

NO 21-CI-_____

JEFFERSON CIRCUIT COURT
DIVISION _____()
HON. _____

ANDY BESHEAR, in his official capacity as
Governor of the Commonwealth of Kentucky,

and

DAVID KAREM, in his official capacity as
a Member of the Executive Branch Ethics Commission,

PLAINTIFFS,

vs.

LEGISLATIVE RESEARCH COMMISSION

Serve: Jay Hartz, Director
Legislative Research Commission
700 Capitol Avenue, Room 300
Frankfort, Kentucky 40601

Office of the Attorney General
The Capitol Building
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601-3449

ALLISON BALL, in her official capacity as
Kentucky State Treasurer,

Serve: Office of the Attorney General
The Capitol Building
700 Capitol Avenue
Frankfort, Kentucky 40601-3449

MIKE HARMON, in his official capacity as
State Auditor of Public Accounts,

Serve: Office of the Attorney General
The Capitol Building
700 Capitol Avenue
Frankfort, Kentucky 40601-3449

RYAN QUARLES, in his official capacity as
Commissioner of the Department of Agriculture

Serve: Office of the Attorney General
The Capitol Building
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601-3449

MICHAEL G. ADAMS, in his official capacity as
Kentucky Secretary of State,

Serve: Office of the Attorney General
The Capitol Building
700 Capitol Avenue
Frankfort, Kentucky 40601-3449

DANIEL CAMERON, in his official capacity as
Attorney General of the Commonwealth of Kentucky,

Serve: Daniel J. Cameron
Attorney General
Office of the Attorney General
The Capitol Building
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601-3449

and

EXECUTIVE BRANCH ETHICS COMMISSION

Serve: Susan Stokley Clary, Executive Director
Executive Branch Ethics Commission
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601-3449

Office of the Attorney General
The Capitol Building
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601-3449

DEFENDANTS.

Also serve: Daniel J. Cameron
Attorney General
Office of the Attorney General
The Capitol Building
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601-3449
(pursuant to KRS 418.075, CR 24.03, KRS 452.005)

**VERIFIED COMPLAINT FOR A DECLARATION OF
RIGHTS AND PERMANENT INJUNCTION AND EXPEDITED REVIEW**

Plaintiff Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky (“Governor Beshear” or “Governor”), by and through counsel, and David Karem in his official capacity as a Member and Vice-Chairman of the Executive Branch Ethics Commission (“EBEC” or the “Commission”), by and through counsel, bring this action for a declaration of rights and a temporary and permanent injunction against Defendants Daniel Cameron, in his official capacity as the Attorney General (“Attorney General”); the Legislative Research Commission (“LRC”); Allison Ball, in her official capacity as the Treasurer (“Treasurer”); Mike Harmon, in his official capacity as the Auditor of Public Accounts (“Auditor”); Ryan Quarles, in his official capacity as commissioner of the Department of Agriculture (“Secretary of Agriculture”); Michael Adams, in his official capacity as the Secretary of State (“Secretary of State”); and the Executive Branch Ethics Commission. Plaintiffs request expedited review of this matter under KRS 418.050 and CR 57.

INTRODUCTION AND FACTUAL BACKGROUND

1. During its 2022 Regular Session, the General Assembly passed several laws that strip the Governor’s executive authority and prevent him from fulfilling his constitutional duty to take care that the laws be faithfully executed.

2. Pursuant to the Kentucky Constitution, the Governor is the only Chief Magistrate in the Commonwealth, KY. CONST. § 69, the only officer with supreme executive powers, and the only officer with the duty to take care that the laws be faithfully executed, KY. CONST. § 81.

3. To take care that the laws be faithfully executed under Section 81 of the Kentucky Constitution, the majority of appointments to boards within the Executive Branch have always been reserved for the Governor as the Chief Magistrate.

4. Through House Bill 334 (Regular Session 2022) (“HB 334”) (attached as Exhibit A), the General Assembly removed a majority of the Governor’s appointments to an Executive Branch board – the Commission. This includes the removal of EBEC member David Karem of Jefferson County before the end of his term. HB 344 stripped the Governor’s power to appoint all of the members of the EBEC, and instead established appointment power in other constitutional officers of the state, including the Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Secretary of State, and Attorney General, none of whom possess the supreme executive authority as Chief Magistrate of the Executive Branch or have the express constitutional duty to ensure the laws are faithfully executed. Under the Bill, each of these constitutional officers may respectively appoint one member of the Commission and the Governor may appoint two members. Only one constitutional officer does not have an appointment to the Commission under HB 334: the Lieutenant Governor.

