

**COMMONWEALTH OF KENTUCKY
COURT OF APPEALS**

NO. 2026-CA-1276-MR

GAY PERRY-ADELMANN
APPELLANT

v.

JAMES ROBERT CRAIG, ET AL.
APPELLEES

**APPELLANT’S RESPONSE TO ORDER DIRECTING
APPELLANT TO SHOW CAUSE**

Regarding the Jefferson Circuit Court’s September 18, 2026 Opinion and Order
Disqualifying Appellant as a Candidate Under KRS 118.176

Appellant Gay Perry-Adelmann, proceeding pro se, respectfully responds to the Court's September 30, 2026 Order directing her to show cause why this matter should not be dismissed.

Appellant understands that the Court has identified two principal procedural concerns: first, that the Motion to Set Aside was submitted to the Jefferson Circuit Clerk rather than directly to the Clerk of the Court of Appeals; and second, that the Jefferson Circuit Clerk's docket reflects the filing on September 30, 2026, more than five days after entry of the Jefferson Circuit Court's September 18, 2026 order.

Appellant does not contend that a clerk's instruction can alter the statutory requirements of KRS 118.176(4)(b). Instead, she respectfully explains the circumstances that caused her to submit the Motion to Set Aside through the Jefferson Circuit Clerk, requests that the Court consider those circumstances in determining whether dismissal is warranted, and asks for permission to correct any filing defect immediately.

Appellant prepared the Motion to Set Aside promptly, obtained the required filing fee, sought procedural instructions from both clerk's offices, and mailed the completed materials on September 25, 2026. The record therefore reflects a documented and good-faith effort to obtain review—not abandonment, intentional delay, or disregard of the Court's requirements.

This was not a case in which Appellant ignored the deadline, failed to act, or chose to disregard the Court's procedures. To the contrary, Appellant understood that this was an expedited election matter and made a deliberate effort to determine the proper procedure before filing.

She consulted the appellate materials, contacted the clerk's offices, identified the specific case involved, asked where the filing should be submitted, asked about the filing fee and mailing procedure, and followed the instructions she received.

Most importantly, Appellant was on a course to submit her filing promptly and in a manner she understood to be correct. She changed course only because she received different procedural information from court-clerk personnel while specifically asking how to proceed with this case.

Appellant respectfully submits that these circumstances establish a substantial good-faith effort to comply with the Court's requirements and distinguish this matter from intentional or negligent failure to pursue appellate review.

I. APPELLANT ACTED PROMPTLY AFTER ENTRY OF THE CIRCUIT COURT'S ORDER

The Jefferson Circuit Court entered its Opinion and Order on September 18, 2026.

Appellant understood that KRS 118.176 provides an expedited procedure for seeking review of an order disqualifying a candidate. She therefore promptly began preparing a filing requesting review and relief.

The document she prepared was specifically titled:

Motion to Set Aside Order Pursuant to KRS 118.176(4), for Expedited Consideration, and for Alternative Relief.

The Motion identified the September 18, 2026 order, identified the underlying case, invoked KRS 118.176(4), stated the issues Appellant sought to present, requested expedited consideration, and requested that the order be set aside.

Appellant recognizes that the Court must determine whether the filing satisfied the specific timing and filing-location requirements of KRS 118.176(4)(b). Her point is narrower: she began acting promptly, completed the substantive filing, obtained the filing fee, and sought procedural guidance before submitting the materials. The delay reflected in the Circuit Clerk's docket was not the result of abandonment or intentional inaction.

II. APPELLANT SOUGHT PROCEDURAL INSTRUCTIONS BEFORE FILING

Because this was an expedited election matter and Appellant was proceeding without counsel, she did not simply guess about the filing procedure.

Before mailing the filing, Appellant contacted the clerk's offices to determine:

1. where the filing should be submitted;
2. whether it could be mailed;
3. what filing fee was required;
4. how the filing should be documented;
5. how many copies were required;
6. whether the opposing parties needed to be served; and
7. whether the circuit clerk would transmit the materials to the Court of Appeals.

Those communications are documented in Exhibits E through H.

Appellant specifically identified the Jefferson Circuit Court case and explained that she was seeking review of that case. She was attempting to obtain the correct procedure for the particular proceeding—not attempting to avoid the appellate rules.

III. APPELLANT'S FILING LOCATION RESULTED FROM SPECIFIC, CONFLICTING CLERK INSTRUCTIONS

Appellant's initial communication with the Franklin County clerk's office led her to understand that materials seeking review of a circuit-court decision should be submitted through the circuit clerk and transmitted to the Court of Appeals.

