honor those rights in the administrative appeal to the extent it acts on the matter.

119. Under Kentucky vested rights law, Defendants may not retroactively apply a later ordinance, classification, or moratorium to defeat or materially impair Plaintiffs' approved and grandfathered Project.

120. Plaintiffs seek a declaration that they hold vested rights to proceed with the Project under the 2019 Ordinance and approved/renewed site plan framework, an injunction prohibiting Defendants from impairing those rights, and an order preserving and extending the site plan approval so those vested rights are not lost during the pendency of this action.

COUNT IX – EQUITABLE ESTOPPEL / PROMISSORY ESTOPPEL

Against Henderson County, Kentucky; Brad Schneider in his official capacity; Randy Tasa in his official capacity; Nick Stallings in his official capacity to the extent he withholds approval based on County representations; and the Henderson City-County Planning Commission

121. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

122. Schneider represented that already approved renewable energy projects would not be impacted by County action. The Planning Commission represented or confirmed that the Project was approved under the 2019 Ordinance, was a continuation of the original site plan approval, and was appropriately described as grandfathered. Tasa and the Codes Department previously accepted or acknowledged grandfathered treatment in the decommissioning-plan context and then guided Plaintiffs through the permit submission process.

123. Plaintiffs reasonably relied on those representations by investing substantial sums, entering and performing under project contracts, proceeding with engineering, procurement, construction planning, and interconnection activities, and submitting the building permit application.

124. Henderson County and its officials knew or should have known that Plaintiffs would rely on the County's approvals and representations. Plaintiffs' reliance was reasonable, foreseeable, substantial, and detrimental.

125. It would be inequitable and unjust to allow Defendants to reverse course and apply the later ordinance or moratorium to bar the Project at the building permit stage, or to allow the site plan approval to expire during the delay caused by Defendants' refusal to issue the permit.

126. Plaintiffs are entitled to declaratory, injunctive, and equitable relief, including preservation and extension of site-plan approval, together with damages or reliance based relief to the extent permitted by law.

COUNT X – VIOLATION OF KENTUCKY CONSTITUTION § 2 / ARBITRARY ACTION

Against Henderson County, Kentucky; Randy Tasa in his official and individual capacities; Nick Stallings in his official capacity and, to the extent supported by discovery, individual capacity; Steve Gold in his individual capacity; Brad Schneider in his official capacity and, to the extent supported by discovery, individual capacity; and Henderson County Fiscal Court

127. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

128. Section 2 of the Kentucky Constitution prohibits arbitrary governmental action. Tasa's refusal or failure to issue the permit is arbitrary because it exceeds his authority, denies procedural due process, and is unsupported by substantial evidence.

129. Stallings's failure to provide engineering sign-off, to the extent sign-off is required, is arbitrary if based on the moratorium or County policy rather than objective engineering criteria.

130. Gold's advice, direction, approval, or ratification of the refusal is arbitrary to the extent it caused the County to apply the later ordinance or moratorium to a grandfathered Project and to withhold the permit without any identified objective nonconformity.

131. Schneider's and the Fiscal Court's approval, ratification, or maintenance of the County position is arbitrary because it contradicts the County's prior representation that already approved projects would not be impacted and ignores the Planning Commission's July 2025 extension.

132. Henderson County is responsible for this arbitrary action through its officials, departments, governing body, policies, customs, and ratification.

133. Plaintiffs seek declaratory and injunctive relief, including preservation and extension of site plan approval, damages to the extent permitted by law, costs, interest, and all other relief available for arbitrary governmental action.

**COUNT XI – VIOLATION OF LOCAL ORDINANCE / MINISTERIAL DUTY /
NEGLIGENCE PER SE**

Against Henderson County, Kentucky; Henderson County Codes Department to the extent separately suable; Randy Tasa in his official capacity; and Nick Stallings in his official capacity

134. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

135. Section 6.02(C)(3) of the Henderson County Zoning Ordinance imposes mandatory duties on Tasa, as enforcement officer: to issue the permit if the proposed construction conforms, to deliver written reasons if refusing the permit, and to act within two weeks or inform Fiscal Court in writing why no action has been taken.

