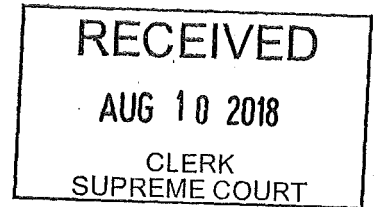


COMMONWEALTH OF KENTUCKY  
SUPREME COURT OF KENTUCKY  
CASE NO. 2018-SC-\_\_\_\_\_



**MATTHEW G. BEVIN, in his official capacity**  
as Governor of the Commonwealth of Kentucky, *et al.*

**APPELLANTS**

v.

**COMMONWEALTH OF KENTUCKY**  
*ex rel.* **ANDY BESHEAR, ATTORNEY GENERAL, et al.**

**APPELLEES**

**MOTION TO ADVANCE CONSIDERATION OF APPEAL**

Appellees, the Commonwealth of Kentucky *ex rel.* Andy Beshear, Attorney General, the Kentucky Education Association (“KEA”), and the Kentucky State Lodge Fraternal Order of the Police (“FOP”), respectfully move this Court to advance its consideration of the Movants’ Motion to Transfer and, in the event the Motion to Transfer is granted, to advance consideration of the merits of the appeal of the Franklin Circuit Court’s June 20, 2018 Opinion and Order pursuant to Kentucky Rules of Civil Procedure (“CR”) 76.22 and 76.34. Movants seek an expedited resolution of this appeal for the good cause shown in the Movants’ Motion to Transfer, incorporated herein by reference, and for the additional good cause shown below:

First, as discussed in the Franklin Circuit Opinion, this case raises fundamental questions regarding the constitutional requirements for the consideration and passage of laws by the General Assembly under KY. CONST. §§ 15 and 46.

Second, because of the unconstitutional procedure by which Senate Bill 151 (“SB 151”) was passed during the 2018 Regular Session of the General Assembly, over 200,000 participants in the public pension system were deprived of their constitutional rights to be heard and participate in the consideration of pension legislation. SB 151 ultimately reduced, altered, and eliminated important retirement benefits that were promised under law to Kentucky’s teachers,

police officers, firefighters, social workers, and other public servants. Now, record numbers of public employees are retiring in response to the changes to the pension system.

Third, expediting this case will allow the Court to resolve questions about the constitutional requirements for the legislative process, and ensure that the General Assembly comports with the Constitution in future legislative sessions.

Fourth, cases such as this, cases animating fundamental constitutional issues are of rare and extreme importance – so much so that appeal is routinely taken directly to the Kentucky Supreme Court. *See e.g., Legislative Research Com'n By and Through Prather v. Brown*, 664 S.W.2d 907, 910 (Ky. 1984) (“[s]ubsequent to the entry of the above judgment and following an appropriate motion, this Court, for obvious reasons, transferred this case from the trial court.”); *Commonwealth ex rel. Armstrong v. Collins*, 709 S.W.2d 437, 439 (Ky. 1986) (“[a] notice of appeal was filed by the Attorney General and upon appropriate motion, and for obvious reasons, we transferred the appeal directly to this Court.”); *Fletcher v. Commonwealth*, 163 S.W.3d 852, 859 (Ky. 2005) (“On January 13, 2005, the Governor and the Secretary of the Finance and Administration Cabinet appealed. We granted transfer, CR 74.02, ordered an expedited briefing schedule, and set oral arguments for March 9, 2005.”).

Fifth, an expedited schedule will not unduly prejudice the parties. The parties consist of constitutional officers, public retirement systems, and advocacy groups, and have the resources to litigate these important constitutional matters on an expedited schedule. The matter has been fully briefed in the trial court and the record is complete.

Sixth, the public interest will be served by an expeditious resolution to this case as it involves the bedrock principles of our democracy. This case asks this Court to determine

significant constitutional issues regarding the public's right to participate in the legislative process.

The Attorney General filed the Motion to Transfer on the same day the Respondents filed the Notice of Appeal with the Franklin Circuit Court, rather than waiting the ten (10) days as permitted by CR 74.02(1). The Attorney General therefore respectfully requests that this Court set a schedule such that briefing is complete as soon as possible.

**WHEREFORE**, Movants respectfully request the following:

1. In the event this Court grants the Motion to Transfer, for an expedited briefing schedule on the merits of the appeal.
2. If the Court wishes to hear oral argument, for an expedited oral argument on the merits of this appeal.

Respectfully Submitted,

ANDY BESHEAR  
ATTORNEY GENERAL

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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 10, 2018 a copy of the foregoing was served on the following via U.S. Mail: M. Stephen Pitt, S. Chad Meredith, Matthew F. Kuhn, Office of the Governor, The Capitol, Suite 100, 700 Capitol Avenue, Frankfort, Kentucky 40601; Patrick McGee, Finance and Administration Cabinet, Office of the General Counsel, Room 329, Capitol Annex, Frankfort, Kentucky, 40601; Katherine E. Grabau, Public Protection Cabinet, Office of Legal Services, 655 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601; Robert B. Barnes, Teachers' Retirement System of the State of Kentucky, 479 Versailles Road, Frankfort, Kentucky 40601; and Mark Blackwell, Katherine Rupinen, and Joseph Bowman, Kentucky Retirement System, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky 40601.



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S. Travis Mayo