

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
COVINGTON DIVISION – CIVIL**

**KENNY BROWN** :  
in his official capacity as the Boone :  
County Clerk, and individually :  
2950 Washington St :  
Burlington, KY 41005 :

**AND** :

**STEVE ARLINGHAUS, individually** :  
2549 Thirs Drive :  
Villa Hills, KY 41017 :

**AND** :

**PHYLLIS SPARKS** :  
1750 Beaver Road :  
Walton, KY, 41094 :

**AND** :

**CATHY FLAIG** :  
4072 Limaburg Road :  
Hebron, KY, 41048 :

**AND** :

**BRETT GASPARD** :  
640 Turfrider Ct. :  
Walton, KY, 41094 :

**AND** :

**TERRY DONOGHUE** :  
1619 Battery Circle :  
Hebron, KY, 41048 :

**AND** :

**LAWRENCE ROBINSON** :  
56 Spring Place :  
Cold Spring, KY 41076 :

**AND** :

**KENNETH MOELLMAN** :  
**9117 Persimonn Grove Pk.** :  
**Alexandria, KY 41001** :

**AND** :

**GARTH KUHNHEIN** :  
**3084 Prestwicke Dr** :  
**Edgewood, KY 41017** :

**AND** :

**TIMOTHY J. JONES** :  
**3119 Hergott Drive** :  
**Edgewood, KY 41017** :

**AND** :

**BRANDON VOELKER** :  
**5 Jude Point** :  
**Cold Spring, KY 41076** :

**AND** :

**GARRY MOORE, individually** :  
**1496 Tuscan Court, Unit 212** :  
**Florence, KY 41042** :

**Plaintiffs** :

**v.** :

**THE COMMONWEALTH OF KENTUCKY** :  
**Serve: JACK CONWAY, Attorney General** :  
**700 Capitol Avenue, Suite 118** :  
**Frankfort, Kentucky 40601** :

**AND** :

**STEVE BESHEAR, GOVERNOR OF THE** :  
**COMMONWEALTH OF KENTUCKY** :  
**in his official capacity** :  
**Serve: JACK CONWAY, Attorney General** :  
**700 Capitol Avenue, Suite 118** :  
**Frankfort, Kentucky 40601** :

**PLAINTIFF'S COMPLAINT;**  
**THREE JUDGE COURT**  
**REQUESTED UNDER 28 USC**  
**§ 2284**

**AND :**  
**ALLISON LUNDERGAN GRIMES :**  
**SECRETARY OF STATE OF THE :**  
**COMMONWEALTH OF KENTUCKY :**  
**in her official capacity**  
**Serve: JACK CONWAY, Attorney General :**  
**700 Capitol Avenue, Suite 118**  
**Frankfort, Kentucky 40601 :**

**AND :**  
  
**GREG STUMBO, SPEAKER OF THE HOUSE :**  
**OF REPRESENTATIVES (and the Kentucky :**  
**House of Representatives) :**  
**in his official capacity**  
**Serve: JACK CONWAY, Attorney General :**  
**700 Capitol Avenue, Suite 118**  
**Frankfort, Kentucky 40601 :**

**AND :**  
  
**ROBERT STIVERS, PRESIDENT OF THE :**  
**KENTUCKY SENATE (and the Kentucky :**  
**Senate) :**  
**in his official capacity**  
**Serve: JACK CONWAY, Attorney General :**  
**700 Capitol Avenue, Suite 118**  
**Frankfort, Kentucky 40601 :**

**AND :**  
  
**THE KENTUCKY STATE BOARD OF :**  
**ELECTIONS**  
**Serve: JACK CONWAY, Attorney General :**  
**700 Capitol Avenue, Suite 118**  
**Frankfort, Kentucky 40601 :**

**AND :**  
  
**KENTUCKY LEGISLATIVE RESEARCH :**  
**COMMISSION**  
**Serve: JACK CONWAY, Attorney General :**  
**700 Capitol Avenue, Suite 118**  
**Frankfort, Kentucky 40601 :**

**AND :**  
**JACK CONWAY, KENTUCKY ATTORNEY :  
GENERAL**  
**700 Capitol Avenue, Suite 118 :  
Frankfort, Kentucky 40601**  
**Defendants :**

Plaintiffs, by and through counsel, for their complaint, alleges as follows:

