

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 12-CI-109

JOSEPH M. FISCHER, *et al.*

PLAINTIFFS

v.

ALISON LUNDERGAN GRIMES,
in her official capacity as
Secretary of State for the Commonwealth
of Kentucky, *et seq.*

DEFENDANTS

MOTION TO INTERVENE

The Movants ("Movants"), David B. Stevens, M.D., David O'Neill, Jack Stephenson, Marcus McGraw, and Kathy Stein, by counsel, move, pursuant to CR 24.01(1) (b), CR 24.02, and CR 24.03, to intervene in this Action. In support, the Movants state as follows:

1. The Action *sub judice* is a declaratory judgment action challenging the constitutionality of House Bill 1 which was signed into law by Governor Steve Beshear on January 20, 2012, following its final passage and enrollment by the General Assembly on January 19, 2012. ("HB 1"). HB 1 reapportions the legislative districts of the Kentucky General Assembly. *Ky. Const.* § 33.
2. With the passage of HB 1, the territory of the former Senate District 13 has been designated as Senate District 4. HB 1 also contains a non-severability clause which acts as a suicide vest. The Bill notwithstanding KRS 446.090 and instead provides that should any part of any single plan be declared unconstitutional or unenforceable under state or

federal law, *all* of the plans contained in HB 1 are void and unenforceable. *HB 1, Section 144.*

3. The Plaintiffs challenge that portion of HB 1 that redistricts the House of Representatives into one-hundred legislative districts. The challenge is premised on both state and federal constitutional grounds, and 42 U.S.C. § 1983. In addition to declaratory relief, the Plaintiffs seek injunctive relief to enjoin the January 31, 2012, filing deadline for House Districts.
4. The Movants seek to challenge the Kentucky State Senate reapportionment plan as contained in HB 1, and request declaratory and injunctive relief. Though the Movants are not challenging the redistricting of the House, the factual and legal issues presented are nearly identical. The Movants challenge, like the Plaintiffs, is premised upon violations of the Kentucky and Federal Constitutions and law: Sections 1, 2, 3, 6, 30, 31 and 33 of the Kentucky Constitution, Article IV, Section 2 and the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983.
5. As set out in the attached proposed intervening complaint, the Movants' challenge, like the Plaintiffs, is premised upon: failure to divide the least number of counties in violation of Section 33; violation of the allowable population variance under the equal protection provisions of the Kentucky (sections 2, 3 & 6) and federal Constitutions (Fourteenth Amendment) of +/- 5%; and, 42 U.S.C. § 1983 by depriving Movants from participating in the electoral and political processes.
6. The Movants raise questions of law in common with the Plaintiffs and have an interest in the subject of the action. The Movants are so situated that the disposition of the Action may, as a practical matter, impair or impede the Movants ability to protect that interest.

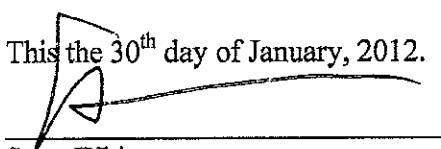
7. The Movants' interest is not adequately represented by the existing parties. It is plain that the requirements of CR 24 have been met. Though the Movants believe that they are entitled to intervene as a matter of right under CR 24.01, the Action is in such a preliminary stage that given the nearly identical nature of factual and legal issues that the requirements for permissive intervention under CR 24.02 have similarly been met. *See, e.g., Henderson v. Todd*, 314 S.W.2d 948 (Ky. 1958); and, *Carter v. Smith*, 170 S.W.3d 402 (Ky. App. 2004).

WHEREFORE, for the foregoing reasons, and others which may be apparent to the Court, the Movants respectfully request to be allowed to intervene as right, or by permission, in the Action. Attached as Exhibit A is the proposed intervening complaint; and, a proposed order as Exhibit B.

Notice of Hearing

Due to the emergency nature of the relief sought by the Plaintiffs, and that a hearing has been set for that relief by this Court for Monday, January 30, 2012, at 10:30 am in Franklin Circuit Court, the Movants are noticing that they will bring this Motion for a hearing at the same time.