Appellant then contacted the Jefferson Circuit Clerk's Office, identified the specific Jefferson Circuit Court case, explained that she was attempting to seek review of the disqualification order, and received instructions concerning submission to the Jefferson Circuit Clerk, mailing, copies, and the filing fee.

Appellant relied on those instructions when she submitted the Motion to Set Aside to the Jefferson Circuit Clerk. She did not independently choose the Circuit Clerk as a means of avoiding the Court of Appeals' filing requirement. She understood that she was following the procedure confirmed by the clerk's office handling the underlying case.

Appellant acknowledges that the clerk's instructions cannot supersede KRS 118.176(4)(b), and she does not ask the Court to treat those instructions as an amendment to the statute. She offers the communications to explain the filing error and to demonstrate that the error resulted from a good-faith procedural misunderstanding after she specifically sought assistance.

Under these circumstances, Appellant respectfully requests that the Court consider whether dismissal without an opportunity to correct the filing would be disproportionate, particularly where Appellant prepared the correct substantive type of document and caused it to be transmitted through the court system within the expedited period she understood to apply.

IV. THE SEPTEMBER 25 MAILING ESTABLISHES PROMPT ACTION, BUT APPELLANT DOES NOT RELY ON THE POSTMARK ALONE TO OVERRIDE THE STATUTE

Appellant deposited the completed filing with the United States Postal Service on September 25, 2026. The envelope bears that postmark. Exhibit J-1. The postal receipt documents the mailing, and Exhibit J-3 documents Appellant's purchase of the money order intended to pay the filing fee.

Appellant recognizes that the Court's show-cause order identifies September 30, 2026, as the Circuit Clerk's filing date and that the Court may conclude that the September 25 mailing does not itself satisfy the filing requirement in KRS 118.176(4)(b). Appellant does not ask the Court to disregard the statute or to treat a postmark as automatically controlling.

The mailing evidence is offered for the limited purpose of showing that Appellant had completed the substantive filing, obtained the filing fee, and acted promptly after receiving the clerk's instructions. It also corroborates that the procedural problem was one of filing location and transmission—not a failure to prepare a filing or an intentional decision to delay review.

If the Court determines that the September 25 mailing cannot be treated as a timely filing, Appellant respectfully requests permission to correct the filing immediately and asks the Court to consider whether the documented circumstances justify allowing the matter to proceed rather than dismissing it without review.

V. ANY PROCEDURAL ERROR WAS THE RESULT OF CONFLICTING PROCEDURAL INFORMATION, NOT DISREGARD FOR THE COURT

Appellant respectfully acknowledges that court clerks cannot change statutory requirements or provide legal advice.

She does not contend that a clerk's statement overrides KRS 118.176 or the Rules of Appellate Procedure.

The clerk communications are offered for a different and important purpose: to explain why Appellant took the procedural steps she took.

Appellant sought guidance before filing. She identified the case. She asked specifically where the filing should go and how it should be submitted. She then followed the instructions she received from the personnel handling the court records.

The circumstances therefore are materially different from a situation in which a litigant simply ignores the filing requirements or waits until a deadline has passed without taking action.

Appellant was attempting to comply with the requirements applicable to this expedited proceeding. She made a procedural decision based upon information provided to her by the clerk's offices after she specifically sought their guidance.

She respectfully submits that it would be unfair to characterize that conduct as intentional noncompliance, abandonment of her appeal, or disregard for the Court.

VI. THE RECORD ALSO DEMONSTRATES THAT APPELLANT WAS PREPARED TO PROCEED THROUGH THE CORRECT PROCEDURE

Appellant's actions after receiving the show-cause order further demonstrate that she is not attempting to avoid the Court's procedures.

Upon learning that the Court considered the original submission procedurally deficient, Appellant immediately sought to understand what had occurred and contacted the Jefferson Circuit Clerk's Office again. Exhibit I documents that follow-up effort.

Appellant is submitting this Response to the Kentucky Court of Appeals by FedEx Express, with tracking and direct-signature delivery, in an effort to ensure that it is received by the October 7, 2026 deadline established by the Court's show-cause order.

Appellant is prepared to comply with whatever filing, service, delivery, or supplementation procedure the Court directs.

