

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

KENNY BROWN, et al.,)
Plaintiffs)
v.)) *ELECTRONICALLY FILED*
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)

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties in *Herbert, et al. v. Kentucky State Board of Elections, et al.*, Civil Action No. 3:13-CV-025-GFVT-WOB-DJB, hereby stipulate to the dismissal, without prejudice, by the *Herbert* Plaintiffs their claims against the organizational defendant, the Kentucky State Board of Elections.

This stipulation does not affect the *Herbert* Plaintiffs' claims against Defendants Alison Lundergan Grimes, in her official capacities as Secretary of State and Chair of the Kentucky

State Board of Elections; David Cross, in his official capacity as Board Member, Kentucky State Board of Elections; John W. Hampton, in his official capacity as Board Member, Kentucky State Board of Elections; Stephen Huffman, in his official capacity as Board Member, Kentucky State Board of Elections; Denise May, in her official capacity as Board Member, Kentucky State Board of Elections; George Russell, in his official capacity as Board Member, Kentucky State Board of Elections; Roy Sizemore, in his official capacity as Board Member, Kentucky State Board of Elections; and Maryellen Allen, in her official capacity as Executive Director, Kentucky State Board of Elections.

This stipulation renders moot the State Board's Motion for Judgment on the Pleadings (DE #70) as it relates to the *Herbert* case, but not as it relates to *Brown, et al. v. Commonwealth, et al.*, Civil Action No. 2:13-cv-00068-WOB-GFVT-DJB.

HAVE SEEN AND AGREED TO:

<p><u>s/ William E. Sharp</u></p> <p>William E. Sharp ACLU OF KENTUCKY 315 Guthrie Street, Suite 300 Louisville, KY 40202 (502) 581-9746 sharp@aclu-ky.org</p> <p>Laughlin McDonald ACLU Voting Rights Project 2700 International Tower 229 Peachtree Street, NE Atlanta, GA 30303 (404) 500-1235 lmcdonald@aclu.org</p> <p>Dale Ho* ACLU Voting Rights Project 125 Broad Street New York, NY 10004 (212) 549-2693 Dale.ho@aclu.org</p> <p><i>Motion for admission Pro Hac Vice pending</i></p> <p>Ben Carter BEN CARTER LAW PLLC 455 South Fourth Street, Suite 902 Louisville, KY 40202 ben@bencarterlaw.com ACLU of KY Cooperating Attorney</p> <p><i>Counsel for Herbert Plaintiffs</i></p>	<p><u>/s Lynn Sowards Zellen</u></p> <p>Lynn S. Zellen Noel E. Caldwell Office of the Secretary of State 700 Capital Avenue, Ste. 152 Frankfort, KY 40601 (502) 782-7407 lynn.zellen@ky.gov noel.caldwell@ky.gov</p> <p><i>Counsel for Defendants Alison Lundergan Grimes, Kentucky State Board of Elections, and State Board of Elections Members</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed this 22nd 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