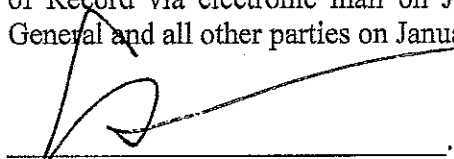
This the 30th day of January, 2012.



Scott White
Sarah S. Mattingly
Morgan & Pottinger, P.S.C.
133 W. Short Street
Lexington, KY 40507
DIRECT 859.226-5288
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Certificate of Service

I certify that a copy of this Motion to Intervene, with exhibits, was served on all counsel of Record via electronic mail on January 30, 2012, and by hand on the Office of Attorney General and all other parties on January 30, 2012 prior to the hearing.



Scott White

EXHIBIT A

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 12-CI-109

JOSEPH M. FISCHER,
JEFF HOOVER, KIM KING, FREY TODD,
and ANTHONY GOYDOS

PLAINTIFFS

DAVID B. STEPHENS, M.D.,
DAVID O'NEILL, JACK STEPHENSON,
MARCUS McGRAW,
and KATHY STEIN

INTERVENING
PLAINTIFFS

v.

ALISON LUNDERGAN GRIMES,
in her official capacity as
Secretary of State for the Commonwealth
of Kentucky, *et seq.*

DEFENDANTS

**INTERVENING COMPLAINT
(Verified)**

The Intervening Plaintiffs ("Interveners"), David B. Stephens, M.D., David O'Neill, Jack Stephenson, Marcus McGraw, and Kathy Stein, by counsel, for their complaint against the Defendants allege and state as follows (the factual allegations are made under oath):

Introduction

1. This is an action for declaratory relief brought under KRS 418.040 to declare that the Senate Plan contained in HB 1 (2012) violates specific provisions of the Kentucky and United States Constitutions and law.

2. An actual controversy exists between the Interveners and the Defendants.

3. The Interveners are entitled to a declaration that the Senate Plan violates the Kentucky Constitution as follows:

- Section 33 by failing to divide the least number of counties;
- Sections 2, 3, and 6 by violating the +/- 5% permissible population variance amongst districts;
- Sections 1.6, 30 and 31 by extending the term of office for District 4 to six years.

4. The Interveners are entitled to a declaration that the Senate Plan violates Article IV, Section 2, and the Fourteenth Amendment of the United States Constitution, and 42 U.S.C. § 1983 by violating the +/- 5% permissible population variance amongst districts; and, that the free association rights of Interveners guaranteed under the Constitution are violated. Further, under 42 U.S.C. §1988, the deprivation of the federally guaranteed rights are under color of a state statute and so entitle Interveners to attorney fees and costs.

5. Further, inasmuch as the filing deadline for various Senate Districts, including District 13, is January 31, 2012, and that HB 1 (2012) contains a section providing that if any part of any plan contained therein is deemed unconstitutional that the entire Bill is then void, the Interveners seek an injunction prohibiting the enforcement or implementation of the current filing deadline for Senate Districts or the conduct of elections using the Senate Districts set out in that Bill.

Parties

6. The Intervening Plaintiff, David M. Stephens, M.D., is a citizen and resident of Lexington, Fayette County, Kentucky, and is a resident of Senate District 4 as it is presently

constituted, and was a resident of Senate District 13 as it had been constituted prior to enactment of HB 1 (2012).

7. The Intervening Plaintiff, David O'Neill, is a citizen and resident of Lexington, Fayette County, Kentucky, and is a resident of Senate District 4 as it is presently constituted, and was a resident of Senate District 13 as it had been constituted prior to enactment of HB 1 (2012).

8. The Intervening Plaintiff, Jack Stephenson, is a citizen and resident of Lexington, Fayette County, Kentucky, and is a resident of Senate District 4 as it is presently constituted, and was a resident of Senate District 13 as it had been constituted prior to enactment of HB 1 (2012).

