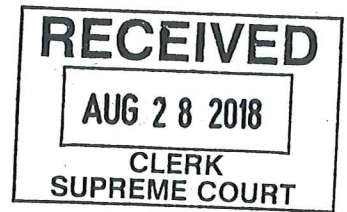


COMMONWEALTH OF KENTUCKY
SUPREME COURT OF KENTUCKY
CASE NO. 2018-SC-000419 and 2018-SC-000421



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

RESPONSE IN OPPOSITION TO
MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

Comes the Appellee, the Commonwealth of Kentucky, *ex rel.* Andy Beshear, Attorney General, by and through counsel, and submits this Response in Opposition to the Motion for Leave to File an *Amicus Curiae* Brief filed on August 27, 2018 by the Kentucky Chamber of Commerce, the Northern Kentucky Chamber of Commerce, Greater Louisville, Inc., and Commerce Lexington, Inc. (collectively, the “Chambers”). The Court should deny the Chambers’ motion for leave because it does not satisfy the requirements of CR 76.12(7). Under CR 76.12(7), an *amicus curiae* brief must specify with particularity its “relevance to the disposition of the case.”

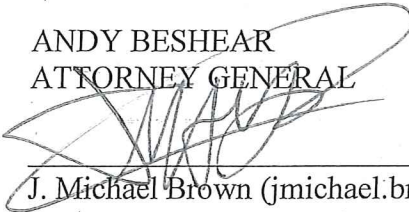
Here, the Chambers’ proposed *Amicus Curiae* Brief does not mention, much less address or set forth argument on, the actual ruling of the Franklin Circuit Court in voiding Senate Bill 151. It does not address the General Assembly’s violation of KY. CONST. § 46 by not giving the bill three readings on three separate days. Nor does it address the General Assembly’s violation of KY. CONST. § 46 by passing the bill without 51 votes. (*See generally*, Proposed *Amicus Curiae* Brief of the Chambers.) As such, the proposed *Amicus Curiae* Brief is not relevant “to the disposition of the case.”

This Court should deny the Chambers' motion for leave to file an *amicus curiae* brief pursuant to CR 76.12(7). See *Robertson v. Hert's Adm'rs*, 227 S.W.2d 899, 904 (Ky. 1950) (internal citations omitted).

Respectfully Submitted,

ANDY BESHEAR
ATTORNEY GENERAL

By:


J. Michael Brown (j michael.brown@ky.gov)

Deputy Attorney General

La Tasha Buckner (latasha.buckner@ky.gov)

Assistant Deputy Attorney General

S. Travis Mayo (travis.mayo@ky.gov)

Executive Director,

Office of Civil and Environmental Law

Marc G. Farris (marc.farris@ky.gov)

Samuel Flynn (samuel.flynn@ky.gov)

Assistant Attorneys General

Office of the Attorney General

700 Capitol Avenue

Capitol Building, Suite 118

Frankfort, Kentucky 40601

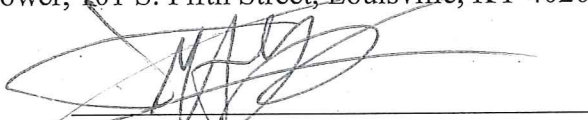
(502) 696-5300

(502) 564-8310 FAX

*Counsel for Plaintiff Commonwealth of
Kentucky, ex rel. Andy Beshear,
Attorney General*

CERTIFICATE OF SERVICE

I hereby certify that, on August 28, 2018 a copy of the foregoing was served on the following via U.S. Mail, postage prepaid: 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; Mark Blackwell, Katherine Rupinen, and Joseph Bowman, Kentucky Retirement System, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky 40601; and Brent R. Baughman, Janet P. Jakubowicz and Kyle W. Miller, counsel for Movant, Bingham Greenebaum Doll LLP, 3500 PNC Tower, 101 S. Fifth Street, Louisville, KY 40202-3197.


S. Travis Mayo