VII. APPELLANT REQUESTS LEAVE TO CURE THE FILING DEFECT AND, ALTERNATIVELY, RELIEF FROM DISMISSAL

Appellant understands that the Court must enforce the expedited requirements governing review under KRS 118.176(4)(b). She therefore does not ask the Court to disregard the statutory filing deadline or to deem a filing timely solely because it was mailed.

Appellant respectfully requests, however, that the Court consider the following circumstances before dismissing this matter:

1. The Circuit Court entered the challenged order on September 18, 2026;
2. Appellant promptly prepared a document specifically invoking KRS 118.176(4);

3. The document requested review of the disqualification order, identified the underlying case, and stated the issues presented;
4. Appellant contacted the clerk's offices before filing;
5. Appellant identified the specific case and asked where the filing should be submitted;
6. Appellant relied on instructions directing her to submit the materials through the Jefferson Circuit Clerk;
7. Appellant obtained and enclosed the required filing fee;
8. Appellant mailed the completed materials on September 25, 2026; and
9. Appellant sought to address the procedural issue promptly after receiving the Court's show-cause order.

In light of those circumstances, Appellant respectfully requests that the Court:

1. Permit Appellant to file the Motion to Set Aside directly with the Clerk of the Court of Appeals;
2. Accept the corrected filing for consideration to the fullest extent permitted by KRS 118.176(4)(b) and the applicable appellate rules;
3. Alternatively, allow Appellant a short period to cure any filing-location, filing-method, or related procedural defect;
4. Alternatively, determine whether the September 25, 2026 mailing satisfies the applicable rule governing filing by mail;
5. Alternatively, deny dismissal and grant any relief available under the circumstances, including relief based on Appellant's documented good-faith reliance on conflicting clerk instructions; or
6. Grant any other relief necessary to prevent dismissal based solely on a procedural misunderstanding that Appellant attempted to correct promptly.

Appellant has demonstrated that:

she prepared a substantive motion seeking review under KRS 118.176(4);
she understood that the matter was expedited;
she sought procedural guidance before filing;
she identified the specific Jefferson Circuit Court case;
she followed the filing instructions provided to her;
she paid the required filing fee;
she deposited the filing for transmission on September 25, 2026;
she preserved contemporaneous documentation of her actions; and
she acted promptly after learning that the Court had identified a procedural problem.

Appellant is prepared to comply immediately with any additional filing, service, delivery, or supplementation requirement the Court determines is necessary.

VIII. THE SUBSTANTIVE ISSUES ARE PRESERVED IF THE COURT PERMITS REVIEW

This Response is directed to the procedural concerns identified in the September 30, 2026 Order Directing Appellant to Show Cause. Appellant does not ask the Court to decide the merits unless the Court first determines that review may proceed.

If the Court permits correction or accepts the filing for review, Appellant preserves the issues raised in the Motion to Set Aside concerning:

- KRS 118.176;
- KRS 160.210(5)(a);
- residence and domicile;
- nontraditional housing;
- the burden of proof;
- statutory interpretation;
- the effect of *Hensley v. Gadd*; and
- the Jefferson Circuit Court's September 18, 2026 Opinion and Order.

Nothing in this Response should be construed as abandoning or waiving those issues. Appellant respectfully submits, however, that the present response should remain focused on whether the Court will permit the matter to proceed despite the identified filing defects.

IX. CONCLUSION

Appellant respectfully submits that the record demonstrates a prompt, deliberate, and good-faith effort to obtain appellate review, while acknowledging that the Court—not the clerk's offices—must determine whether the statutory filing requirements were satisfied. Appellant therefore asks for an opportunity to cure the identified procedural defects or, at minimum, for consideration of the documented circumstances before the matter is dismissed.

Appellant did not disregard the expedited nature of this matter. She prepared the substantive Motion to Set Aside under KRS 118.176(4), sought procedural instructions from the clerk's offices, identified the specific case involved, obtained and enclosed the money order required for the filing fee, and deposited the completed filing with the United States Postal Service on September 25, 2026.

Appellant acknowledges that the Motion to Set Aside was submitted to the Jefferson Circuit Clerk rather than directly to the Clerk of the Court of Appeals. Appellant also understands that the Jefferson Circuit Clerk's docket reflects the filing on September 30, 2026. Appellant respectfully submits that she made that submission after seeking and relying on specific procedural instructions from the clerk's offices.

The procedural difficulty therefore arose from conflicting procedural information, not from intentional disregard of the Court's requirements or abandonment of appellate review.