### **INTRODUCTION**

1. This is an action involving intentional, purposeful violations by Defendants of the constitutional rights of the Plaintiffs, including a public official and many other Kentucky citizens related to the failure to conduct a constitutional redistricting following the 2010 Census data, resulting in a great number of districts being under-represented, well beyond the 10% permissible deviation, in the Kentucky House and Kentucky Senate, violating the “one person one vote” guaranteed by the Equal Protection Clause of the United States Constitution as determined by the United States Supreme Court in *Reynolds v. Simms*, 377 U.S. 533 (1964), as well as similar provisions in the Kentucky Constitution. Specifically, the failure to conduct constitutional redistricting represents a contrived effort on the part of certain incumbent legislators to hold their State House and State Senate seats and refuse to enact constitutional redistricting, despite ample opportunity to do so, to prevent adequate representation in Northern Kentucky, in light of a significant population shift within Kentucky towards, in particular, the Northern Kentucky area. This suit seeks damages, injunctive and declaratory relief under 42 U.S.C. § 1983, and attorney fees under 42 U.S.C. 1988 and 42 U.S.C. 1973l, as well as analogous claims under state law.

**PARTIES**

2. At all relevant times herein, Plaintiff, Kenny Brown was a resident of Boone County, who resides at 1056 Hampshire Place, Florence, KY 41042, serves as the Boone County Clerk, and is a registered voter and elector in Kentucky. More specifically, Mr. Brown resides in the 66<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mr. Brown brings this suit in his official capacity, as Boone County Clerk, the chief elections officer for Boone County, which includes the 60<sup>th</sup>, 66<sup>th</sup>, and 69<sup>th</sup> House Districts, as well as the 11<sup>th</sup> Senate District. Mr. Brown also brings this suit in his individual and personal capacity as a voter and resident of Boone County and the 66<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mr. Brown voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
3. At all relevant times herein, Plaintiff, Steve Arlinghaus was a resident of Kenton County, who resides at 2549 Thirs Dr., Villa Hills, KY 41017, serves as the Kenton County Judge/Executive, and is a registered voter and elector in Kentucky. More specifically, Mr. Arlinghaus resides in the 63<sup>th</sup> Kentucky House District and the 23rd Kentucky Senate District. Mr. Arlinghaus brings this suit in his individual capacity as a voter and resident of Kenton County and the 63rd Kentucky House District and the 23rd Kentucky Senate District. Mr. Arlinghaus voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
4. At all relevant times herein, Plaintiff, Phyllis Sparks was a resident of Boone County, who resides at 1750 Beaver Road, Walton, KY 41094, intends to file as a candidate for Boone County Commissioner, and is a registered voter and elector in Kentucky. More specifically, Mrs. Sparks resides in the 60<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate

District. Mrs. Sparks brings this suit in her individual and personal capacity as a voter and resident of Boone County and the 60<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mrs. Sparks voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.

5. At all relevant times herein, Plaintiff, Cathy Flaig was a resident of Boone County, who resides at 4072 Limaburg Road, Hebron, KY, 41048, was a Boone County Commissioner and a former candidate for Boone County Judge/Executive. Mrs. Flaig is a registered voter and elector in Kentucky, and more specifically resides in the 66<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mrs. Flaig ran in the 2012 Primary Election for the 66<sup>th</sup> Kentucky House District and might desire to run in a new district if or when created. Mrs. Flaig brings this suit in her individual and personal capacity as a voter and resident of Boone County and the 66<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mrs. Flaig voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
6. At all relevant times herein, Plaintiff, Brett Gaspard was a resident of Boone County, who resides at 640 Turfrider Ct., Walton, KY, 41094, and is a registered voter and elector in Kentucky. More specifically, Mr. Gaspard resides in the 69<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mr. Gaspard brings this suit in his individual and personal capacity as a voter and resident of Boone County and the 69<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mr. Gaspard voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
7. At all relevant times herein, Plaintiff, Terry Donoghue was a resident of Boone County, who resides at 1619 Battery Circle, Hebron, KY, 41048, and is a registered voter and elector in

Kentucky, and more specifically resides in the 66<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mr. Donoghue brings this suit in his individual and personal capacity as a voter and resident of Boone County and the 66<sup>th</sup> Kentucky House District and the 11<sup>th</sup> Kentucky Senate District. Mr. Donoghue voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.

