

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION – CIVIL

KENNY BROWN, et al.,)	
)	
Plaintiffs)	
)	<i>ELECTRONICALLY FILED</i>
v.)	
)	
THE COMMONWEALTH OF)	Civil Action No. 2:13-cv-00068-WOB-GFVT-DJB
KENTUCKY, et al.,)	
)	
Defendants)	

AND

MARTIN HERBERT, et al.)	
)	
Plaintiffs)	
)	
v.)	Civil Action No. 3:13-CV-025-GFVT-WOB-DJB
)	
KENTUCKY STATE BOARD)	
OF ELECTIONS, et al.,)	
)	
Defendants)	

DEFENDANTS’ RESPONSE TO BROWN PLAINTIFFS’ MOTION TO AMEND COMPLAINT AND/OR JOIN DEFENDANTS (DE #66)

For their Response to the *Brown* Plaintiffs’ Motion to Amend Complaint and/or Join Defendants (DE #66), Defendants Alison Lundergan Grimes (in her official capacity as Secretary of State of the Commonwealth of Kentucky) (the “Secretary”) and the Kentucky State Board of Elections (the “State Board”) (collectively, “Defendants”) state as follows:

The *Brown* Plaintiffs, Defendant/Crossclaim Defendant Robert Stivers, Defendants, and the third parties the *Brown* Plaintiffs seek by their Motion to join as defendants (the “Substitute

Defendants”) filed a Joint Motion to substitute the Substitute Defendants for the State Board as Defendants/Crossclaim Defendants and to dismiss without prejudice the State Board as a Defendant/Crossclaim Defendant in Case No. 13-CV-68-WOB-GFVT-DJB. DE #77. The movants agreed that the Joint Motion, if granted, would render moot the *Brown* Plaintiffs’ Motion to Amend Complaint and/or Join Defendants. *Id.* at 2 n.1.

Accordingly, Defendants respectfully request that the Court grant the Joint Motion (DE #77) and deny as moot the *Brown* Plaintiffs’ Motion to Amend Complaint and/or Join Parties (DE #66).

Respectfully Submitted,

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*Counsel for Defendants Alison Lundergan
Grimes, Kentucky State Board of Elections,
and State Board of Elections Members*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed this 26th day of July, 2013. All parties indicated on the electronic filing receipt will be served via the Court's electronic filing system. All other parties will be served via hand delivery or U.S. Mail.

/s/ Lynn Sowards Zellen
Lynn Sowards Zellen

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Defendants)	

ORDER

This matter is before the Court on the *Brown* Plaintiffs’ Motion to Amend Complaint and/or Join Defendants (DE #66). The Court having reviewed the record and being sufficiently advised **DENIES AS MOOT** the *Brown* Plaintiffs’ Motion.