

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
48TH JUDICIAL CIRCUIT
DIVISION I
CIVIL ACTION NO. 12-CI-00109

JOSEPH M. FISCHER, et al.

PLAINTIFFS

v.

**FIRST AMENDED VERIFIED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

ALISON LUNDERGAN GRIMES, et al.

DEFENDANTS

Plaintiffs, Joseph M. Fischer, Jeff Hoover, Kim King, Frey Todd, and Anthony Gaydos (“Plaintiffs”) state as follows for their First Amended Verified Complaint for Declaratory and Injunctive Relief against Defendants Alison Lundergan Grimes, the Kentucky State Board of Elections, and Maryellen Allen (“Defendants”):

1. To the extent not expressly amended herein or otherwise inconsistent with this First Amended Complaint or with the Court’s Orders entered prior to the date of the filing of this First Amended Complaint, Plaintiffs adopt by reference and incorporate their original complaint and its averments, claims, and demands as if set forth fully herein.

2. In place of the averments in Paragraph 29 of the Complaint, Plaintiffs state as follows: For purposes of “one person, one vote” principles of equal protection in connection with legislative redistricting following the 2010 census, the “ideal” population of a Kentucky House of Representatives district is 43,394. Therefore, redistricting in conformity with Section 33 and *Fischer II* requires 22 counties to be divided, or split, because their populations are too large to contain a single House of Representatives district. As well, two additional counties must be split

because of their population and geographic location, so that the minimum number of counties that must be divided is 24.

3. In place of the averments in Paragraph 30 of the Complaint, Plaintiffs state as follows: However, HB 1 splits 28 counties, or four more than the minimum required. A copy of a map showing the districts created by HB 1 was attached to the original Complaint, and is incorporated by reference herein.

4. In place of the averments in Paragraph 49 of the Complaint, Plaintiffs state as follows: In its 2012 regular session, and before the enactment of HB 1, the Kentucky General Assembly had before it both amendments to HB 1 and alternative bills (e.g., HB 284; HB 292) that provided for redistricting of the Kentucky House of Representatives pursuant to Section 33 and in a manner that divided the minimum of 24 counties, provided for a smaller relative range and relative overall range from the ideal population of a district than does HB 1, provided for less egregiously partisan redistricting than does HB 1, and fully complies with the United States and Kentucky Constitutions for purposes of equal protection of the laws and freedom of association and expression.

5. In place of the averments in Paragraph 53 of the Complaint, Plaintiffs state as follows: HB 1 violates Section 33 of the Kentucky Constitution by its failure to make full use of the maximum constitutional variation of plus or minus five percent . . . and divide the fewest possible number of counties, because HB 1 divides four more counties than is necessary or permissible under the mandate of Section 33 as interpreted and applied in *Fischer II*.

Respectfully submitted,

FULTZ MADDUX HOVIOUS & DICKENS PLC
Victor B. Maddox

County of ~~Franklin~~ State At Large)

Subscribed and sworn to before me this 2nd day of ~~January~~^{February}, 2012.

My Commission Expires: 8-17-14.

Dany Ford
NOTARY PUBLIC

I, Kim King, being first duly sworn, verify that the averments of this Verified Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

Kim King
Kim King

Commonwealth of Kentucky)

County of ~~Franklin~~ State At Large)

Subscribed and sworn to before me this 2nd day of ~~January~~^{February}, 2012.

My Commission Expires: 8-17-14.

Dany Ford
NOTARY PUBLIC

John David Dyche
Jennifer Metzger Stinnett
Jason M. Nemes

101 S. Fifth Street, 27th Floor
Louisville, Kentucky 40202-3116
(502) 588-2000

Attorneys for Plaintiffs

VERIFICATION

I, Joseph M. Fischer, being first duly sworn, verify that the averments of this Verified Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

Joseph M. Fischer

Commonwealth of Kentucky)

County of ~~Franklin~~ State At Large)

Subscribed and sworn to before me this 2nd day of ~~January~~ ^{February}, 2012.

My Commission Expires: 8-17-14

NOTARY PUBLIC

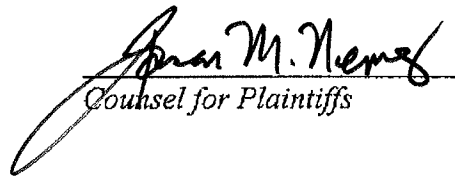
I, Jeff Hoover, being first duly sworn, verify that the averments of this Verified Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

Jeff Hoover

Commonwealth of Kentucky)

CERTIFICATE OF SERVICE

I certify that a copy of this First Amended Complaint for Declaratory and Injunctive Relief was served by electronic mail and U.S. Mail on February 2, 2012 upon David Tachau, Dustin B. Meek, Jonathan T. Salomon, and Katherine E. McKune, TACHAU MEEK PLC, 3600 National City Tower, 101 S. Fifth Street, Louisville, KY 40202-3120 and Anita M. Britton, BRITTON OSBORNE JOHNSON PLLC, 200 W. Vine St., Suite 800, Lexington, KY 40507, and on Scott White, 133 W. Short Street, Lexington, KY, 40507, and on Pierce Whites, Office of the Speaker of the House, 702 Capitol Avenue, Capitol Annex Room 303, Frankfort, KY, 40601, and, as a matter of courtesy, on Laura H. Hendrix, General Counsel, Legislative Research Commission, State Capitol Annex, Room 104, Frankfort, Kentucky 40601, and, as a matter of courtesy, on Sheryl Snyder, 400 West Market Street, Suite 3200, Louisville, Kentucky 40202.


Counsel for Plaintiffs