8. At all relevant times herein, Plaintiff, Lawrence Robinson was a resident of Campbell County, who resides at 56 Spring Place, Cold Spring, KY 41076, and is a registered voter and elector in Kentucky, and more specifically resides in the 68<sup>th</sup> Kentucky House District and the 24<sup>th</sup> Kentucky Senate District. Mr. Robinson brings this suit in his individual and personal capacity as a voter and resident of Campbell County and the 68<sup>th</sup> Kentucky House District and the 24<sup>th</sup> Kentucky Senate District. Mr. Robinson voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
9. At all relevant times herein, Plaintiff, Garth Kuhnhein was a resident of Kenton County, who resides at 3084 Prestwicke Dr, Edgewood, KY 41017, and is a registered voter and elector in Kentucky, and more specifically resides in the 63rd Kentucky House District and the 23rd Kentucky Senate District. Mr. Kuhnhein brings this suit in his individual and personal capacity as a voter and resident of Kenton County and the 63rd Kentucky House District and the 23rd Kentucky Senate District. Mr. Kuhnhein voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
10. At all relevant times herein, Plaintiff, Timothy Jones was a resident of Kenton County, who resides at 3119 Hergott Drive, Edgewood, KY 41017, and is a registered voter and elector in Kentucky, and more specifically resides in the 63rd Kentucky House District and the 23rd Kentucky Senate District. Mr. Jones brings this suit in his individual and personal capacity

as a voter and resident of Kenton County and the 63rd Kentucky House District and the 23rd Kentucky Senate District. Mr. Jones voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.

11. At all relevant times herein, Plaintiff, Ken Moellman was a resident of Campbell County, who resides at 9117 Persimonn Grove Pk., Alexandria, KY 41011, and is a registered voter and elector in Kentucky, and more specifically resides in the 78th Kentucky House District and the 24th Kentucky Senate District. Mr. Moellman brings this suit in his individual and personal capacity as a voter and resident of Kenton County and the 63rd Kentucky House District and the 23rd Kentucky Senate District. Mr. Moellman voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
12. At all relevant times herein, Plaintiff, Brandon Voelker was a resident of Campbell County, who resides at 5 Jude Point, Cold Spring, KY 41076, and is a registered voter and elector in Kentucky, and more specifically resides in the 68th Kentucky House District and the 24th Kentucky Senate District. Mr. Voelker brings this suit in his individual and personal capacity as a voter and resident of Kenton County and the 68th Kentucky House District and the 24th Kentucky Senate District. Mr. Voelker voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.
13. At all relevant times herein, Plaintiff, Garry Moore was a resident of Boone County, who resides at 1496 Tuscan Court, Unit 212, Florence, KY 41042, serves as the Boone County Judge/Executive, and is a registered voter and elector in Kentucky. More specifically, Mr. Moore resides in the 60<sup>th</sup> Kentucky House District and the 11th Kentucky Senate District. Mr. Moore brings this suit in his individual capacity as a voter and resident of Boone County and the 60<sup>th</sup> Kentucky House District and the 11th Kentucky Senate District. Mr. Moore



voted in the 2012 primary and general elections and will vote in the 2014 primary and general elections.

14. Defendant Commonwealth of Kentucky is and was at all relevant times herein a sovereign state.
15. Defendant Steve Beshear is and was at all relevant times herein the duly elected executive and Governor of the Commonwealth of Kentucky. Among other things, Defendant Beshear has the ability to call a special legislative session to take up redistricting under Section 80 of the Kentucky Constitution, and the ability to approve or veto legislative reapportionment under Section 88 of the Kentucky Constitution.
16. Defendant Allison Lundergan Grimes is and was at all relevant times herein the duly elected Kentucky Secretary of State, and is the Chief Elections Officer for the state, and is directed by state law, K.R.S. 5.005, to be named in any suit regarding redistricting.
17. Defendant Greg Stumbo is and was at all relevant times herein the duly elected Speaker of the House of Representatives, and in that capacity controls the business of the Kentucky House of Representatives; Speaker Stumbo is sued in his capacity as Speaker along with, and as the chief officer of the Kentucky House of Representatives; the Kentucky House of Representatives is sued in its capacity as a body politic, and co-equal branch of the Kentucky Legislature.
18. Defendant Robert Stivers is and was at all relevant times herein the duly elected President of the Kentucky Senate, and in that capacity controls the business of the Kentucky Senate; President Stivers is sued in his capacity as President of the Senate along with, and as the Chief Officer of the Kentucky Senate; the Kentucky Senate is sued in its capacity as a body politic, and co-equal branch of the Kentucky Legislature.

