

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
48TH JUDICIAL CIRCUIT
DIVISION _____
CIVIL ACTION NO. _____

JOSEPH M. FISCHER
126 Dixie Place
Ft Thomas KY 41075

PLAINTIFFS

JEFF HOOVER
P.O. Box 985
Jamestown KY 42629

KIM KING
50 Bright Leaf Drive
Harrodsburg KY 40330

FREY TODD
P.O. Box 69
Eubank, KY 42567

ANTHONY GAYDOS
159 Second Street
Vanceburg, KY 41179
(606) 796-2721

v.

ALISON LUNDERGAN GRIMES, in her official capacity
as Kentucky Secretary of State

Serve: Alison Lundergan Grimes
Office of the Secretary of State
The Capitol Building
700 Capital Avenue
Suite 152
Frankfort, KY 40601

and

Jack Conway
Office of the Attorney General
700 Capitol Avenue, Suite 118
Frankfort, KY 40601

KENTUCKY STATE BOARD OF ELECTIONS,

Serve: Maryellen Allen
Interim Acting Executive Director
Kentucky State Board of Elections
140 Walnut Street
Frankfort, KY 40601

and

Jack Conway
Office of the Attorney General
700 Capitol Avenue, Suite 118
Frankfort, KY 40601

MARYELLEN ALLEN, in her official capacity as Interim Acting
Executive Director of the Kentucky State Board of Elections

Serve: Maryellen Allen
Interim Acting Executive Director
Kentucky State Board of Elections
140 Walnut Street
Frankfort, KY 40601

and

Jack Conway
Office of the Attorney General
700 Capitol Avenue, Suite 118
Frankfort, KY 40601

DEFENDANTS

TEMPORARY INJUNCTION

This matter has come before the Court on Plaintiffs' motion for a temporary injunction to enjoin the Kentucky State Board of Elections and Secretary of State from taking any action pursuant to KRS Chapter 118 or related provisions to certify any candidate as the nominee for office in the General Assembly, or otherwise taking steps to conduct the 2012 elections using the existing unconstitutional districts under House Bill 1 ("HB 1"). Plaintiffs motion further asked that the Court prohibit the Defendants from taking any action referred to above unless and until a

constitutional plan of redistricting occurs that complies with the Kentucky and United States Constitutions.

Pursuant to CR 65.04, it clearly appearing from the facts shown by Verified Complaint that Plaintiffs' rights will be violated and they will suffer immediate and irreparable harm if Defendants' actions are not enjoined, and Plaintiffs' attorney having certified that Defendants have been given appropriate notice of the same:

IT IS ORDERED that Plaintiffs have established its right to entry of a temporary injunction against Defendants, and

IT IS ORDERED Defendants are enjoined and restrained, directly or indirectly, alone and/or in concert with others, from:

- (1) Certifying pursuant to KRS § 118.185 any candidate's name as the nominee of his party for any office subject to redistricting, or notifying any candidate who files for office in the existing unconstitutional districts and is unopposed that he or she is the nominee;
- (2) Certifying the names of candidates for any office subject to redistricting to the county clerks, or certifying the order in which the names will appear on the ballot;
- (3) Conducting or preparing to conduct elections for the existing legislative districts, created by statute for the General Assembly of Kentucky under the provisions of HB 1, until the merits of this Complaint are finally adjudicated by this Court; and
- (4) Enforcing or implementing in any respect the filing deadline for candidates seeking election to the General Assembly of Kentucky, or any other offices subject to redistricting following the passing of HB 1, currently established by KRS § 118.165(1) as 4:00 p.m. EST on January 31, 2012, and, if necessary, extending such deadline to a date not sooner than seven days after the effective date of a new redistricting plan that complies with all applicable state and federal laws.

IT IS FURTHER ORDERED that this Order shall be binding upon Defendants, their agents, employees and attorneys, and upon those persons in active contact or participation with them who receive actual notice of this Order by personal service or otherwise.

IT IS FURTHER ORDERED that the CR 65.05 requirement that surety be issued is waived, as no cost or damages will be incurred or suffered by Defendants as result of this temporary injunction.

Entered: _____

JUDGE, FRANKLIN CIRCUIT COURT

Tendered by:

FULTZ MADDOX HOVIOUS & DICKENS PLC
Victor B. Maddox
John David Dyche
Jennifer Metzger Stinnett
Jason M. Nemes

101 S. Fifth St.
27th Floor
Louisville, KY 40202-3116
(502) 588-2000
Counsel for Plaintiff