

- (2) On August 23, 2013, the Governor of the Commonwealth of Kentucky, Steven L. Beshear, signed House Bill 1, giving legal effect to the new legislative district lines as of that date, *see* Acts 2013 (1st Ex. Sess.), ch. 1;
- (3) The legislative district lines established by Acts 2013 (1st Ex. Sess.), ch. 1 meet all of the requirements of the United States Constitution, the Kentucky Constitution, and any other applicable law;
- (4) The Plaintiffs have asserted to the Court that they do not offer any objections to the legislative districts enacted during the 2013 First Extraordinary Session, that there are no unresolved substantive legal issues between the parties, and that they will not seek any other relief from the Court regarding the new legislative districts, *see* Motion to Enter Final Judgment, RE. 110, p. 2; and
- (5) Therefore, this Court has no subject matter jurisdiction, under Article III, as all of the substantive issues are now moot and there is no live case or controversy to be resolved between the parties.

This motion is supported by a memorandum of law, which is filed contemporaneously herewith. A Proposed Order is filed.

Respectfully submitted,

s/ Laura H. Hendrix
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CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2013, a copy of the foregoing Motion to Dismiss was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail or electronic mail. Parties may access this filing through the Court's electronic filing system.

s/ Laura H. Hendrix

Federal courts thus have an independent obligation to decide whether they have subject-matter jurisdiction, and if none exists, the case must be dismissed under Rule 12(b)(1). Arbaugh v. Y & H Corp., 546 U.S. 500, 506 (2006); Todd v. Weltman, Weinberg & Reis Co., L.P.A., 434 F.3d 432, 435 (6th Cir. 2006).

Article III of the U.S. Constitution confers judicial power on the Federal Courts only in “cases and controversies” and persons seeking to invoke the federal jurisdiction must allege an actual case or controversy. Allen v. Wright, 468 U.S. 737, 750 (1984). “Under Article III of the Constitution, [federal court] jurisdiction extends only to actual cases and controversies. [Federal courts] have no power to adjudicate disputes which are moot.” McPherson v. Michigan High School Athletic Ass’n, Inc., 119 F.3d 453, 458 (6th Cir. 1997) (quoting from Crane v. Indiana High Sch. Athletic Ass’n, 975 F.2d 1315, 1318 (7th Cir. 1992)). The mootness inquiry must be made at every stage of a case” Id.

In the present case, the Plaintiffs’ claims are completely based on the Commonwealth of Kentucky’s adherence to the legislative district lines enacted by the Kentucky General Assembly in 2002. However, the Kentucky General Assembly was called into extraordinary session on August 19, 2013, by the Governor of the Commonwealth of Kentucky. During the First Extraordinary Session, the Kentucky General Assembly enacted new legislative district lines for the Kentucky Senate and Kentucky House of Representatives on August 23, 2013, in House Bill 1. See Legislative Record, 2013 First Extraordinary Session, HB 1, available at: <http://www.lrc.ky.gov/record/13SS/HB1.htm> . On the same day, the Governor, Steven L. Beshear, signed House Bill 1, and because of an emergency clause in Section 143 of the bill, the new legislative districts became effective immediately. Id. Thus, during the 2013 First Extraordinary Session, the 2002 legislative district lines were repealed and replaced and are no

longer part of the Kentucky Revised Statutes. See Acts 2013 (1st Ex. Sess.), ch. 1, available at: <http://www.lrc.ky.gov/statrev/tables/13ss/actsmas.pdf>.

The legislative district lines enacted in Acts 2013 (1st Ex. Sess.), ch. 1 meet all of the requirements of the United States Constitution, the Kentucky Constitution, and any other applicable law. The Plaintiffs have acknowledged as much in their Motion to Enter Final Judgment, where they assert that they do not offer any objections to the legislative districts enacted during the 2013 First Extraordinary Session, that there are no unresolved substantive legal issues between the parties, and that they will not seek any other relief from the Court regarding the new legislative districts. See Motion to Enter Final Judgment, RE. 110, p. 2. Because of the new legislative district lines, and because the Plaintiffs have asserted they no longer seek any relief from the Court, all of the Plaintiffs' claims are now moot and there is no live case or controversy for this Court to adjudicate. Therefore, the Court has lost subject matter jurisdiction and the Plaintiffs' claims must be dismissed as moot.

For the foregoing reasons, the LRC's Motion to Dismiss should be granted, and the Plaintiffs should be entitled to no further relief herein.

Respectfully submitted:

s/Laura H. Hendrix

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s/Laura H. Hendrix _____

Laura H. Hendrix

Session, which were effective upon the signature of the Governor of the Commonwealth of Kentucky, Steven L. Beshear, on August 23, 2013.

2. The Plaintiffs have asserted to the Court that they do not offer any objections to the new legislative districts enacted during the 2013 First Extraordinary Session of the Kentucky General Assembly, that there are no unresolved substantive legal issues between the parties, and that they will not seek any other relief from the Court regarding the new legislative districts.

Therefore, **IT IS ORDERED** that the LRC's Motion to Dismiss is hereby **GRANTED**, and the Plaintiffs' claims are **DISMISSED WITH PREJUDICE** as they are moot, and there are no viable claims as a matter of law. This is a final judgment and there is no just cause for delay. FRCP 54.

IT IS SO ORDERED.

Respectfully Submitted:

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I hereby certify that on September 5, 2013, a copy of the foregoing Proposed Order was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/ Laura H. Hendrix