19. Defendant Kentucky State Board of Elections is and was at all relevant times herein the Kentucky Agency, established by Kentucky Revised statutes, responsible for the administration of elections in Kentucky, and is responsible for, among other things, Kentucky's compliance with federal and state election law.
20. Defendant Kentucky Legislative Research Commission is and was at all relevant times herein the administrative and staffing arm of the Kentucky General Assembly, responsible for, among other things, providing support, data, and other assistance with legislation and redistricting.
21. Defendant Jack Conway is and was at all relevant times herein the duly elected Attorney General of Kentucky, and is sued in his official capacity, as provided by K.R.S. 418.075, since Plaintiffs are challenging the constitutionality of the current legislative map and districts, contained in K.R.S. 5.100, *et. seq.* and K.R.S. 5.200, *et. seq.*

### **JURISDICTION AND VENUE**

22. Subject matter jurisdiction over the claims and causes of action asserted by Plaintiffs in this case is conferred on this Court pursuant to 42 U.S.C. §1983, 42 U.S.C. § 1988, 28 U.S.C. §1331, 28 U.S.C. §1343, 28 U.S.C. §§ 2201 and 2202, and other applicable law.
23. Subject matter jurisdiction over the state law claims is conferred upon this Court by 28 U.S.C. §1367, which provides for supplemental jurisdiction over state law claims which are so related to the federal law claims that they form one case or controversy for Article III purposes.
24. 28 U.S.C. § 2282(a) provides that a three judge panel must be appointed to hear this matter.
25. Venue in this district is proper pursuant to 28 U.S.C. §1391 and other applicable law.

26. Venue in this division is appropriate, since all of the deprivations of Plaintiffs' Constitutional Rights occurred in Boone, Kenton, and/or Campbell County, and future deprivations of Plaintiffs' Constitutional Rights are threatened to occur in this division.

**FACTS COMMON TO ALL CLAIMS**

27. In 2000 and 2010, the United States Census Bureau conducted a census of the Commonwealth of Kentucky (the Commonwealth). In 2000, the Commonwealth's population was 4,041,769, and in 2010, the population had grown to 4,339,367. On March 17, 2011, Kentucky received its 2010 census data.
28. In addition to population growth, the Commonwealth's population shifted between 2000 and 2010 – away from rural areas, and towards the more urban and suburban areas of Louisville, Lexington, and Northern Kentucky.
29. The Commonwealth has 100 House of Representative Districts and 38 Kentucky Senate Districts.
30. Thus, after the 2010 census, the ideal population for a Kentucky House of Representative District is 43,394, and the ideal population for a Kentucky Senate District is 114,194.
31. The population of each Kentucky House District and Kentucky State Senate District, as currently drawn, was in force for the 2012 primary and general elections, held in May and November, 2012, respectively. Each district likewise contained the current deviations from the "ideal" population, and the deviation from the smallest districts.
32. Each district's populations, and their deviations from "ideal" and from the smallest districts are set forth more fully and attached and incorporated by reference as Exhibits A (Kentucky House) and B (Kentucky Senate), respectively.

33. The deviation from the ideal district for Kentucky House districts to the largest district is 42.70%; the deviation from the smallest district in population to the largest is 74.33%.
34. The deviation from the ideal district for the Kentucky Senate district to the largest district is 20.20%; the deviation from the smallest district to the largest district is 45.72%.
35. As respects Plaintiffs herein, certain of the Plaintiffs reside in Kentucky's 11<sup>th</sup> Senatorial District. That district has the largest population in the Commonwealth of Kentucky, of 137,257 persons, and deviates from the ideal district by a margin of 20.20%; the deviation from the smallest district is 45.72%.
36. Certain other Plaintiffs reside in Kentucky's 17<sup>th</sup> Senatorial District, with a population of 133,728, which deviates from the ideal district by a margin of 17.11%; the deviation from the smallest district is 41.97%.
37. Certain other Plaintiffs reside in Kentucky's 24<sup>th</sup> Senatorial District, with a population of 105,213, which deviates from the smallest district by 11.70%.
38. Certain other Plaintiffs reside in the 60<sup>th</sup> House District, with a population of 61,922, which deviates from the ideal district by a margin of 42.70%; the deviation from the smallest district is 74.33%.
39. Certain other Plaintiffs reside in the 63rd House District, with a population of 40,380, which deviates from the smallest district by a margin of 13.69%.
40. Certain other Plaintiffs reside in the 66<sup>th</sup> House District, with a population of 52,522, which deviates from the ideal district by a margin of 21.04%; the deviation from the smallest district is 47.87%.
41. Certain other Plaintiffs reside in the 68<sup>th</sup> House District, with a population of 42,414, which deviates from the smallest district by 19.41%.

