

Commonwealth of Kentucky
Court of Appeals

NO. 2026-CA-0464-ME

JOHN RYAN STOCKS

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT FAMILY COURT
HONORABLE LIBBY G. MESSER, JUDGE
ACTION NO. 25-D-00593-005

BRITTANY MORGAN STOCKS; C.F.
A MINOR CHILD; C.S. A MINOR
CHILD; AND R.S. A MINOR CHILD

APPELLEES

OPINION
AFFIRMING

** **

BEFORE: CETRULO, ECKERLE, AND A. JONES, JUDGES.

ECKERLE, JUDGE: Pursuant to Kentucky Rules of Civil Procedure (“CR”) 60.02(c) and (f), Appellant, John Ryan Stocks (“Husband”), *pro se*, seeks reversal of the Fayette Circuit Court Order denying his motion to set aside an agreed Domestic Violence Order (“DVO”), entered on June 30, 2025. He argues that he did not knowingly and voluntarily enter into an agreement because his former legal counsel allegedly forced and coerced him to sign the DVO while making material

misrepresentations. Alternatively, Husband asserts that the specific circumstances of this case constitute extraordinary reasons that warrant relief under CR 60.02(f) to prevent manifest injustice. Husband also argues on appeal that the Family Court wrongly denied him a full evidentiary hearing in this matter. After careful review, we affirm.

FACTS AND PROCEDURAL BACKGROUND

On May 28, 2025, Appellee, Brittany Morgan Stocks (“Wife”), filed a domestic violence complaint against Husband following what she described as a pattern of escalating behavior in their home. Record (“R.”) at 6-12. The Family Court issued an Emergency Protective Order (“EPO”), and the Fayette County Sheriff’s Office served Husband with the EPO that same day. R. at 2-5. The parties subsequently managed to negotiate a timesharing arrangement for their two, minor children that permitted temporary, joint custody within the EPO’s parameters. R. at 25-26. Over the ensuing months, both parties indicated that a settlement was imminent, and the Family Court ultimately cancelled a September 9, 2025, hearing. R. at 33.

On September 19, 2025, the Family Court issued an executed agreed order, signed by both parties, with an accompanying DVO. The parties had agreed

to a one-year DVO with the same conditions as an amended EPO.¹ Husband filed a motion to alter, amend, or vacate the DVO pursuant to Kentucky Revised Statute (“KRS”) 456.070(5)² less than two months later, and the parties returned to Family Court on November 12, 2025. R. at 74-76; R. at 79. Husband appeared with new counsel at the hearing, expressing dissatisfaction with his former counsel’s representation. He stated that he wanted to contest the issues that had been the subject of his agreed order, and he complained that the 500-foot restriction surrounding Wife’s workplace, known locally as Lexington’s big blue building, created financial hardship because he had several, valuable, client accounts in close proximity.

The Family Court denied the motion to alter, amend, or vacate, noting that it was neither timely nor properly filed. The Family Court also considered that Husband had possessed ample opportunity to seek alternate counsel if he was dissatisfied prior to the agreement’s finalization. Further, it observed that in fact, Husband had answered affirmatively on more than one occasion when asked whether he wanted former counsel to continue representing him. Therefore, the

¹ On August 13, 2025, the Family Court amended the original EPO to include Wife’s workplace address, 250 West Main Street, Lexington. R. at 45-46.

² KRS 456.070 is the Interpersonal Protection Order (“IPO”) statute; the domestic violence statutes are codified in KRS Chapter 403. Husband’s new attorney acknowledged that he cited the incorrect statute in his motion to alter, amend, or vacate the DVO. Video Record (“V.R.”) at 10:02:35.

Family Court held that Husband could not change course in mid-stream and assert a disagreement with former counsel's strategy "to get another bite at the apple."

V.R. at 10:09:10.

Nevertheless, the Family Court acknowledged Husband's business concerns and removed the 500-foot restriction from the big blue building. R. at 82. It still restricted him from entering the building itself, but its modification permitted Husband access to nearby, alternate, meeting places for client business. V.R. at 10:09:36. The Family Court further urged both parties to "be reasonable" if they encountered one another in passing in that vicinity in particular and to avoid prolonged contact. V.R. at 10:10:30.