Appellant respectfully requests that the Court:

1. Deny dismissal based on Appellant's prompt, documented, and good-faith effort to comply with the expedited procedures under KRS 118.176(4);
2. Permit Appellant to correct or supplement the original Motion to Set Aside by filing it directly with the Clerk of the Court of Appeals, without requiring dismissal of this matter;
3. Alternatively, determine whether Appellant's September 25, 2026 mailing satisfies the applicable rule governing filing by mail and, if so, treat that mailing as timely;
4. Alternatively, if the Court determines that the original filing was procedurally deficient, deem the corrected filing effective as of the earliest date permitted by the applicable rule; and
5. Grant any other relief the Court considers appropriate to preserve Appellant's right to seek review in this expedited election matter.

Appellant is prepared to comply promptly with any additional filing, service, delivery, or supplementation requirement the Court determines is necessary.

Respectfully submitted,

Gay Perry-Adelmann, Pro Se

Email: sv.nomad.421@proton.me

Date: _____, 2026

CERTIFICATE OF SERVICE

I certify that on October ___, 2026, I served a true and correct copy of Appellant's Response to Order Directing Appellant to Show Cause, including the attached exhibits, by FedEx upon the following:

James Robert Craig
The Craig Firm
Waterfront Plaza Building, Suite 1808
325 West Main Street
Louisville, Kentucky 40202

David Yates, Jefferson County Clerk, and Jefferson County Board of Elections, through counsel:
Kathryn Goodwin
200 South Fifth Street, 300N
Louisville, Kentucky 40202
FedEx tracking number: _____.

I declare that the foregoing is true and correct.

Date: October ___, 2026

Gay Perry-Adelmann, Pro Se
sv.nomad.421@proton.me

EXHIBIT INDEX

Exhibit A — Jefferson Circuit Court Opinion and Order

Copy of the Jefferson Circuit Court's Opinion and Order entered September 18, 2026, in Case No. 26-CI-006104.

Exhibit B — Court of Appeals Docketing Letter

Copy of the September 30, 2026 docketing letter assigning Court of Appeals Case No. 2026-CA-1276-MR.

Exhibit C — Court of Appeals Order Directing Appellant to Show Cause

Copy of the September 30, 2026 Order Directing Appellant to Show Cause.

Exhibit D — Motion to Set Aside Order

Copy of Appellant's Motion to Set Aside Order Pursuant to KRS 118.176(4), for Expedited Consideration, and for Alternative Relief.

Exhibit E — Franklin County Clerk Call Concerning Mailing Appeal

Transcript of Appellant's call concerning the filing fee, mailing procedure, and documentation of mailing. The transcript is offered to show the procedural information Appellant received before submitting the filing, not to establish that the clerk could alter the requirements of KRS 118.176(4)(b).

Exhibit F — Franklin County Clerk Call Concerning Filing Location

Transcript of Appellant's call concerning where materials seeking review of a circuit-court decision should be submitted and how the materials would be transmitted to the Court of Appeals. The transcript is offered to explain Appellant's resulting understanding of the filing procedure.

Exhibit G — Jefferson Circuit Clerk Call Concerning Filing Location

Transcript of Appellant's call in which she identified the Jefferson Circuit Court case, explained that she was seeking review, and received instructions concerning submission of the filing to the Jefferson Circuit Clerk. The transcript is offered to explain why Appellant submitted the Motion to Set Aside to that clerk.

Exhibit H — Jefferson Circuit Clerk Call Concerning Copies and Processing

Transcript of Appellant's call concerning copies, service, processing, and transmission of the materials to the Court of Appeals. The transcript is offered to show Appellant's effort to confirm the correct procedure before filing.

Exhibit I — October 1, 2026 Jefferson Circuit Clerk Follow-Up Call

Transcript of Appellant's call with the Jefferson Circuit Clerk after receiving the show-cause order, concerning the status and handling of her filing.

Exhibit J-1 — Mailing Envelope

Photograph of the envelope bearing the September 25, 2026 USPS postmark.

Exhibit J-2 — Postal Receipt

Copy of the postal receipt documenting mailing of the filing by certified mail on September 25, 2026.

Exhibit J-3 — Money-Order Receipt

Copy of the receipt documenting purchase of the money order on September 25, 2026, for the money order intended to pay the required filing fee.

Exhibit K — FedEx Mailing Documentation

Copy of the FedEx receipt and/or tracking documentation for Appellant's Response to Order Directing Appellant to Show Cause, submitted to the Court of Appeals on October 6, 2026.