

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

GREGORY BOURKE, et al.

Plaintiffs

V.

STEVE BESHEAR, et al.

Defendants

CASE No. 3:13-CV-750 (JGH)
Electronically filed

DEFENDANTS STEVEN L. BESHEAR, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF KENTUCKY, AND JACK CONWAY, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF KENTUCKY'S MOTION TO STAY THE EFFECTIVE DATE OF ANY FINAL ORDER GRANTING PLAINTIFFS RELIEF

Come Defendants Steven L. Beshear, in his official capacity as Governor of Kentucky, and Jack Conway, in his official capacity as Attorney General of Kentucky, by counsel, and hereby move for a stay of the effective date of any Order granting Plaintiffs relief respecting their Motion for Summary Judgment of December 16, 2013. “The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Landis v. North American Co.*, 299 U.S. 248, 254-55 (1936). “Especially in cases of extraordinary public moment, the individual may be required to submit to delay not immoderate in extent and not oppressive in its consequences if the public welfare or convenience will thereby be promoted.” *Id.* at 256.

Given the importance of this case, the Defendants respectfully request that this Court stay the effective date of any Order granting Plaintiffs relief for ninety (90) days. This will give Defendants time to determine if they will appeal the order, and the Executive Branch time to determine what actions must be taken to implement this Court's Order if no appeal is taken. Should Defendants elect to appeal from any final order, they reserve the right to seek a stay for the duration of an appeal.

Respectfully submitted,
JACK CONWAY
ATTORNEY GENERAL

/s/ Clay Barkley
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CERTIFICATE OF SERVICE AND NOTICE OF ELECTRONIC FILING

I hereby certify that on February 27th, 2014, the foregoing was filed with the clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all parties.

/s/ Clay A. Barkley
Clay A. Barkley