136. Section 6.02(C)(1) imposes a ministerial obligation on Tasa and Stallings, as the local government engineer, to approve nonresidential site plan matters addressing drainage, entrances, exits, and other pertinent information jointly and in consultation with the Planning Commission if the objective requirements are met, or to identify specific objective changes necessary for compliance.

137. Tasa violated those mandatory duties by failing to timely issue the permit and failing to provide a legally sufficient written refusal identifying specific nonconformities. Stallings violated those mandatory duties to the extent he failed to provide required local government engineer approval or sign-off while identifying no objective engineering nonconformity.

138. Henderson County and the Codes Department are responsible for Tasa's and Stallings's violations because those officials acted within the scope of County permit administration and pursuant to County policy, direction, or ratification.

139. Plaintiffs are within the class of persons the ordinance is intended to protect, and the harms Plaintiffs suffered are the kind of harms the ordinance's mandatory permit processing and objective review provisions are intended to prevent.

140. Plaintiffs seek damages, declaratory relief, injunctive relief, preservation and extension of site-plan approval, costs, interest, and all further relief allowed by law.

COUNT XII – DAMAGES FOR UNLAWFUL DELAY AND RESERVATION OF ALL CLAIMS

Against Henderson County, Kentucky; Randy Tasa in his individual capacity; Nick Stallings in his individual capacity to the extent supported by discovery; Steve Gold in his individual capacity; and Brad Schneider in his individual capacity to the extent supported by discovery

141. Plaintiffs incorporate by reference all of the preceding paragraphs as if fully restated herein.

142. Henderson County's refusal and delay, Tasa's failure to issue the permit or provide written reasons, Stallings's failure to provide required engineering sign-off to the extent applicable, Gold's advice, direction, approval, or ratification of the refusal, and Schneider's ratification or implementation of County policy have caused Plaintiffs damages of at least \$16,000 per day from June 12, 2026, or such other date as evidence establishes, until the building permit is issued and Plaintiffs can resume the Project schedule without further delay impacts.

143. Plaintiffs also seek all other damages proximately caused by Defendants' conduct, including but not limited to contractor delay charges, mobilization and demobilization costs, equipment storage and delivery charges, acceleration costs, increased labor and materials costs, financing and carrying costs, interconnection-related costs, tax-credit or tax-equity impacts, professional fees, and reliance damages.

144. Plaintiffs reserve the right to amend this Complaint to add claims, parties, and damages as discovery reveals additional facts.

PRAYER

WHEREFORE, Plaintiffs Stellar Renewable Power, LLC and Henderson County Solar, LLC respectfully request that the Court enter judgment in their favor and against Defendants, jointly and severally as allowed by law, and award the following relief:

1. A temporary restraining order, preliminary injunction, and permanent injunction prohibiting Defendants from applying the later ordinance, moratorium, or revised Level 2/Level 3 classification to the Project;
2. A writ of mandamus and/or mandatory injunction compelling Tasa, Stallings, Henderson County, the Codes Department, and the Fiscal Court to complete all ministerial permit and engineering reviews and to issue or cause issuance of the building permit immediately or by a date certain;
3. A temporary restraining order, preliminary injunction, and permanent injunction preserving the status quo by tolling, extending, or requiring Defendants to extend the Project's site-plan approval during the pendency of this action and for a reasonable

- period after final adjudication or permit issuance sufficient to prevent Defendants from causing or exploiting expiration of the site-plan approval;
4. A declaration that the Project is approved, grandfathered, and exempt from the later ordinance and moratorium;
 5. A declaration that the 2019 Ordinance and approved/renewed site-plan framework govern the Project's building permit application;
 6. A declaration that Tasa and Stallings must apply only objective, ministerial permit, site-plan, engineering, building code, safety code, and construction code criteria and may not withhold the permit or sign-off based on the later moratorium or revised Level 2/Level 3 classification;
 7. A declaration that Defendants' refusal or failure to issue the building permit violates the United States Constitution, the Kentucky Constitution, Kentucky statutes, and the Henderson County Zoning Ordinance;
 8. Actual, compensatory, consequential, reliance, delay, and other damages in an amount to be proven at trial, including at least \$16,000 per day for each day of delay caused by Defendants' failure to issue the building permit in a timely manner;
 9. Just compensation and inverse condemnation damages to the extent Defendants' conduct constitutes a taking;
 10. Pre-judgment and post-judgment interest at the maximum lawful rate;
 11. Attorneys' fees under 42 U.S.C. § 1988 and any other applicable statute, rule, contract, ordinance, or equitable doctrine;
 12. Costs of suit;
 13. A trial by jury on all issues so triable; and
 14. All other legal, equitable, and further relief to which Plaintiffs may be entitled.