5. By stripping the Governor of his executive authority to appoint the majority of the members of the Commission and giving it to officers who are not the Chief Magistrate, HB 334 prevents the Governor from faithfully executing the laws, as he no longer has the ability to ensure that the Commission, which is tasked with enforcing the code of ethics, properly executes the ethics laws and regulations of the state.

6. HB 334 also creates a new Commission, an Executive Branch agency, that the Governor is subservient to because he cannot ensure the Commission faithfully executes the law in carrying out its functions – including investigating alleged violations of the Code, making findings of fact and conclusions on those allegations, and imposing civil fines. Under HB 334, the Commission could launch politically-motivated investigations without any merit, and make findings and impose civil penalties in those matters, and the Governor has no power to remedy such conduct and ensure the law is faithfully executed.

7. HB 334 also usurps the Governor’s authority and that of David Karem by removing David Karem, who was duly appointed by the Governor, prior to the expiration of his term, in favor of an unconstitutionally constructed Commission.

8. The General Assembly enacted HB 334 despite the fact that the Jefferson Circuit Court in 2021 held unconstitutional a bill, House Bill 518 (R.S. 2021), that the legislature passed in 2021 that took away the Governor’s appointments to the State Fair Board and gave a majority of them to the Commissioner of Agriculture. *See Beshear, et al. v. Stivers, et al.*, No. 21-CI-2234 (Jeff. Cir. Ct. Nov. 11, 2021). The Governor cited to and quoted the Jefferson Circuit Court’s Opinion in his April 6, 2022 veto message for HB 334.

Kentucky’s Separation of Powers and the Governor’s Constitutional Authority.

9. In 1890, the Framers of the current Constitution sought to restore the separation of powers among the three co-equal branches of Kentucky’s government. *Legislative Research Comm’n By and Through Prather v. Brown*, 664 S.W.2d 907, 912 (Ky. 1984) (“*LRC v. Brown*”). Specifically noting the “abuses” of the *legislative branch*, the Delegates to the Constitutional Convention sought to “curb the power of the General Assembly.” *Id.* Kentucky’s separation of

powers doctrine must be “strictly construed.” *Id.* (quoting *Arnett v. Meredith*, 121 S.W.2d 36, 38 (Ky. 1938)).

10. Kentucky’s then-highest court stated that “[t]he changes in organic law would lead us to the conclusion that there existed in the minds of the people a deep-seated distrust of legislative methods, and a fear of legislative usurpation of power.” *Purnell v. Mann*, 50 S.W. 264, 266 (Ky. 1899).

11. The Kentucky Constitution contains perhaps the strictest separation of powers provisions of any state constitution in the nation. *See Diemer v. Commonwealth, Ky. Transp. Cabinet, Dep’t of Highways*, 786 S.W.3d 861, 864-65 (Ky. 1990). Together, Sections 27 and 28 provide a double-barreled, positive-negative approach which explicitly mandate separation among the three branches of government, and specifically prohibit incursion of one branch into the powers and functions of the other. *LRC v. Brown*, 664 S.W.2d at 912.

12. As part of this bedrock principle, the General Assembly is prohibited from creating an executive (or an executive board) that is more supreme than the Governor, or from giving an existing constitutional officer greater power than the Governor. *See* KY. CONST. § 69; *Brown v. Barkley*, 628 S.W.2d 616, 622 fn. 12 (Ky. 1982) (“Sec. 69 makes it clear that these officers are inferior to the Governor and that no other executive office can be created which will not also be inferior to that of the Governor.”). The General Assembly is also prohibited from passing a statute that infringes on the Governor’s ability to take care that the laws be faithfully executed. KY. CONST. § 81.

Section 27 of the Kentucky Constitution

13. “The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of

magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.” KY. CONST. § 27.

Section 28 of the Kentucky Constitution

14. “No person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.” KY. CONST. § 28.

Section 69 of the Kentucky Constitution

15. “The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the ‘Governor of the Commonwealth of Kentucky.’” KY. CONST. § 69.

