

Judge bars Jenkins schools from enforcing bans

A federal judge has permanently barred the Jenkins Independent School District Board of Education from enforcing two no trespass orders it issued against Letcher County social media personality Elizabeth Jones, bringing her federal lawsuit against the school district to a close.

U.S. District Judge Karen K. Caldwell entered an agreed permanent injunction and final judgment Monday, September 21, in U.S. District Court for the Eastern District of Kentucky.

The judgment was entered in Jones's favor and against the school board on the first two counts of her amended complaint, both alleging First Amendment retaliation. The order adopts the reasoning of a July ruling that found Jones was likely to prevail on those claims.

The American Civil Liberties Union of Kentucky, which represents Jones, said the board agreed to pay



Elizabeth Jones is seen in a recent photo.

\$70,000 for damages and attorney fees. The amount does not appear in the final judgment, which refers to a separate settlement agreement between the parties.

Caldwell ordered the board — including its members, successors, employees and agents — to permanently stop enforcing both the original no trespass order issued December 15, 2025, and a modified order issued February 5, 2026.

The final judgment dismisses with prejudice Jones's remaining claims against the school board. It also dismisses with prejudice her individual-capacity claims against Superintendent Damian Johnson and board members Chris Bentley, Paulette Sexton, Sarah Brown, Charlotte Mullins and Patrick Sturgill.

A dismissal with prejudice means those claims cannot be filed again.

The parties will be responsible for their own court

costs and attorneys' fees except as provided in a separate settlement agreement. The judgment does not disclose any payment or other financial terms that may be contained in that agreement.

The court retained jurisdiction to enforce the permanent injunction. The judgment disposes of all parties and claims in the lawsuit.

How the dispute began

Jones filed the case January 5 after the school district barred her from all district property and school-sponsored activities because of social media posts involving student athletes.

The district's first order said Jones's posts appeared to constitute harassment and had disrupted the educational process. It warned that she would be removed by law enforcement and that the district would seek criminal trespass charges if she appeared on school property or at a district-sponsored activity.

The modified order allowed Jones to drop off and pick up her children, deliver items to them, attend scheduled parent-teacher conferences and other meetings concerning her children, and attend school board meetings. It otherwise continued the ban.

Jones, whose children attend Jenkins schools, argued that the district had retaliated against her for speech protected by the First Amendment and had excluded her without adequate notice or an opportunity to challenge the action.

In granting a preliminary injunction July 16, then-U.S. District Judge Gregory F. Van Tatenhove described some of Jones's posts as "mean and demeaning" and "tasteless," but said offensive speech is still protected by the First Amendment.

Van Tatenhove found that an indefinite ban preventing a parent from attending school activities would likely discourage a person of ordinary firmness from continuing to speak. He also found it undisputed that the district issued the bans in response to Jones's social media activity.

The July order prohibited the district from enforcing either ban while the lawsuit continued. Monday's agreed judgment made that prohibition permanent.

The case was later reassigned to Caldwell after Van Tatenhove left the federal bench. He became dean of the University of Kentucky J. David Rosenberg College of Law on July 20 after serving more than 20 years as a federal judge.

Jones was represented by attorneys from the American Civil Liberties Union of Kentucky. The school district and other defendants were represented by attorneys from English, Lucas, Priest & Owsley of Bowling Green.

Injuries fatal to fire victim

A 79-year-old UZ man injured in a house fire died September 16 in hospice care.

Obituary information for Daniel Claar was not available.

Claar was severely burned September 13 when the home he and his wife, Melissa Claar, shared caught fire. He was flown to the burn center at Cabell-Huntington Medical Center in West Virginia with burns over a quarter of his body, and doctors said he was not strong enough for surgery. Instead, he was placed in hospice care, where he died last Wednesday. Letcher Funeral Home is in charge of arrangements.

The fire began between 1:30 p.m. and 1:45 p.m. on Sunday, September 13. The 9-1-1 dispatch center at the Kentucky State Police post in Hazard dispatched Kingscreek Volunteer Fire Department to the home at 2211 Hwy 588 in the UZ community at 1:47 p.m. An ambulance

dispatched a couple minutes later from Neon Fire Rescue arrived first and transported Claar to a helicopter for the flight to Huntington.

Kingscreek requested mutual aid from the Sandlick Volunteer Fire Department and requested an "all call" for county fire departments, but that call was not sent. Eventually, tanker trucks, fire engines, and personnel from Kingscreek, Whitesburg, Mayking, Sandlick, and Jenkins fire departments all were called to the scene to assist, while Letcher and Gordon stayed at their stations in case there was another fire. Firefighters remained at the Claar home until 4:30 p.m.

