

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
FRANKFORT DIVISION**

Eastern District of Kentucky  
**FILED**

**JUN 16 2006**

AT FRANKFORT  
LESLIE G WHITMER  
CLERK U S DISTRICT COURT

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BRIAN KEITH MOORE,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	
JOHN D. REES,	)	CIVIL ACTION # 3:06-cv-22
Commissioner,	)	
Kentucky Department of Corrections,	)	
Frankfort, Kentucky	)	
	)	
THOMAS SIMPSON,	)	CAPITAL CASE
Warden, Kentucky State	)	
Penitentiary, Eddyville Kentucky,	)	
	)	
SCOTT HAAS	)	
Medical Director for the	)	
Kentucky Department of Corrections	)	
	)	
ERNIE FLETCHER,	)	
Governor of the Commonwealth	)	
of Kentucky	)	
	)	
and,	)	
	)	
UNKNOWN EXECUTIONERS,	)	
	)	
Defendants.	)	


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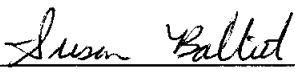
**MOORE’S RESPONSE TO JEFFREY LEONARD’S MOTION TO INTERVENE**

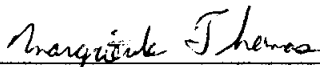
Because Jeffrey Leonard is similarly situated to Brian Keith Moore, raises the same legal challenge to the chemicals and procedures Defendants plan to use to carry out Moore’s execution, and because Moore’s lethal injection case is still in its infancy, Moore does not object to Leonard intervening in this case. Moore, however, writes

separately to point out that Leonard intervening in this action should have no impact on this Court's June 13, 2006 order and the orderly resolution of this case. The claims raised by Leonard are part of Moore's litigation. Thus, Leonard intervening in this case will have no impact on Defendants' ability to respond to Moore's complaint by the deadline set by this Court on June 13, 2006. It also will have no impact on the additional deadlines this Court has set and the orderly resolution of this case. In conclusion, Moore does not object to Leonard intervening, but believes that Leonard's intervention is not grounds for resetting the deadlines this Court just imposed on Defendants.

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
DAVID M. BARRON  
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June 16, 2006.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I caused a true and correct copy of

**MOORE'S RESPONSE TO JEFFREY LEONARD'S MOTION TO INTERVENE**

to be served via personal delivery on the following individuals:

Hon. Thomas Self  
Hon. Holly Harris-Ray  
Hon. Jeff Middendorf  
Department of Corrections  
125 Holmes Street  
Frankfort, Kentucky 40601

  
\_\_\_\_\_  
COUNSEL FOR BRIAN KEITH MOORE

June 16, 2006.