42. Certain other Plaintiffs reside in the 69<sup>th</sup> House District, with a population of 43,827, which deviates from the smallest district by 23.39%.
43. Certain other Plaintiffs reside in the 70<sup>th</sup> House District, with a population of 40,326, which deviates from the smallest district by 13.53%.
44. In January, 2012, the General Assembly passed a redistricting plan – the plan for the Kentucky House of Representatives, which was the most egregious of the two houses, split 28 counties and 246 precincts, although only 22 counties under that plan had populations that exceed the roughly 43,000 people that each district must contain.
45. Suit was subsequently brought in the Franklin Circuit Court following the January, 2012 redistricting, which struck down the January, 2012 redistricting plan, ruling only on the unconstitutional (under the Kentucky Constitution) House plan, and striking down the Senate plan due to a lack of a severability clause in the legislation.
46. The Kentucky Supreme Court upheld the striking down of the January, 2012 redistricting plan on April 26, 2012, in *Legislative Research Comm'n v. Fischer*, 366 S.W.3d 905 (Ky 2012).
47. The Franklin Circuit Court stayed the implementation of the January, 2012 redistricting plan, forcing the earlier plan as set forth in K.R.S. 5.100, *et. seq.* and K.R.S. 5.200, *et. seq.* to remain in effect for the 2012 elections. Thus, significant voter dilution occurred for the 2012 elections in contravention of the “one person one vote” principle of equal protection in the United States Constitution as determined by the United States Supreme Court in *Reynolds v. Simms*, 377 U.S. 533 (1964), as well as similar provisions in the Kentucky Constitution. Plaintiffs suffered damages through this vote dilution and unconstitutional apportionment.
48. The 2013 legislative session ended, without redistricting having been passed.

49. Nevertheless, certain plans have been proposed, including a plan in the Kentucky House of Representatives that excludes the populations of prisoners within legislative districts – even though this population was included for purposes of Congressional redistricting. The plan to exclude prison populations is in contravention of the U.S. and Kentucky Constitutions.
50. The 2014 legislative session will begin, pursuant to Kentucky Constitution § 36, the first Tuesday after the first Monday in January, 2014, which is January 14, 2014.
51. The filing deadline for candidates to file for legislative offices for the 2014 election is January 28, 2014. K.R.S. 118.165; K.R.S. 118A.160.
52. Thus, a mere 14 days will pass between the start of the session and the filing deadline for candidates to file for legislative offices.
53. The earliest date a candidate can file for office for legislative offices is November 16, 2013. K.R.S. 118.125; K.R.S. 118.165; K.R.S. 118.315.
54. The general election day for 2014 is November 4, 2014. A candidate filing for Kentucky House and Kentucky Senate must reside in their district for one year prior to the date of their election. That means a candidate must reside in the district created as of November 4, 2013 in order to qualify as a candidate by the general election on November 4, 2014. Ky. Const. § 32. Thus, if redistricting does not occur prior to November 4, 2013, Plaintiffs will be harmed in that they might be drawn into a different district than where they intended to run and be denied the right to stand as a candidate. Unless the districts are drawn prior to November 4, 2013, such persons will not have the opportunity to move into redrawn districts, if they so choose, to run against incumbent candidates.
55. Given the failure of the Kentucky General Assembly to pass a constitutional and lawful map in the 2011, 2012, or 2013 sessions, including allowing a primary and general election cycle

to occur with an unconstitutional map in 2012, it is substantially certain that such condition will continue through November 4, 2013, and into and through the 2014 session without judicial intervention.

56. Furthermore, Plaintiffs will suffer a significant hardship if redistricting does not occur prior to the 2014 session – specifically, Plaintiffs cannot ascertain what the districts will be to potentially run for office in; furthermore, Plaintiff Brown cannot effectively plan to administer and prepare for a May, 2014, primary election if the district lines are not set before January, 2014.

57. Plaintiffs will suffer an even greater injury if constitutional redistricting does not occur in the 2014 session – with their votes again significantly diluted in violation of the Equal Protection Clause.

58. Finally, this Court's failure to act before the next election forces voters to vote in an election which may be constitutionally defective. Although a subsequent court may strike down the apportionment plan, there is no procedure for removing from office the officials elected under the defective plan. Thus, a delayed decision in such a case strike[s] at the heart of representative government.

**COUNT I – VIOLATION OF EQUAL PROTECTION (federal)**

59. Plaintiffs hereby reincorporate the preceding paragraphs as if fully set forth herein.

60. Plaintiffs are citizens of the United States of America.

61. Plaintiffs have a clearly established right under the United States Constitution and its statutes to equal protection under the law, equal access to vote and equal right to vote and representation.