Kingscreek Fire Chief David Bentley said medical oxygen, propane tanks, and a lack of usable hydrants nearby exacerbated the severity of the fire, but the lack of water would not have saved Claar, who was out of the house when firefighters arrived.

City of Jenkins asks court to order sale of houses with taxes still due

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Court. The case is numbered 26-CI-00223.

Rather than seeking personal judgments against the people listed as owners, Jenkins filed what is known as an "in rem" action—one brought against the real estate itself.

The city is asking Circuit Court to enforce its tax and other liens and, unless the debts are paid or successfully challenged, order the properties sold by the Letcher County master commissioner.

The seven properties are identified as Lots 1 through 7 in Block 9, Subdivision 4, in Jenkins. The legal notice lists the following owners, addresses and principal tax amounts:

- Kelly Johnson, 8 Map No. 053-70-15-002.00, House No. 878; \$186.92;
- Billy Wells, Map No. 053-70-15-003.00, House No. 879; \$405.04;
- Bryson Bentley and Mary Ellen Bentley, Map No. 053-70-15-004.00, House No. 720; \$198.29;
- Bonnie Hale, Map No. 053-70-15-005.00, House Nos. 718-719; \$264.77;
- Willard Johnson, Map No. 053-70-15-006.00, House Nos. 716-717; \$529.62;
- Willard Johnson and Kelly Johnson, Map No. 053-70-15-007.00, House Nos. 714-715; \$186.92; and
- Bryson Bentley and Mary Ellen Bentley, Map No. 053-70-15-008.00, House Nos. 712-713; \$198.29.

The names are those appearing in the city's published notice and court filing. The notice does not say whether the properties are occupied, vacant or abandoned, and it does not identify the tax years covered by the amounts.

Under Kentucky law, a city may file an action in Circuit Court to enforce its lien after property taxes have remained unpaid for at least six months.

The Jenkins action does not seek to collect money directly from the listed property owners. If the

city prevails, however, the properties could be sold to satisfy the tax liens, accrued interest, penalties and costs.

Anyone claiming an ownership interest, lien or other legal interest in one of the properties may file an answer stating the nature of that interest and any defense or objection to enforcement of the city's liens.

A property may be removed from the case before an enforcement sale by paying the city all principal, interest, penalties and costs then due, according to the notice.

The notice also says redemption may be allowed for 60 days after a master commissioner's sale if the sale price is less than the property's current assessed value. A person who fails to answer, pay or redeem could lose any ownership or lien interest in the property.

City Attorney Calvin R. Tackett is representing Jenkins in the action.

Live music, carnival rides headlining this year's Mountain Heritage Festival

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free foam party is planned from 6 to 8 p.m. downtown, and a Deal or No Deal game is scheduled for 7 p.m. at Festival Village.

Friday's lineup begins at 4 p.m. with Something Sandy, followed by Johnny Pop Day at 5 p.m., Karlee & the Kenmont Band at 7 p.m. and Already Gone, an Eagles tribute band, at 8:30 p.m. A magic show is scheduled for 6 p.m. at Festival Village.

Saturday's parade is scheduled to begin at 11 a.m., following a pre-parade program at 10:30 a.m. Other attractions include free train

rides and a LEGO mobile tent with building and STEM activities from noon to 6 p.m., a card trading show at noon and a character meet-and-greet at City Hall from 2 to 4 p.m.

Saturday's main-stage lineup includes Donaven Blevins & The Hillbilly Drive Band at 2 p.m., Appalachian Overdrive at 3 p.m., The Drift Band at 4 p.m., Coal Camp Revival at 5 p.m. and Dirt Famous at 6:30 p.m. Smith closes the night.

A former high school teacher, Smith built a following through independent album releases and years of touring. His songs include "If I Could Do It Again," "Twenty-

One" and "Drinkin' Again."

Casey's Rides will operate the downtown carnival during the festival. The festival's ride announcement lists \$20 wristbands for Wednesday and Thursday and for Friday from 1 to 5 p.m. Individual tickets will be sold Friday evening and throughout Saturday. The posted prices are \$1.50 for one ticket, \$10 for eight and \$20 for 20. Cash will be accepted.

This year's festival theme is "Rooted in Love — Raised in the Mountains." Decorations made for the occasion are on display along Main Street.



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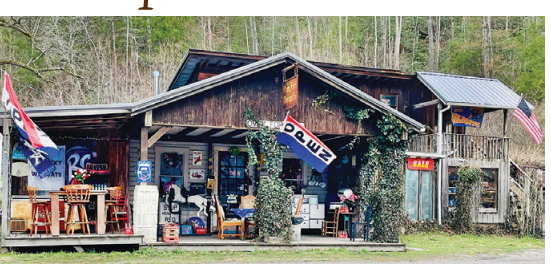
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