On February 6, 2026, after delaying several months, Husband filed the CR 60.02 motion that is the subject of this appeal. R. at 90-93. Also of significance, Husband allegedly violated the DVO numerous times during this period, and for a time, he had an active arrest warrant due to these allegations.

On March 11, 2026, the Family Court heard the motion and summarized the case history, documenting the times that Husband communicated his satisfaction with former counsel and his intention to proceed in accordance with her recommendations. R. at 107. The Family Court explained that this chronology made it difficult to accept Husband's recent re-characterization of the attorney-client relationship as coercive and his claim that his agreement to the

DVO had been nonconsensual. Nevertheless, the Family Court determined that Husband had a right to be heard and allowed him to testify. V.R. at 10:02:50.

Husband recounted that former counsel had urged him to sign the agreed order, claiming that it would be unwise for him to testify under oath with pending criminal charges. Former counsel allegedly explained that there was a real risk that Husband could incriminate himself while contesting the DVO and incur harsher penalties for his criminal charges. Husband said that he told counsel that he understood this risk and wished to proceed regardless. According to him, at this point former counsel “threatened to quit” if he insisted on testifying, and he then had “no choice” but to acquiesce. Husband offered text messages into the record as evidence that he had bargained to obtain concessions from former counsel, in the form of a discount or additional legal services, in return for him signing the agreed order. The Family Court responded that Husband’s active engagement in bargaining behavior in exchange for his signature on the agreement weakened his argument rather than strengthened it. V.R. at 10:06:10. It showed that he knew of his opportunities and strategically selected one outcome (reducing attorney’s fees) over others (refusing to sign the DVO).

The Family Court incorporated the oral findings made throughout the proceeding as written findings of fact and denied the motion for relief, concluding that the particular facts of this case fell short of the very high bar necessary for CR

60.02 relief. R. at 107. Husband timely filed a Notice of Appeal on April 9, 2026. R. at 110.

STANDARD OF REVIEW

This Court reviews a Trial Court’s ruling on a motion pursuant to CR 60.02 for abuse of discretion. *Gross v. Commonwealth*, 648 S.W.2d 853, 856 (Ky. 1983). Abuse of discretion is a highly deferential standard; therefore, we will not disturb the Trial Court’s decision unless it is “arbitrary, unreasonable, unfair, or unsupported by sound legal principles.” *Commonwealth v. English*, 993 S.W.2d 941, 945 (Ky. 1999).

ANALYSIS

“The decision as to whether to grant or to deny a motion filed pursuant to the provisions of CR 60.02 lies within the sound discretion of the trial court[,]” and “[t]he rule provides that a court may grant relief from its final judgment or order upon various grounds.” *Age v. Age*, 340 S.W.3d 88, 94 (Ky. App. 2011). But because “the law favors the finality of judgments” Courts must look at attempts to set aside with some skepticism. *Id.* “Therefore, relief may be granted under CR 60.02 only with extreme caution and only under the most unusual and compelling circumstances.” *Id.*

Husband asserts that he is entitled to relief under CR 60.02(c), which would permit the Family Court to set aside its final order based on grounds of

“perjury or falsified evidence.” Husband alleges that his former attorney’s coercive conduct forced him to sign the agreed DVO by threatening to withdraw from the case. However, Husband had at least three possible choices at that juncture. First, he could have followed former counsel’s advice and signed the agreed order. Second, if he truly believed that counsel was not acting in his best interest, he could have explained the situation to the Family Court and requested a brief amount of time to secure new representation. Or, third, he could have requested and begun proceeding *pro se* much earlier.

Husband ultimately and strategically chose to follow former counsel’s recommendation and sign the DVO with a reduction in attorney’s fees. That he now apparently regrets doing so in hindsight, does not retroactively alter the fact that he affirmatively selected this course of action and rejected two other tactical choices at the time. Additionally, Husband submitted texts that showed he had actively bargained to obtain concessions from former counsel in the form of discounts or additional legal work. R. 94-99. This conduct further supports the Family Court’s finding that Husband was actively gauging the situation and voluntarily (even if reluctantly) decided to follow counsel’s advice.