Section 81 of the Kentucky Constitution

16. “[The Governor] shall take care that the laws be faithfully executed.” KY. CONST. § 81.

17. Despite the express intent of the 1890 Constitutional Convention, and the plethora of case law interpreting it, the General Assembly saw fit to pass HB 334, which usurped and infringed on the Governor’s constitutional powers.

The Executive Branch Ethics Commission and KRS Chapter 11A Before HB 334.

18. The Executive Branch Ethics Commission is an executive branch board created under KRS Chapter 11A.

19. The Executive Branch Code of Ethics began as an Executive Order from then-Governor Brereton Jones in response to the revelations from the BOPTROT scandal, where the FBI investigated the actions of several legislators accepting bribes to influence votes on horse

racing and trot racing.¹ Shortly after taking office, Governor Jones issued Executive Order 91-2, which set standards for ethical conduct for Executive Branch employees. *Id.*; Ky. Exec. Order 91-2 (Dec. 10, 1992) (attached as Exhibit B). Governor Jones's General Counsel drafted legislation, which the General Assembly passed in 1992, creating the Code in KRS Chapter 11A and the Executive Branch Ethics Commission to enforce the Code. *Id.*

20. KRS Chapter 11A establishes “the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth.” KRS 11A.005(1).

21. KRS 11A.080 establishes the duty of the Commission to enforce the Executive Branch Code of Ethics (“Ethics Code”), investigate alleged violations, and initiate administrative proceedings to determine whether a violation took place. *See Martindale v. Exec. Branch Ethics Comm’n*, No. 2020-CA-0581-MR, 2021 LEXIS 593, at *2 (Ky. App. Oct. 8, 2020).

22. State officers and public servants, which include the Governor, the Lt. Governor, Section 91 constitutional statewide officers, all employees of the executive branch and full-time, non-seasonal contractors, and state agencies, are subject to the Ethics Code. KRS 11A.010.

23. Lobbyists are also subject to the Ethics Code. KRS 11A.010(11); KRS 11A.201.

24. KRS 11A.020 and 11A.040 describe prohibited act of officers and public servants the Commission is authorized to investigate.

25. The Commission has subpoena power to compel the attendance and testimony of witnesses or the production of records and may seek enforcement of a subpoena before the Circuit Court. KRS 11A.090.

¹ Executive Branch Ethics Commission Biennial Report, July 1, 2019 to June 30, 2021, at 1, 69. Available at: <https://ethics.ky.gov/SiteCollectionDocuments/Biennial%20Report%2C%20July%201%2C%202019%20-%20June%2030%2C%202021.pdf>. (last visited May 1, 2022).

26. The Commission has the authority to make findings of fact regarding alleged violations of the code of ethics and to issue fines and penalties to persons found in violation of the code. KRS 11A.100. It has the authority to issue an order requiring a purported violator to cease and desist the violation; issue an order requiring the violator to file reports; publicly reprimand the violator; recommend to the violator's appointing authority that the violator be removed from office; and issue an order requiring the violator to pay a civil penalty of not more than five thousand dollars for each violation.

27. The Commission has the authority to promulgate administrative regulations regarding its procedures and operations. KRS 11A.110(3).

28. In addition, the Commission has the authority to issue formal advisory opinions. KRS 11A.110(1). These advisory opinions are binding on the requesting party and can be relied on by the requesting party in the event there is an alleged violation of the code. *Id.*

29. Prior to HB 334, the Commission consisted of five (5) members who were appointed by the Governor. KRS 11A.060(3). In addition, the Governor maintained the ability to remove any member for cause. KRS 11A.060(7).

30. In 2008, then-Governor Steve Beshear issued Executive Order 2008-454 based on the Commission's recommendation, making two of his appointments to the Commission come from nominations made by the Attorney General and the Auditor of Public Accounts.² Former Governor Matt Bevin rescinded those provisions of Executive Order 2008-454.³

31. After supporting statutory changes to again make two appointments come from nominations made by the Attorney General and Auditor, which the General Assembly did not

² Available at <https://web.sos.ky.gov/execjournalimages/2008-MISC-2008-0454-195573.pdf> (last visited Apr. 29, 2022).