9. The Intervening Plaintiff, Marcus McGraw, is a citizen and resident of Lexington, Fayette County, Kentucky, and is a resident of Senate District 4 as it is presently constituted, and was a resident of Senate District 13 as it had been constituted prior to enactment of HB 1 (2012).

10. The Intervening Plaintiff, Kathy Stein, is a citizen and resident of Lexington, Fayette County, Kentucky, and is a resident of Senate District 4 as it is presently constituted, and was a resident of Senate District 13 as it had been constituted prior to enactment of HB 1 (2012). She is also the duly elected and serving Senator from Senate District 13. She is ineligible to be a candidate for Senate District 13 as she is not a resident of its territory for the one year prior to the 2012 primary and general election.

11. All of the Interveners enjoy standing to bring this action to enforce their rights to have the State Senate districts and the elections thereon conform to the Kentucky and United States Constitutions.

12. The Interveners adopt and incorporate as if fully set forth herein paragraphs 7, 8, and 9 of the Verified Complaint concerning the Defendants.

13. Pursuant to KRS 418.075, notice of this action is being given to the Office of the Attorney General via hand delivery pursuant to CR 24.03.

Jurisdiction and Venue

14. Jurisdiction and venue is proper in the Circuit Court of Franklin County pursuant to KRS 418.040.

Facts

15. The 2012 General Assembly sitting in general session enacted House Bill 1 which was signed into law by Governor Steve Beshear on January 20, 2012, following its final passage and enrollment in the General Assembly on January 19, 2012. ("HB 1"). HB 1 represents the state office portion of the decennial act of the Kentucky General Assembly to redistrict the state legislative and judicial districts. *Ky. Const. § 33*.

16. The Interveners are citizens, residents, and registered voters in Fayette County, Kentucky. Prior to HB 1, all were residents of Senate District 13. KRS 5.113 (Acts 2002). However, now the Interveners are residents of Senate District 4. *2010 HB 1, Section 104*. The Interveners are now represented by a Senator who does not live in the territory comprising District 4.

17. In the General Election of 2008, Senator Stein was duly elected senator for District 13. At all times relevant to this action prior to Governor Beshear signing HB 1, Senator Stein was a citizen and resident of Senate District 13.

18. On January 4, 2012, Senator Stein properly filed candidacy papers with the Secretary of State to run for election in Senate District 13. She no longer satisfies the residency requirement of that District, and upon the expiration of her term on December 31, 2012, will no longer hold office.

19. There will not be an election held in District 4 as it is constituted in HB 1 during the 2012 election cycle. In the General Election of 2010, the Hon. Dorsey Ridley ("Senator Ridley") became the duly elected and serving senator for District 4. At all times relevant to this action prior to Governor Beshear signing HB 1, Senator Ridley was a citizen and resident of District 4. He is no longer a resident of District 4 since he resides in Henderson County.

20. With the passage of HB 1, the former residents of the territory of Senate District 13 have been assigned to Senate District 4; and, the former residents of Senate District 4 have been scattered amongst Senate Districts 1, 3, and 6.

21. The effect of the switch of district numbers on the former residents of District 13, now District 4, is to require them to live in a senatorial district bearing a term of six years.

22. The Senate Plan contained in HB 1 (Part II of HB 1) divides five counties: Kenton, Boone, Fayette, Jefferson, and Warren.

23. It is possible to divide fewer counties in passing a Senate redistricting plan while still adhering to the permissible population ratio of +/- 5% amongst the thirty-eight districts. Such a plan is contained in Senate Floor Amendment 1, introduced by Senator R.J. Palmer that divides only four counties (Kenton, Fayette, Jefferson, and Ohio), and the territorial integrity of two populous counties: Boone and Warren. See, <http://www.lrc.ky.gov/record/12RS/HB1.htm>. This Plan also does not "flip" any District numbers, thereby insuring that no Kentucky territory is represented more or less than a full four-year senate term.