Respectfully submitted,

/s/ Angelo D. DiBartolomeo
Jean M. Terry (KY Bar No. 92616)
Angelo D. DiBartolomeo (KY Bar No. 98382)
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abarboza@pecklaw.com

Counsel for Plaintiffs

VERIFICATION

I affirm under the penalties of perjury that the foregoing representations are true and accurate to the best of my knowledge and belief.

/s/ David E. Weise

Name: David E. Weise

Title: Head of Construction, Stellar Renewable Power, LLC

JS 44 (Rev. 03/24)

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

STELLAR RENEWABLE POWER, LLC and HENDERSON COUNTY SOLAR, LLC

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Manion Stigger LLP, 500 West Jefferson Street, Suite 1610, Louisville, KY 40202, (502) 244-4944

DEFENDANTS

HENDERSON COUNTY, KENTUCKY, et al.

County of Residence of First Listed Defendant Henderson

(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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Labor, Intellectual Property Rights, etc.

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, 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): 42 U.S.C. § 1983; 28 U.S.C. § 2201; 28 U.S.C. § 2202

Brief description of cause:

Writ of Mandamus/Mandatory Injunction; Violation of Procedural Due Process; Violation of Substantive Due Process; Violation of Equal Protection

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

6/22/2026 /s/ Angelo D. DiBartolomeo

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 cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HENDERSON COUNTY BOARD OF ADJUSTMENT
c/o Chairman Dickie Johnson
1990 Barrett Court, Suite C
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HENDERSON COUNTY CODES DEPARTMENT
c/o BRAD SCHNEIDER
Henderson County Judge-Executive
20 N. Main Street
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HENDERSON COUNTY FISCAL COURT
c/o BRAD SCHNEIDER
Henderson County Judge-Executive
20 N. Main Street
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) STEVE GOLD
Henderson County Attorney
20 N Main Street
County Courthouse, Suite 201
P.O. Box 618
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) STEVE GOLD, official capacity as Henderson County Attorney
c/o BRAD SCHNEIDER
Henderson County Judge-Executive
20 N. Main Street
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

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Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HENDERSON COUNTY, KENTUCKY
c/o BRAD SCHNEIDER
Henderson County Judge-Executive
20 N. Main Street
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HENDERSON CITY COUNTY PLANNING COMMISSION
c/o Chairman Dickie Johnson
1990 Barrett Court, Suite C
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

Print

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Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BRAD SCHNEIDER
Henderson County Judge-Executive
20 N. Main Street
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RANDY TASA
Codes Administrator
1990 Barrett Court, Suite H
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RANDY TASA, official capacity as Codes Administrator
c/o BRAD SCHNEIDER
Henderson County Judge-Executive
20 N. Main Street
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

Print

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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

STELLAR RENEWABLE POWER, LLC
and HENDERSON COUNTY SOLAR, LLC

Plaintiff(s)

v.

HENDERSON COUNTY, KY; HENDERSON
COUNTY FISCAL COURT; HENDERSON COUNTY
CODES DEPARTMENT; HENDERSON CITY
COUNTY PLANNING COMMISSION; et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) NICK STALLINGS, official capacity as
Henderson County Codes Department County Engineer
c/o BRAD SCHNEIDER
Henderson County Judge-Executive
20 N. Main Street
Henderson, KY 42420

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:

Jean M. Terry, jterry@manionstigger.com
Angelo D. DiBartolomeo, adibartolomeo@manionstigger.com
MANION STIGGER, LLP
500 West Jefferson Street, Suite 1610, Louisville, Kentucky 40202
Phone: (502) 244-4944

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: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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:

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