³ Available at <https://web.sos.ky.gov/execjournalimages/2016-MISC-2016-0377-245366.pdf> (last visited Apr. 29, 2022).

pass, Governor Andy Beshear issued Executive Order 2020-423 to require that two of his appointments to the Commission be made from a list of nominees provided by the Attorney General and Auditor of Public Accounts. Ky. Exec. Order 2020-423 (May 27, 2020) (attached as Exhibit C). The Governor issued the executive order to increase and strengthen EBEC's independence, while still complying with his constitutional duty. In Executive Order 2020-423, the Governor also appointed David Karem to the Commission for a term of four years. The General Assembly chose not to ratify Executive Order 2020-423.

32. On June 15, 2020, the Governor appointed retired Kentucky Supreme Court Justice David J. Venters to the Commission for a term expiring on May 27, 2022. Ky. Exec. Order 2020-504 (June 15, 2020). The Governor appointed Justice Venters from a list of nominees that the Attorney General submitted.⁴

33. On June 23, 2020, the Governor appointed David Shan Samford to the Commission for a term expiring May 27, 2021. The Governor appointed Samford from a list of nominees that the Auditor of Public Accounts submitted.⁵

34. During the 2022 Regular Session, the General Assembly passed the unconstitutional HB 334.

House Bill 334

35. HB 334 is entitled "AN ACT Relating to ethics."

36. Sections 2 of HB 334 amends KRS 11A.060, which establishes the Executive Branch Ethics Commission and provides the number of members and by whom they are appointed. KRS 11A.060(1).

⁴ Available at <https://web.sos.ky.gov/execjournalimages/2020-COMM-268045.pdf> (last visited Apr. 29, 2022).

⁵ Available at <https://web.sos.ky.gov/execjournalimages/2020-COMM-268220.pdf> (last visited Apr. 29, 2022).

37. Section 2 of HB 334 strips the Governor of his power to appoint each of the members of the Commission.

38. Section 2(2) amends KRS 11A.060 by expanding the five (5) member EBEC to seven (7) members, and replaces the Governor's power to appoint all members of the EBEC with the power to appoint only two members. KRS 11A.060(2). The remaining appointments are distributed one each to the Treasurer, the Auditor of Public Accounts, Commissioner of Agriculture, Secretary of State, and Attorney General. KRS 11A.060(2)(a)-(e). The Lieutenant Governor does not have any appointments under HB 344.

39. Section 2(3) of HB 334 provides that the terms of the current members of the Commission will terminate on the effective date of HB 334, and the new members will be appointed at that time. KRS 11A.060(2).

40. Section 2(3) also states the Governor's first appointment shall serve a term of three (3) years, and his second appointment shall serve a term of four (4) years. The Secretary of State's and Attorney General's respective appointments shall serve terms of four (4) years. These provisions clearly constitute an effort by the General Assembly to strip the Governor's power and establish competing powers in the Secretary of State and Attorney General. KRS 11A.060(3).

41. Section 2(7) of HB 334 also impedes the Governor's oversight power to remove members of the Commission for cause, permitting only the "appointing authority who appointed" each member to discharge the member that they appointed. KRS 11A.060(7).

42. HB 334 does not contain a severability clause.

43. HB 334 also amends KRS 11A.060 so that each of the members of EBEC are no longer subject to the oversight of the Governor; rather, each may be removed for cause only by

his or her respective appointing officer. Without the ability to remove any and all members of the Commission for cause, the Governor, as the Chief Magistrate, cannot ensure proper, fair, and just enforcement of the Ethics Code.

44. As the Chief Magistrate and the highest elected official in the Commonwealth, the Governor is the only officer with the constitutional duty to ensure that public officials are following the law, including the code of ethics, and to ensure that the EBEC properly enforces the Ethics Code.

45. HB 334 violates the Kentucky Constitution because it removes the Governor's executive appointment authority for a majority of the members of the EBEC – an Executive Branch board – infringing on his powers as Chief Magistrate and his ability to perform his constitutional duty to see that the laws be faithfully executed.

46. The Governor vetoed the bill on April 6, 2022. *See Veto Message*, April 6, 2022 (attached as Exhibit D). The General Assembly overrode the veto on April 13, 2022. HB 334 is set to take effect on July 14, 2022. At that time, the terms of the then-current members of the EBEC, including Plaintiff Karem will expire, and the new regime, consisting of the membership described in HB 334, will begin their terms.