24. The Senate Plan contained in HB 1 (Part II of HB 1) also fails to comport with the permissible population ratio of +/- 5% amongst the thirty-eight districts. Senate District 8 (HB 1, Section 108) is comprised of a population of 120,498 which is +5.52 percent of the ideal population of 114,194. *Attached as Exhibit A is the Population Summary Report, Map, and*

Fiscal Impact Statement of HB 1 (the text of HB 1 is attached as Exhibit A to the Verified Complaint. Interveners incorporate it herein by reference). District 8 contains Ohio and Daviess counties.

Count 1 – Violation of Section 33

25. Interveners incorporate by reference paragraphs 1 through 22 as if fully set forth herein.

26. Section 33 of the Kentucky Constitution as interpreted by the Kentucky Supreme Court requires the General Assembly in its decennial redistricting to divide the fewest number of counties in drawing the thirty-eight senate districts.

27. HB 1 fails to comply with Section 33 by dividing 5 counties rather than the minimum.

28. The Senate districts created by HB 1 are therefore invalid and unconstitutional.

Count 2 – Violation of Equal Protection

29. Interveners incorporate by reference paragraphs 1 through 22 as if fully set forth herein.

30. HB 1 violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Sections 2, 3, and 6 of the Kentucky Constitution violate the permissible population variance of +/- 5% so as to violate the “one person, one vote” principal contained in those provisions.

31. The Senate districts created by HB 1 are therefore invalid and unconstitutional.

Count 3 – Term of Office

32. Interveners incorporate by reference paragraphs 1 through 22 as if fully set forth herein.

33. Sections 30, 31, and 32 of the Kentucky Constitution provide that the territory of a Senate district be represented by a qualified person for a term of four years.

34. HB 1 violates these provisions by providing that the territory and persons in Senate District 4 be governed by a six year term. This territory last elected a senator in 2008, and does not elect another until 2014.

35. The Senate districts created by HB 1 are therefore invalid and unconstitutional.

Count 4 – Freedom of Association

36. Interveners incorporate by reference paragraphs 1 through 22 as if fully set forth herein.

37. The senate districts drawn up in HB 1 violate the free association and democratic representation rights guaranteed by the United States and Kentucky Constitutions by not only violating the minimum county division and population variance strictures; but also by moving a duly elected Senator from her territory to another territory, and leaving the former territory represented by a Senator elected by yet another different territory.

38. The Senate districts created by HB 1 are therefore invalid and unconstitutional.

Count 5 – Violation of 42 U.S.C. § 1983

39. Interveners incorporate by reference paragraphs 1 through 22 as if fully set forth herein.

40. Interveners are “persons” and “citizens” of the United States within the scope of the statute, and HB 1 and the Senate districts it creates are actions taken under color of state law.

41. Interveners desire and intend to participate in the electoral and political process of the Commonwealth, including the election of members of the State Senate on the basis of equality with other citizens of the Commonwealth.

42. The constitutional violations set forth in Counts 2, 3, and 4 constitute deprivations of the Interveners' constitutional rights in violation of 42 U.S.C. § 1983.

43. Pursuant to 42 U.S.C. § 1988, Interveners are entitled to a reasonable attorney fee and costs by bringing this action to enforce those rights.

Count 6 – Injunctive Relief

44. Interveners incorporate by reference paragraphs 1 through 22 as if fully set forth herein.

45. The deadline for candidates to file for a Senate district that is to be elected in the 2012 election cycle is 4:00 p.m., on January 31, 2012, in the office of the Secretary of State located in the State Capital.

46. On its face, HB 1 is unconstitutional for four distinct reasons; and, at a minimum, raises a serious question as to its constitutionality.

47. A failure to enjoin the enforcement of the Senate filing date using the district territories drawn up in HB 1 will immediately cause irreparable injury to the Interveners for which a later remedy will be inadequate. This injury is neither speculative nor remote, but will become a present reality upon the passing of the filing deadline.

