

CLOSED

**U.S. District Court  
Western District of Kentucky (Louisville)  
CIVIL DOCKET FOR CASE #: 3:13-cv-00946-JGH**

Franklin et al v. Breshear et al  
Assigned to: Judge John G. Heyburn, II  
Case in other court: Kentucky Eastern, 3:13-cv-00051  
Cause: 28:1331 Fed. Question

Date Filed: 10/02/2013  
Date Terminated: 02/12/2014  
Jury Demand: None  
Nature of Suit: 950 Constitutional – State Statute  
Jurisdiction: Federal Question

**Plaintiff**

**Kimberly Franklin**

represented by **Dawn R. Elliott**  
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**Plaintiff**

**Tamera Boyd**

represented by **Dawn R. Elliott**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Shannon Renee Fauver**  
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*LEAD ATTORNEY*  
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V.

**Defendant**

**Steve Breshear**  
*in his official capacity as Governor of  
Kentucky*

represented by **Brian Thomas Judy**  
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**Defendant**

**Jack Conway**  
*in his official capacity as Attorney  
 General of Kentucky*

represented by **Brian Thomas Judy**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Clay A. Barkley**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Sue Carol Perry**  
*in her official capacity as Shelby County  
 Clerk*

represented by **Robert T. Watson**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/16/2013	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF ( Filing fee \$400; receipt number 0643-2724379), filed by Kimberly Franklin, Sue Carol Perry. (Attachments: # <u>1</u> Case Assignment, # <u>2</u> Exhibit – Marriage Certificate, # <u>3</u> Summons)(CBD) Modified text to match caption on 8/19/2013 (CBD). [Transferred from kyed on 10/2/2013.] (Entered: 08/19/2013)
08/16/2013	<u>2</u>	Summons Issued as to Steve Breshear, Jack Conway, Sue Carol Perry; Summons issued and returned to counsel by U.S. Mail for service by Kentucky Secretary of State. (CBD) [Transferred from kyed on 10/2/2013.] (Entered: 08/19/2013)
08/19/2013		Conflict Check run. (CBD) [Transferred from kyed on 10/2/2013.] (Entered: 08/19/2013)
08/27/2013	<u>3</u>	NOTICE TO ATTORNEY Dawn Elliott by Clerk re: L.R. 83– Attorney Admission procedure w/ a copy of L.R. 83 and Attorney Admission Application (Attachments: # <u>1</u> Attorney Routing Form)(CBD) [Transferred from kyed on 10/2/2013.] (Entered: 08/27/2013)
08/27/2013	<u>4</u>	CERTIFIED MAIL RECEIPTS to Kentucky Secretary of State received 8/26/2013 re <u>2</u> Summons Issued. (CBD) (Main Document 4 replaced with same image minus extra blank page on 9/5/2013) (CBD). [Transferred from kyed on 10/2/2013.]

		(Entered: 08/27/2013)
08/30/2013	<u>5</u>	NOTICE by Tamera Boyd re <u>1</u> Complaint, <i>of corrected summons</i> (Attachments: # <u>1</u> Summons)(Fauver, Shannon) [Transferred from kyed on 10/2/2013.] (Entered: 08/30/2013)
08/30/2013	<u>6</u>	Summons Returned Unexecuted by Tamera Boyd as to Sue Carroll and Jack Conway. (Fauver, Shannon) Modified by adding text to better describe pleading on 9/3/2013 (AKR). [Transferred from kyed on 10/2/2013.] (Entered: 08/30/2013)
09/03/2013	<u>7</u>	Summons Returned Unexecuted by Kimberly Franklin as to Steve Breshear. (Fauver, Shannon) [Transferred from kyed on 10/2/2013.] (Entered: 09/03/2013)
09/03/2013	<u>8</u>	Summons Issued as to Steve Breshear; Summons issued and returned to counsel electronically. (AKR) [Transferred from kyed on 10/2/2013.] (Entered: 09/03/2013)
09/03/2013	<u>9</u>	Summons Issued as to Jack Conway; Summons issued and returned to counsel electronically. (AKR) [Transferred from kyed on 10/2/2013.] (Entered: 09/03/2013)
09/03/2013	<u>10</u>	Summons Issued as to Sue Carroll; Summons issued and returned to counsel electronically. (AKR) [Transferred from kyed on 10/2/2013.] (Entered: 09/03/2013)
09/06/2013	<u>11</u>	SUMMONS Returned Executed by Tamera Boyd via Process Server to Sue Carol Perry served on 9/4/2013, answer due 9/25/2013. (Fauver, Shannon) [Transferred from kyed on 10/2/2013.] (Entered: 09/06/2013)
09/06/2013	<u>12</u>	SUMMONS Returned Executed by Tamera Boyd via Process Server to Jack Conway served on 9/4/2013, answer due 9/25/2013. (Fauver, Shannon) [Transferred from kyed on 10/2/2013.] (Entered: 09/06/2013)
09/06/2013	<u>13</u>	SUMMONS Returned Executed by Tamera Boyd via Process Server to Steve Breshear served on 9/4/2013, answer due 9/25/2013. (Fauver, Shannon) [Transferred from kyed on 10/2/2013.] (Entered: 09/06/2013)
09/25/2013	<u>14</u>	MOTION to Dismiss for failure to state a claim by Sue Carol Perry (Attachments: # <u>1</u> Memorandum in Support of Defendant's Motion to Dismiss, # <u>2</u> Proposed Order Granting Defendant's Motion to Dismiss)(Gadansky, Chris)[Transferred from kyed on 10/2/2013.] Modified on 10/21/2013 untermmed motion per ARM (TLB). (Entered: 09/25/2013)
09/25/2013	<u>15</u>	JOINT MOTION to Change Venue by Tamera Boyd, Kimberly Franklin, Sue Carol Perry, Steve Breshear, Jack Conway (Attachments: # <u>1</u> Proposed Order)(Barkley, Clay) Modified by adding all filers and text to better describe pleading on 9/26/2013 (AKR). [Transferred from kyed on 10/2/2013.] (Entered: 09/25/2013)
09/25/2013	<u>16</u>	ANSWER to <u>1</u> Complaint, by Steve Breshear, Jack Conway.(Barkley, Clay) [Transferred from kyed on 10/2/2013.] (Entered: 09/25/2013)
09/26/2013		***MOTION SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: re <u>15</u> JOINT MOTION to Change Venue by Tamera Boyd, Kimberly Franklin, Sue Carol Perry, Steve Breshear, Jack Conway . (AKR) [Transferred from kyed on 10/2/2013.] (Entered: 09/26/2013)
09/26/2013		NOTICE OF DEFICIENCY TO Clay Barkley re <u>16</u> Answer to Complaint; attorney failed to provide a certificate of service with pleading. Each pleading must have a certificate of service. <u>Within 7 calendar days</u> , prepare a pleading entitled "Notice of Filing" (with a certificate of service), file the Notice using the event "Notice of Filing," attach the certificate of service, and create a link to the related docket entry. cc: COR (AKR) [Transferred from kyed on 10/2/2013.] (Entered: 09/26/2013)
09/26/2013		Attorney Update. Attorney Brian Thomas Judy for Steve Beshear, Brian Thomas Judy for Jack Conway added. (CBD) [Transferred from kyed on 10/2/2013.] (Entered: 09/26/2013)