Husband’s alternative argument is based on the residual clause of CR 60.02, subsection (f), that states a final order may be set aside for “any other reason of an extraordinary nature justifying relief.” However, “because of the desirability

of according finality to judgments, this clause must be invoked only with extreme caution, and only under most unusual circumstances.” *Cawood v. Cawood*, 329 S.W.2d 569, 571 (Ky. 1959).

The Family Court asked Husband to describe his communication with former counsel immediately prior to his decision to sign the DVO. He recalled that she had emphatically told him that it was not in his best interest to testify in a DVO hearing when he was facing criminal charges that carried potentially serious penalties. Husband said that he understood her concern, but he wanted to be heard in Court. At that point former counsel said that if Husband insisted on potentially incriminating himself in the criminal matter, she could no longer act as his attorney. The Family Court noted that former counsel provided her professional legal advice: that testifying at a DVO hearing was not in Husband’s own best interest. When Husband pressed the matter, former counsel said that if he declined to follow her advice, she would be forced to withdraw as his attorney.

As the Family Court noted, this fact pattern is a far cry from the “extraordinary” reasons contemplated by CR 60.02(f). Husband has neither “affirmatively allege[d] facts which, if true, justify vacating the judgment” nor evidenced “special circumstances that justify CR 60.02 relief.” *Foley v. Commonwealth*, 425 S.W.3d 880, 885 (Ky. 2014) (quoting *McQueen v. Commonwealth*, 948 S.W.2d 415, 416 (Ky. 1997)).

Instead, it is rather commonplace that clients pay attorneys to proffer their best legal advice. If a client declines to follow it, an attorney may withdraw from the case unless ordered otherwise by the Court. Most clients do not wish to spend money obtaining legal advice only to disregard it; and most attorneys do not wish to continue representation after a client ignores legal advice or refuses cooperation, actions that might subject the attorneys to ramifications.

Here, former counsel communicated her concerns and decided that she could no longer serve Husband as her client effectively if he willfully incriminated himself. The Kentucky Rules of Professional Conduct give attorneys the option to terminate representation if a client insists upon taking action with which the lawyer has a fundamental disagreement,³ and former counsel was ready to exercise this available option.

The Family Court remained cognizant throughout the underlying proceedings that “[r]elief pursuant to CR 60.02 is an extraordinary remedy which should be cautiously granted.” *Copas v. Copas*, 359 S.W.3d 471, 476 (Ky. App. 2012). It gave Husband an opportunity to testify even though the record already reflected that he had knowingly and voluntarily signed the DVO. The Family Court duly incorporated the information elicited from his testimony into its order.

³ See Kentucky Supreme Court Rules (“SCR”) 3.130(1.16), “Declining or terminating representation.”

Given the facts of this case, its decision was not arbitrary, unfair, or unreasonable. Sound legal principles, primarily the extraordinary nature of CR 60.02 relief, support the denial of Husband's CR 60.02 motion.

Finally, Husband contends that he was entitled to a "meaningful evidentiary hearing" under CR 60.02. Upon appeal, he requests a remand for this hearing to allow him to cross-examine former counsel on the validity of his consent to the agreed DVO. However, as previously noted, even if that attorney confirms Husband's account that she said that she would withdraw if he insisted on testifying at a DVO hearing, this evidence would still not justify vacating the judgment, as it would not rise to the level of special circumstances required to justify relief under CR 60.02. Husband has not provided facts or legal grounds that would justify setting aside the DVO. Therefore, the Family Court did not abuse its discretion when it denied Husband's CR 60.02 motion without holding a full evidentiary hearing. *White v. Commonwealth*, 32 S.W.3d 83, 86 (Ky. App. 2000).

CONCLUSION

Finding no abuse of discretion in the Family Court's denial of Husband's CR 60.02 motion, we affirm the Fayette Circuit Court's order.

ALL CONCUR

BRIEFS FOR APPELLANT:

John Ryan Stocks, *pro se*
Midway, Kentucky

BRIEF FOR APPELLEE BRITTANY
MORGAN STOCKS:

Jennifer McVay Martin
Lexington, Kentucky