48. Therefore, pursuant to CR 65.04, a temporary injunction should immediately be entered that enjoins the enforcement of the filing dates, and the conduct of any election using the HB 1 Senate districts. See the seminal decision on temporary injunctive relief under CR 65.04, *Maupin v. Stansbury*, 575 S.W.2d 695 (Ky. App. 1978).

Count 7 – Declarative Relief

49. Interveners incorporate by reference paragraphs 1 through 22 as if fully set forth herein.

50. For the reasons set forth in Counts 1, 2, 3, and 4, HB 1 violates the Kentucky and United States Constitutions.

51. Therefore, pursuant to KRS 418.050 and .140, the Interveners are entitled to a declaration by this Court that HB 1 is invalid, unconstitutional, and unenforceable, and a permanent injunction forbidding any election using the Senate districts contained in HB 1.

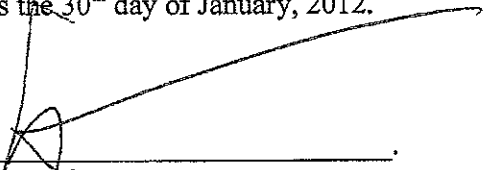
WHEREFORE, Interveners demand as follows:

1. A temporary injunction enjoining enforcement of the filing deadline for the Senate districts contained in HB 1, or any elections held using such districts, pending an adjudication of the merits raised by this Intervening Complaint;
2. A permanent injunction enjoining enforcement of the filing deadline for the Senate districts contained in HB 1, or any elections held using such districts;
3. A declaration that HB 1 is invalid, unconstitutional, and unenforceable in its entirety as provided for in Section 144 of HB 1.
4. An award of taxable costs to include a reasonable attorney fee.

Notice of Hearing

Due to the temporary injunction sought by the Plaintiffs in their Verified Complaint, and that a hearing has been set for that relief by this Court for Monday, January 30, 2012, at 10:30 am in the Franklin Circuit Court, assuming that the Court grants the Motion to Intervene, the Interveners are noticing that they will bring their Motion for Temporary Injunction on for hearing at the same time.

This the 30th day of January, 2012.



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133 W. Short Street
Lexington, KY 40507
DIRECT 859.226-5288
FAX 859.255-2038
tsw@m-p.net

VERIFICATION

I, David B. Stephens, M.D., being first duly sworn, verify that the factual averments of this Verified Intervening Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

David B. Stephens, M.D.

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me this 30th day of January, 2012.

My Commission expires on April 17, 2012.

Notary Public

VERIFICATION

I, David O'Neill, being first duly sworn, verify that the factual averments of this Verified Intervening Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief.

David O'Neill

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me this 30th day of January, 2012.

My Commission expires on April 17, 2012.

Notary Public

VERIFICATION

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

Jack Stephenson

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me this 30th day of January, 2012.

My Commission expires on April 17, 2012.

Notary Public

VERIFICATION

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

Marcus McGraw

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me this 30th day of January, 2012.

My Commission expires on April 17, 2012.

Notary Public

VERIFICATION

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

Kathy Stein

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me this 30th day of January, 2012.

My Commission expires on April 17, 2012.

Notary Public

EXHIBIT A

Plan: (SH001C01)
Plan Type: Senate Plan

Population Summary Report

Wednesday January 18, 2012

9:17 PM

(14194)