09/26/2013		Attorney Update. Attorney Robert T. Watson for Sue Carol Perry added. (CBD) [Transferred from kyed on 10/2/2013.] (Entered: 09/26/2013)
10/02/2013	<u>17</u>	NOTICE OF FILING by Steve Breshear, Jack Conway re <u>16</u> Answer to Complaint <i>Certificate of Service</i> (Barkley, Clay) [Transferred from kyed on 10/2/2013.] (Entered: 10/02/2013)
10/02/2013	<u>18</u>	ORDER: The Court being sufficiently advised, this case is hereby transferred, in the interest of justice and for the convenience of the parties and witnesses pursuant to 28 USC § 1404, to the Western District of Kentucky, to be consolidated with the earlier filed and currently pending case of Bourke, et al. v. Steve Beshear, et al., No.3: 13-CV -750. This transfer includes all pleadings filed to date. It is so ordered (AKR)cc: COR [Transferred from kyed on 10/2/2013.] (Entered: 10/02/2013)
10/02/2013	<u>19</u>	Case transferred in from District of Kentucky Eastern; Case Number 3:13-cv-00051. Original file certified copy of transfer order and docket sheet received. (JBM) (Entered: 10/02/2013)
10/02/2013	<u>20</u>	Case Assignment (Random Selection): Case Assigned to Senior Judge Thomas B. Russell. Magistrate designation: Dave Whalin. (JBM) (Entered: 10/02/2013)
10/02/2013		Remark: Copy of case assignment and NEF have been sent to participating parties advising of case transfer information. (JBM) (Entered: 10/02/2013)
10/08/2013	<u>21</u>	ORDER REASSIGNING CASE. Case reassigned to Judge John G. Heyburn, II for all further proceedings. Senior Judge Thomas B. Russell no longer assigned to case.cc:counsel (MM) (Entered: 10/08/2013)
10/18/2013	<u>22</u>	ORDER by Judge John G. Heyburn, II on 10/17/2013. Telephonic Status Conference held on 10/10/2013. IT IS HEREBY ORDERED any dispositive motions can be filed on or before 11/25/2013, with responses to be filed on or before 12/16/2013. Normal reply times shall apply in accordance with the Local Rules of the Western District of Kentucky. The matters will then be submitted before the Court. cc: Counsel (TJD) (Entered: 10/18/2013)
10/21/2013		NOTICE OF DOCKET CORRECTION re <u>14</u> , Set Motion and RRDeadlines/Hearings, <u>22</u> Order, ; :DN#14 Motion to Dismiss reinstated per Transfer to W/D of KY and Order DN#22 for response and reply ddls in case and related action—13Cv-750-H; (ARK) (Entered: 10/21/2013)
02/12/2014	<u>23</u>	ORDER by Judge John G. Heyburn, II on 2/11/2014 Dismissing Case Without Prejudice.cc:counsel (DAK) (Entered: 02/12/2014)