62. Defendants, using their respective offices and acting under color of state law, have deliberately failed to constitutionally redistrict, which has deprived Plaintiffs, who are citizens of the United States, of the Equal Protection of Laws, in violation of the Fourteenth Amendment of the U.S. Constitution, which rights are clearly established, and therefore subjected themselves to liability under 42 U.S.C. § 1983, injunctive relief, and declaratory relief under 28 U.S.C. § 2201.
63. The Fourteenth Amendment of the U.S. Constitution provides, in relevant part, that “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
64. Defendants abused the authority of their respective offices and, while acting under color of law and with knowledge of Plaintiffs’ established rights, used their offices to violate their rights to equal protection under the law, equal access to vote and equal right to vote and representation. Equal protection of the laws includes protection from vote dilution, and requires that legislative districts be roughly equal under the U.S. Supreme Court decision in *Reynolds v. Simms*, 377 U.S. 533 (1964). More specifically, while deviations of less than 10% may be unconstitutional, under *Cox v. Larios*, 542 U.S. 947 (2004), deviations of greater than 10% create a *prima facie* discrimination case pursuant to *Brown v. Thomson*, 462 U.S. 835 (1983).
65. Plaintiffs therefore seek damages sustained by them for vote dilution in the 2012 election, which had unconstitutional districts drawn, declaratory relief, and prospective injunctive



relief, forcing Defendants to submit and utilize, or have the court draw and the Plaintiffs submit, if necessary, a constitutional map and constitutional districts prior to the November 16, 2013 early filing date and the November 4, 2013 residency deadline, to enjoin Defendants from utilizing the current, unconstitutional maps; as well as attorney fees under 42 U.S.C. § 1988 and 42 U.S.C. § 1973l(e).

66. As a direct and proximate result of the actions of Defendants, Plaintiffs and have suffered and continue to suffer damages and deprivation of their constitutional rights.

**COUNT II – VIOLATION OF EQUAL PROTECTION AND KENTUCKY  
CONSTITUTIONAL PROVISIONS (state)**

67. Plaintiffs hereby reincorporate the preceding paragraphs as if fully set forth herein.

68. Section 33 of the Kentucky Constitution provides that “[t]he first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial Districts, and one hundred Representative Districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative District: Provided, In doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.”

69. Section 3 of the Kentucky Constitution provides that “[a]ll men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution, and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.”

70. Section 6 of the Kentucky Constitution provides that “[a]ll elections shall be free and equal.”

71. By failing to conduct constitutional redistricting, Defendants have violated Sections 3, 6, and 33 of the Kentucky Constitution.

72. Defendants seek damages from such violations, a declaration under K.R.S. Chapter 418 that the current map and districts are unconstitutional, appropriate injunctive relief directing that Defendants pass a constitutional map, or, in the absence of such action, having such map imposed by this Court, and that Plaintiffs be awarded their reasonable attorney fees.

**WHEREFORE**, Plaintiffs demand judgment as prayed for, including:

- A. That a three judge panel under 28 U.S.C. § 2284 be established.
- B. That Plaintiffs be awarded money damages for past constitutional violations by Defendants in failing to redistrict in a constitutional manner in time for the May, 2012 primary and November, 2012 general elections;
- C. That this Court issue a declaration, under federal and state law, that the current maps, contained in K.R.S. 5.100, *et. seq.* and K.R.S. 5.200, *et. seq.* are unconstitutional;
- D. That this Court award injunctive relief, prohibiting the use of current unconstitutional districts and maps, permit Defendants to submit and enact constitutional maps and legislative districts as soon as possible, or, in the absence or failure of such submittals

and enactment, allowing Plaintiffs to propose a map and districts to the Court, and this Court draw and impose appropriate legislative districts for the 2014 Kentucky House and Senate primary and general elections and such additional elections until Defendants enact constitutional maps and legislative districts;

- E. That Plaintiffs be awarded their costs in this action, including reasonable attorney fees; and
- F. Such other relief as this Court shall deem just and proper.

Respectfully submitted,

/s/ Christopher Wiest

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**Attorneys for Plaintiffs**