DISTRICT	POPULATION	DEVIATION	% DEVN.
1	118,199	4,005	3.51
2	110,366	-3,828	-3.35
3	111,261	-2,933	-2.57
4	113,724	-470	-0.41
5	113,861	-333	-0.29
6	116,322	2,128	1.86
7	115,372	1,178	1.03
8	120,498	6,304	5.52
9	119,503	5,309	4.65
10	109,345	-4,849	-4.25
11	111,499	-2,695	-2.36
12	109,883	-4,311	-3.78
13	112,061	-2,133	-1.87
14	118,077	3,883	3.40
15	117,756	3,562	3.12
16	118,569	4,375	3.83
17	119,779	-5,585	4.89
18	114,172	-22	-0.02
19	110,147	-4,047	-3.54
20	109,282	-4,912	-4.30
21	112,792	-1,402	-1.23
22	110,751	-3,443	-3.02
23	111,776	-2,418	-2.12
24	113,701	-493	-0.43
25	116,743	2,549	2.23
26	115,780	1,586	1.39
27	112,596	-1,598	-1.40
28	114,700	506	0.44
29	109,594	-4,600	-4.03
30	119,280	5,086	4.45
31	115,588	1,394	1.22
32	109,273	-4,921	-4.31
33	119,466	5,272	4.62
34	114,644	450	0.39
35	117,659	3,465	3.03

Plan: (SH001C01)
Type: Senate Plan

DISTRICT	POPULATION	DEVIATION	% DEVN.
36	109,462	-4,732	-4.14
37	116,687	2,493	2.18
38	109,199	-4,995	-4.37

Total Population: 4,339,367

Ideal District Population: 114,194

Summary Statistics

Population Range: 109,199 to 120,498

Ratio Range: 1.10

Absolute Range: -4,995 to 6,304

Absolute Overall Range: 11,299.00

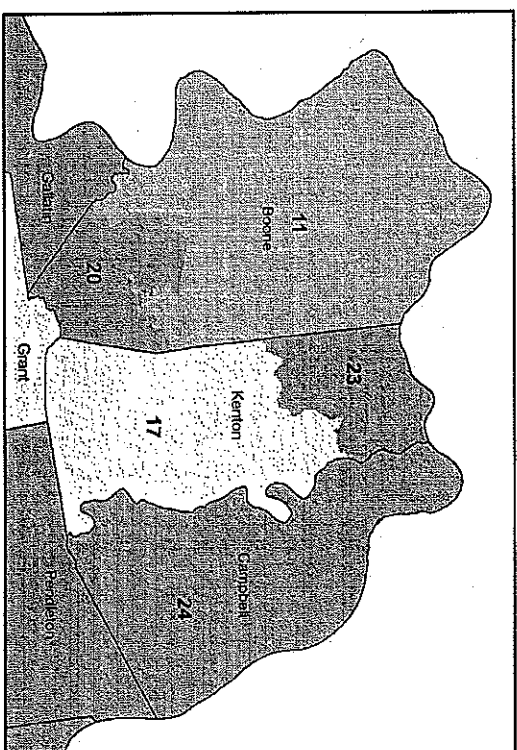
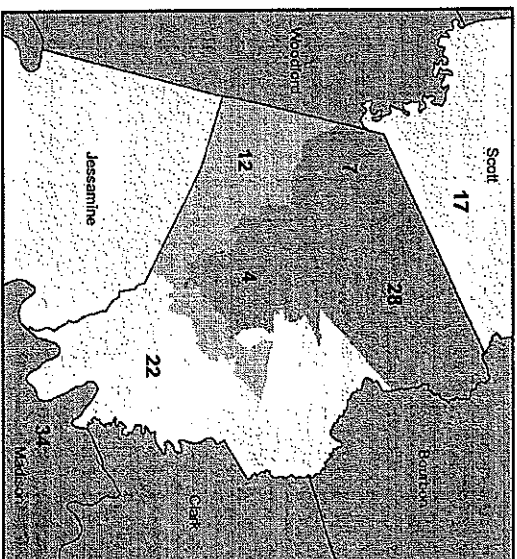
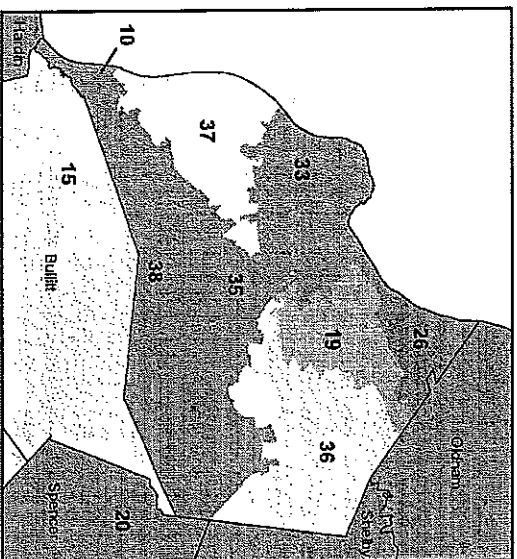
Relative Range: -4.37% to 5.52%

