

**COMMONWEALTH OF KENTUCKY  
SUPREME COURT  
Case No. 2018-SC-\_\_\_\_\_**

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

**APPELLANTS**

**v.                    On Appeal From Franklin Circuit Court,  
Civil Action Nos. 18-CI-379, 18-CI-414**

**COMMONWEALTH OF KENTUCKY** *ex. rel.* Andy  
Beshear, Attorney General, *et al.*

**APPELLEES**

**CR 76.22 MOTION TO ADVANCE**

M. Stephen Pitt  
S. Chad Meredith  
Matthew F. Kuhn  
Office of the Governor  
700 Capital Avenue, Suite 101  
Frankfort, Kentucky 40601

*Counsel for Appellants*

**Certificate of Service**

I certify that a copy of this motion was served on August 10, 2018 by first-class U.S. mail to Hon. Samuel P. Givens, Jr., Clerk, Kentucky Court of Appeals, 360 Democrat Drive, Frankfort, KY 40601; Hon. Phillip J. Shepherd, Judge, 222 St. Clair Street, Frankfort, KY 40601; Hon. Andy Beshear, J. Michael Brown, La Tasha Buckner, S. Travis Mayo, Marc G. Farris, and Samuel Flynn, Office of the Attorney General, 700 Capital Avenue, Suite 118, Frankfort, KY 40601 (and by hand-delivery and electronic mail); Jeffrey Walther and Victoria Dickson, Walther, Gay & Mack, 163 E. Main St., Suite 200, Lexington, KY 40588; David Leightty and Alison Messex, Priddy, Cutler, Naake, Meade, 2303 River Road, Suite 300, Louisville, KY 40206; David Fleenor and Vaughn Murphy, Office of the Senate President, Capitol Annex, Room 236, Frankfort, KY 40601; Eric Lycan, Office of the Speaker, Capitol Annex, Room 332, Frankfort, KY 40601; Mark Blackwell, Katherine Rupinen, and Joseph Bowman, Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601; and Robert B. Barnes, Teachers Retirement System, 479 Versailles Road, Frankfort, KY 40601.

  
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M. Stephen Pitt

## ARGUMENT

If the Court grants the Governor's CR 74.02 Motion to Transfer, the Governor respectfully requests that the Court advance consideration of this appeal. *See* CR 76.22 ("Appeals may be advanced for good cause shown."). An expedited appeal will provide needed resolution to the citizens of the Commonwealth on whether pension reform is possible and will provide guidance to members of the General Assembly about whether longstanding legislative practices must be abandoned in advance of the 2019 legislative session.

Recognizing that any decision on a briefing schedule is entirely that of this Court, the Governor respectfully proposes the following expedited briefing schedule:

- The Governor's opening brief: **September 10, 2018**
- Amicus briefs in support of the Governor: **September 17, 2018**
- The Appellees' response brief(s): **October 10, 2018**
- Amicus briefs in support of the Appellees: **October 17, 2018**
- The Governor's reply brief: **October 19, 2018**

With respect to page limits, given the importance of both the substantive and legislative-process issues, the Governor requests unlimited page limits for his and the Appellees' merits briefs.<sup>1</sup> This worked well in circuit court and is

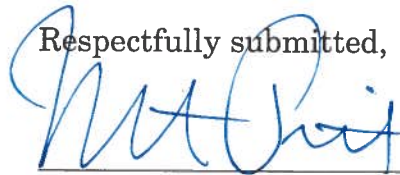
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<sup>1</sup> For purposes of efficiency, the Governor relies on the argument in his CR 74.02 Motion to Transfer in support of the parties' need to exceed the Court's standard page limits in this appeal.

needed here. If the Court is not inclined to grant unlimited pages, the Governor requests 120 pages for his opening brief, 120 pages for the Appellees' brief(s), and 60 pages for the Governor's reply brief. Respectfully, if the Court imposes more restrictive page limits, the Court will get less than a complete view of the important issues in this appeal. The Governor also requests that the page limit for amicus briefs be extended to 30 pages.

With respect to oral argument, the Governor requests oral argument during October 2018 court week (October 22-26, 2018), if possible. The Governor believes that this case warrants several hours of oral argument, and suggests that morning hours be devoted to the procedural challenges to Senate Bill 151 and afternoon hours be devoted to the substantive challenge to the bill. Granting more than the usual time for oral argument will ensure that the Court has a full opportunity to understand the complex legal issues involved, as well the enormous stakes of this appeal and the far-reaching repercussions of affirming the circuit court on either of the legislative-process grounds on which it relied.

Respectfully submitted,



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