NATURE OF THE ACTION

47. This Complaint for a Declaration of Rights and a Permanent Injunction and Expedited Review shall be adjudicated under the Kentucky Declaratory Judgment Act, KRS 418.010 *et seq.*, Kentucky Rules of Civil Procedure (“CR”) 57 and 65.

48. KRS 418.040 provides this Court with authority to “make a binding declaration of rights, whether or not consequential relief is or could be asked” when a controversy exists. This

action involves actual and justiciable controversies regarding violations of the Kentucky Constitution and Kentucky laws.

49. CR 65 permits this Court to issue a temporary injunction pending a final judgment.

50. CR 65 also permits this Court to issue as final judgment a permanent injunction, which may restrict or mandatorily direct the doing of an act.

51. By motion filed concurrently with this Complaint, Plaintiffs request expedited review pursuant to KRS 418.050 and CR 57. The prompt and efficient administration of state government requires certainty that the Governor, as Chief Magistrate, is the officer with appointing authority over Executive Branch boards and agencies. Further, if officers without constitutional authority to make appointments proceed to make unlawful and unconstitutional appointments to any board, agency, commission, or office, it would lead to immediate, extensive litigation as to both the constitutional validity of the appointment and any subsequent, purported attempt to exercise authority or power as a member, commissioner, officer, or agent of the board, agency, and commission. Time is of the essence, as HB 334 will become effective on July 14, 2022.

JURISDICTION AND VENUE

52. An actual, justiciable controversy exists, and this Court has subject matter jurisdiction over this action pursuant to KRS 418.040, KRS 23A.010, CR 57 and CR 65.

53. Venue is appropriate in this Court pursuant to KRS 452.460(1), KRS 452.480 and KRS 452.005.

54. Pursuant to KRS 418.040, *et seq.*, this Court may properly exercise *in personam* jurisdiction over the Defendants.

PARTIES

55. Plaintiff Andy Beshear is the Governor of the Commonwealth of Kentucky, vested by the Constitution with the “supreme power of the Commonwealth,” KY. CONST. § 69, and with the duty to “take care that the laws be faithfully executed,” KY. CONST. § 81. He brings this suit in his official capacity.

56. Plaintiff David Karem is a duly appointed Member of the Executive Branch Ethics Commission, appointed by the Governor on May 27, 2020. His term expires on May 27, 2024. He is a resident of Jefferson County, Kentucky.

57. Defendant Daniel Cameron is the Kentucky Attorney General and the head of the Commonwealth’s Department of Law. Under HB 334 (R.S. 2022), He is sued in his official capacity.

58. Defendant Legislative Research Commission is “an independent agency in the legislative branch of state government” that consists of a 16-member statutory committee made up of the majority and minority party leadership of the Kentucky House of Representatives and Senate. KRS 7.090.

59. Defendant Allison Ball is the Kentucky State Treasurer, and therefore the head of the State Treasury. She is sued in her official capacity.

60. Defendant Mike Harmon is the Kentucky Auditor of Public Accounts and the head of the independent agency charged with auditing the accounts and financial transactions of the spending agencies in the state. He is sued in his official capacity.

61. Defendant Ryan Quarles is the Kentucky Commissioner of Agriculture and the head of the Commonwealth’s Department of Agriculture. He is sued in his official capacity.

62. Defendant Michael Adams is the Kentucky Secretary of State and is sued in his official capacity.

63. Defendant Executive Branch Ethics Commission is an executive branch board, administratively attached to the Finance and Administration Cabinet. 11A.060; KRS 12.020.II(9)(w).

CLAIMS

Count I Declaration of Rights Violation of KY. CONST. § 69

64. Plaintiffs incorporate by reference each and every allegation previously set forth in this Complaint as if fully set forth herein.

65. Section 69 of the Kentucky Constitution provides that the Governor is the Chief Magistrate and shall have the supreme executive power of the Commonwealth.

66. HB 334 violates Section 69 of the Kentucky Constitution because it infringes on the supreme executive authority of the Governor, the Chief Magistrate, and collectively elevates other constitutional officers and the EBEC to have power superior to the Governor.

67. HB 334 strips the Governor of the ability to appoint each member of the EBEC – an executive branch board – and allows five other constitutional officers to have the power to appoint one member each, leaving the Governor with the ability to appoint only two members of the Commission, which is less than a majority.