Relative Overall Range: 9.89%

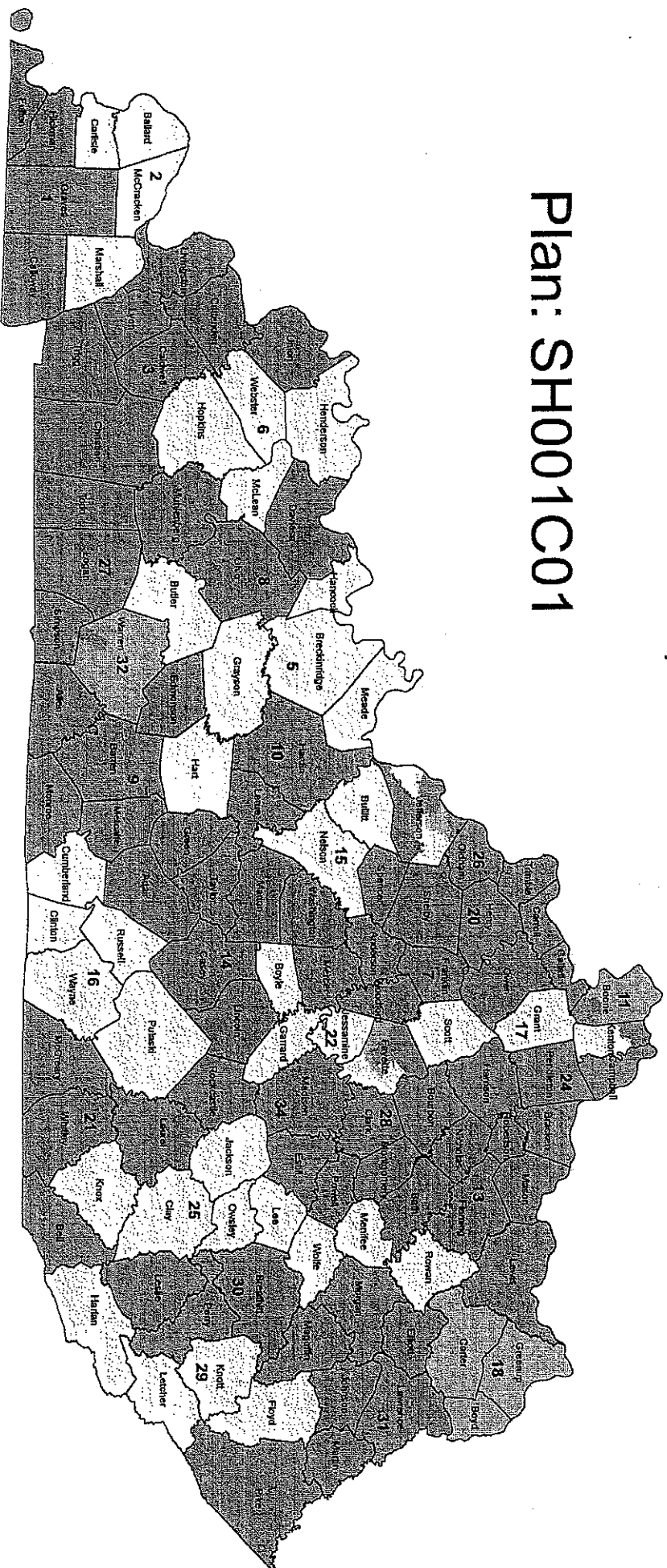
Absolute Mean Deviation: 3,112.24

Relative Mean Deviation: 2.73%

Standard Deviation: 3,618.51



Plan: SH001C01



Part I: Measure Information

\$194 per precinct per election and 43 cents annually for each registered voter in the county.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 1 SCS is estimated to be moderate.