KENTUCKY HOUSE			Ideal:	43393.67	
DISTRICT	POPULATION	Deviation From Ideal	>10%	DevFromSmallest	>10%
1	37,968	87.50%		106.89%	
2	41,784	96.29%		117.64%	YES
3	38,083	87.76%		107.22%	
4	39,521	91.08%		111.27%	YES
5	41,952	96.68%		118.11%	YES
6	41,978	96.74%		118.18%	YES
7	39,930	92.02%		112.42%	YES
8	41,078	94.66%		115.65%	YES
9	38,345	88.37%		107.96%	
10	38,450	88.61%		108.25%	
11	39,920	91.99%		112.39%	YES
12	38,085	87.77%		107.22%	
13	42,397	97.70%		119.36%	YES
14	45,691	105.29%		128.64%	YES
15	38,558	88.86%		108.56%	
16	39,295	90.55%		110.63%	YES
17	42,990	99.07%		121.03%	YES
18	43,497	100.24%		122.46%	YES
19	44,553	102.67%		125.43%	YES
20	51,873	119.54%	YES	146.04%	YES
21	52,399	120.75%	YES	147.52%	YES
22	46,358	106.83%		130.52%	YES
23	42,618	98.21%		119.99%	YES
24	41,610	95.89%		117.15%	YES
25	51,569	118.84%	YES	145.19%	YES
26	41,445	95.51%		116.68%	YES
27	44,833	103.32%		126.22%	YES
28	41,527	95.70%		116.91%	YES
29	58,398	134.58%	YES	164.41%	YES
30	45,292	104.37%		127.51%	YES
31	42,754	98.53%		120.37%	YES
32	43,923	101.22%		123.66%	YES
33	48,375	111.48%	YES	136.19%	YES
34	40,961	94.39%		115.32%	YES
35	40,267	92.79%		113.37%	YES
36	45,022	103.75%		126.75%	YES
37	37,369	86.12%		105.21%	
38	37,918	87.38%		106.75%	
39	49,220	113.43%	YES	138.57%	YES
40	38,509	88.74%		108.42%	
41	38,133	87.88%		107.36%	
42	37,628	86.71%		105.94%	
43	35,519	81.85%		100.00%	
44	41,442	95.50%		116.68%	YES
45	50,499	116.37%	YES	142.17%	YES
46	50,091	115.43%	YES	141.03%	YES
47	46,893	108.06%		132.02%	YES
48	57,335	132.13%	YES	161.42%	YES
49	50,626	116.67%	YES	142.53%	YES
50	49,478	114.02%	YES	139.30%	YES
51	43,168	99.48%		121.53%	YES
52	44,854	103.37%		126.28%	YES
53	39,176	90.28%		110.30%	YES
54	40,149	92.52%		113.04%	YES
55	45,145	104.04%		127.10%	YES
56	42,575	98.11%		119.87%	YES
57	40,361	93.01%		113.63%	YES
58	55,670	128.29%	YES	156.73%	YES
59	54,114	124.70%	YES	152.35%	YES

Exhibit A

60	41,922	102.70%	YES	174.38%	YES
61	44,092	101.61%		124.14%	YES
62	58,212	134.15%	YES	163.89%	YES
63	40,380	93.06%		113.69%	YES
64	49,008	112.94%	YES	137.98%	YES
65	35,617	82.08%		100.28%	
66	52,522	121.04%	YES	147.87%	YES
67	37,613	86.68%		105.90%	
68	42,414	97.74%		119.41%	YES
69	43,827	101.00%		123.39%	YES
70	40,326	92.93%		113.53%	YES
71	38,754	89.31%		109.11%	
72	40,907	94.27%		115.17%	YES
73	43,459	100.15%		122.35%	YES
74	43,768	100.86%		123.22%	YES
75	41,424	95.46%		116.62%	YES
76	44,481	102.51%		125.23%	YES
77	48,698	112.22%	YES	137.10%	YES
78	41,569	95.80%		117.03%	YES
79	38,327	88.32%		107.91%	
80	44,415	102.35%		125.05%	YES
81	46,960	108.22%		132.21%	YES
82	42,490	97.92%		119.63%	YES
83	46,457	107.06%		130.79%	YES
84	40,195	92.63%		113.16%	YES
85	46,672	107.55%		131.40%	YES
86	43,057	99.22%		121.22%	YES
87	38,913	89.67%		109.56%	
88	49,793	114.75%	YES	140.19%	YES
89	42,655	98.30%		120.09%	YES
90	37,809	87.13%		106.45%	
91	36,437	83.97%		102.58%	
92	40,191	92.62%		113.15%	YES
93	38,421	88.54%		108.17%	
94	42,026	96.85%		118.32%	YES
95	37,115	85.53%		104.49%	
96	41,590	95.84%		117.09%	YES
97	40,009	92.20%		112.64%	YES
98	38,252	88.15%		107.69%	
99	41,023	94.54%		115.50%	YES
100	38,396	88.48%		108.10%	