68. Under HB 334, the other constitutional officers collectively have the power to appoint five members to the EBEC, and the Governor retains the power to appoint only two members, making the Governor subordinate to these other officers in violation of Section 69.

69. In addition, HB 334 violates Section 69 because through it the General Assembly creates an Executive Branch board that subverts the Governor's supreme power by taking away his authority to appoint a majority of the members. As such, under HB 334 the Commission could launch politically-motivated investigations that have no merit, and reach conclusions and impose civil penalties in those matters, and the Governor has no power to remedy such conduct and ensure the law is properly followed.

Count II
Declaration of Rights
Violation of KY. CONST. § 81

70. Plaintiffs incorporate by reference each and every allegation previously set forth in this Complaint as if fully set forth herein.

71. HB 334 violates Section 81 of the Kentucky Constitution because it impedes the Governor's duty to take care that the laws be faithfully executed by removing the Governor's authority to appoint all the members of the EBEC and granting other constitutional officers the authority to each appoint one member, leaving merely two appointments to the Governor.

72. HB 334 also violates Section 81 of the Kentucky Constitution by limiting the Governor's power to remove each of the members of the EBEC for cause, and instead granting the officer who appointed each respective member removal power for that member.

73. Under Section 81 only the Governor has constitutional responsibility to ensure the laws are faithfully executed. None of the other constitutional officers are charged with the duty to faithfully execute the laws under Section 81.

74. The duty to faithfully execute the laws encompasses enforcement of laws and regulations, including enforcement of the Ethics Code.

75. HB 334 prevents the Governor from ensuring that the laws and regulations regarding ethical behavior among public officials are enforced, and thus faithfully executed, because it strips the Governor of the ability to appoint and remove the majority of members of the EBEC.

Count III
Declaration of Rights
Violation of KY. CONST. §§ 27, 28

76. Plaintiffs incorporate by reference each and every allegation previously set forth in this Complaint as if fully set forth herein.

77. HB 334 violates Sections 27 and 28 of the Kentucky Constitution by stripping the Governor, the only Chief Magistrate and the only officer charged with the duty to faithfully execute the laws, of the ability to appoint the majority of the members to the EBEC – an executive branch committee – as well as the ability to remove each member of the EBEC for cause. *See LRC v. Brown*, 664 S.W.3d 907.

78. HB 334 further violates Sections 27 and 28 because through it the General Assembly creates an Executive Branch board that the Governor has no ability to ensure is faithfully executing the laws because the bill erases his authority to appoint a majority of the members. As such, under HB 334 the Commission could launch politically-motivated investigations that have no merit and reach conclusions and impose civil penalties in those matters, and the Governor has no power to rectify such conduct to ensure the law is followed.

Count IV
Injunctive Relief

79. Plaintiffs incorporate by reference each and every allegation previously set forth in this Complaint as if fully set forth herein.

80. By reason of the actions and violations described above, Plaintiffs are entitled to relief in the form of a temporary and permanent injunction enjoining Defendants from enforcing or operating pursuant to HB 334.

81. If HB 334 is permitted to go into effect, Plaintiffs will be immediately and irreparably harmed.

82. Plaintiffs have no adequate remedy at law or otherwise to address this injury, save in a court of equity.

83. Plaintiffs are entitled to further relief as may be shown by the evidence and legal authority that may be presented in this proceeding. Plaintiffs reserve the right to amend this Complaint, as necessary, to request any further relief to which they are entitled.

WHEREFORE, Plaintiffs demand judgment against Defendants as set forth in the prayer for relief below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand as follows:

- I. A declaration that Senate Bill 334 violates Sections 27, 28, 69, and 81 of the Kentucky Constitution;
- II. Temporary and permanent injunctive relief under CR 56 preventing enforcement of HB 334;
- III. Expedited review under KRS 418.050 and CR 57; and
- IV. Any and all other relief to which Plaintiffs are entitled.

Respectfully submitted,

/s/ Mitchel T. Denham

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-and-

/s/ S. Travis Mayo (with permission)

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE ON THE ATTORNEY GENERAL

In accordance with KRS 452.005, I hereby certify that a copy of this Complaint has been served on the Attorney General.

/s/ Mitchel T. Denham

Mitchel T. Denham