Examining newly drawn Representative and Senatorial district lines and redrawing county precinct boundaries is not a new requirement. Some of Kentucky's counties will not have to adjust their precinct boundaries at all. Most county clerks, as one of their duties, evaluate the precinct boundaries, and present relevant information to their county boards of elections.

If precinct lines must be redrawn, voters impacted must be sent notices informing them of the change. Also, precinct changes must be advertised in the newspaper. The cost of these notices would vary by county.

Some counties hire surveyors or engineers to help with redrawing precinct boundaries. Many counties utilize the services of Area Development Districts to help with this duty. It is estimated that the cost of contracting with an Area Development District is between \$2,000 and \$4,000.

If an entirely new precinct is required, the county would incur an additional expense in hiring additional precinct election officers, purchasing new voting equipment, and possibly renting a new voting precinct location.

The impact of this legislation will vary greatly across the state, depending on how many precinct boundaries must be redrawn.

Data Source(s): Kentucky County Clerks Election Committee; State Board of Elections

Preparer: Clint Newman **Reviewer:** _____ **Date:** _____

AN ACT relating to redistricting and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

House Plan (HH001C04)

Senate Plan (SH001C01)

Judicial Plan (J0956B01)

(Geographic integrity verified: yes)

Part I - House Plan (HH001C04)

➔SECTION 1. KRS 5.201 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The First Representative District shall consist of the following territory:

---CENSUS---

<u>COUNTY</u>	<u>PREC NAME</u>	<u>TRACT</u>	<u>BLK</u>	<u>SECT</u>
<u>BALLARD</u>				
<u>CARLISLE</u>				
<u>FULTON</u>				
<u>HICKMAN</u>				
<u>MCCRACKEN</u>	<u>A121 HENDRON #3</u>			
<u>MCCRACKEN</u>	<u>B117 HENDRON #2</u>			
<u>MCCRACKEN</u>	<u>B121 LONE OAK #1</u>			
<u>MCCRACKEN</u>	<u>B124 LONE OAK #2</u>			
<u>MCCRACKEN</u>	<u>B125 MASSAC MILAN</u>			
<u>MCCRACKEN</u>	<u>B126 LONE OAK #3</u>			
<u>MCCRACKEN</u>	<u>B127 NEW HOPE</u>			
<u>MCCRACKEN</u>	<u>C108 LANG</u>			
<u>MCCRACKEN</u>	<u>C109 CONCORD</u>	<u>030800</u>	<u>4019</u>	
<u>MCCRACKEN</u>	<u>C109 CONCORD</u>	<u>030800</u>	<u>4020</u>	
<u>MCCRACKEN</u>	<u>C109 CONCORD</u>	<u>031400</u>	<u>1066</u>	

EXHIBIT ~~8~~ 3

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
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CIVIL ACTION NO. 12-CI-109

JOSEPH M. FISCHER, *et al.*

PLAINTIFFS

DAVID STEPHENS, M.D., *et al.*

INTERVENING
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v.

ALISON LUNDERGAN GRIMES,
in her official capacity as
Secretary of State for the Commonwealth
of Kentucky, *et seq.*

DEFENDANTS

ORDER

***** ***** *****

The proposed Intervening Plaintiffs have moved pursuant to CR 24.01(1) (b), CR 24.02, and CR 24.03, to intervene in this Action.

For good cause shown, it is ORDERED that the intervening complaint attached as Exhibit A to the Motion to Intervene shall be deemed FILED of Record. The Defendants shall have twenty days from entry of this Order to file a responsive pleading.

So ORDERED this ____ day of January, 2012.

Phillip Shepherd, Circuit Judge presiding