KENTUCKY SENATE					
DISTRICT	POPULATION	Deviation From Ideal	>10%	DevFromSmallest	>10%
1	113,784	99.64%		120.80%	YES
2	105,262	92.18%		111.75%	YES
3	113,250	99.17%		120.23%	YES
4	106,696	93.43%		113.27%	YES
5	115,364	101.02%		122.47%	YES
6	102,261	89.55%		108.56%	
7	128,037	112.12%	YES	135.93%	YES
8	106,187	92.99%		112.73%	YES
9	112,974	98.93%		119.94%	YES
10	120,533	105.55%		127.96%	YES
11	137,257	120.20%	YES	145.72%	YES
12	115,558	101.19%		122.68%	YES
13	115,676	101.30%		122.81%	YES
14	120,817	105.80%		128.26%	YES
15	115,239	100.92%		122.34%	YES
16	102,847	90.06%		109.19%	
17	133,729	117.11%	YES	141.97%	YES
18	106,760	93.49%		113.34%	YES
19	110,216	96.52%		117.01%	YES
20	133,454	116.87%	YES	141.68%	YES
21	105,934	92.77%		112.46%	YES
22	126,107	110.43%	YES	133.88%	YES
23	98,810	86.53%		104.90%	
24	105,213	92.14%		111.70%	YES
25	100,866	88.33%		107.08%	
26	134,003	117.35%	YES	142.26%	YES
27	110,935	97.15%		117.77%	YES
28	119,669	104.79%		127.05%	YES
29	94,194	82.49%		100.00%	
30	97,991	85.81%		104.03%	
31	101,309	88.72%		107.55%	
32	126,482	110.76%	YES	134.28%	YES
33	98,921	86.63%		105.02%	
34	124,714	109.21%		132.40%	YES
35	106,271	93.06%		112.82%	YES
36	125,826	110.19%	YES	133.58%	YES
37	114,328	100.12%		121.38%	YES
38	131,893	115.50%	YES	140.02%	YES

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Kenny Brown, Steve Arlinghaus, Phyllis Sparks, Cathy Flaig, Brett Gaspard, Terry Donoghue, Lawrence Robinson, Kenneth Moellman, Garth Kuhnhein, Timothy Jones, Brandon Voelker, Garry Moore

(b) County of Residence of First Listed Plaintiff **Boone**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher Wiest, Chris Wiest AAL PLLC, 25 Town Center Blvd, Suite 104, Crestview Hills, KY 41017; 859-486-6850;; Richard Brueggemann, Hemmer DeFrank, 250 Grandview Dr., Suite 500, Ft. Mitchell, KY 41017

**DEFENDANTS**

Commonwealth of Kentucky, Steve Beshear, Allison Lundergan Grimes, Greg Stumbo (and KY House), Robert Stivers (and KY Senate), KY State Bd. of Elections, KY LRC, Jack Conway

County of Residence of First Listed Defendant **Frankfort**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jack Conway, KY Attorney General

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983

Brief description of cause:

Equal Protection under "one person, one vote"

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/26/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Christopher D. Wiest (KY Bar 90725)

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* The Commonwealth of Kentucky  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Eastern District of Kentucky

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Steve Beshear, Governor of the Commonwealth of Kentucky  
Serve: Jack Conway, Attorney General  
700 Capital Ave., Suite 118  
Frankfort, KY 40601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

Christopher Wiest  
25 Town Center Blvd, Suite 104  
Crestview Hills, KY 41017

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 04/25/2013

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Steve Beshear  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Eastern District of Kentucky

Kenny Brown, et. al.

Plaintiff(s)

V.

The Commonwealth of Kentucky, et. al.

Defendant(s)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Allison Lundergan Grimes, Secretary of State of the Commonwealth of Kentucky  
Serve: Jack Conway, Attorney General  
700 Capital Ave., Suite 118  
Frankfort, KY 40601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

Christopher Wiest  
25 Town Center Blvd, Suite 104  
Crestview Hills, KY 41017

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 04/25/2013

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Allison Lundergan Grimes, KY Secrety. of State  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Eastern District of Kentucky

Civil Action No.

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Greg Stumbo, Spkr. Ky. House of Reps and Ky House Reps.  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Eastern District of Kentucky

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Robert Stivers, President of the KY Senate, and the KY Senate  
Serve: Jack Conway, Attorney General  
700 Capital Ave., Suite 118  
Frankfort, KY 40601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

Christopher Wiest  
25 Town Center Blvd, Suite 104  
Crestview Hills, KY 41017

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 04/25/2013

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Robert Stivers, Pres. Ky Senate and the Ky Senate  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Eastern District of Kentucky

Civil Action No.

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* The Kentucky State Board of Elections  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Kentucky Legislative Research Commission  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Jack Conway, Kentucky Atty General  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

U.S. District Court Eastern District of Kentucky

***Civil***  
***Case Assignment***

Case number **2:13-CV-68**

Assigned : Senior Judge William O. Bertelsman  
Judge Code : 4307

Assigned on 04/26/2013

Request New Judge.....



U.S. District Court Eastern District of Kentucky

***Civil***  
***Magistrate Judge Case Referral***

Case number **2:13-CV-68**

Assigned : Magistrate J. Gregory Wehrman  
Judge Code : W

Assigned on 04/26/2013

☐ Request New Judge .....