

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

JASON NEMES, et. al. : **Case No. 3:20-CV-407-CRS**
v. :
CARL BENSINGER, et. al. :

REVISED AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs, by and through Counsel, as well as Intervening Plaintiff Keisha Dorsey, and Defendant, Andrew Beshear, in his official capacity as the Governor of the Commonwealth of Kentucky (“Governor Beshear”), agree and stipulate to settle this matter as follows:

1. In exchange for his dismissal without prejudice, under FRCP 41(a), Governor Beshear and the Plaintiffs agree that:
 - a. Governor Beshear did not order any specific number of polling places or any specific site for polling places for any Kentucky county for the June 23, 2020 Primary Election.
 - b. Governor Beshear will abide by any final or appealable judgment in this action, subject to any modification, reversal, or vacation of the judgment on appeal; however, nothing in this Order of dismissal prevents Governor Beshear from exercising his authority under the Kentucky Constitution, Kentucky statute and Kentucky law related to elections.
 - c. Governor Beshear previously issued Executive Order 2020-451 relating to the activation of the Kentucky National Guard to assist with the 2020 Primary and/or General Election and agrees to make the Kentucky National Guard available for the purposes stated in Executive Order 2020-451.

- d. The dismissal shall not be construed in any way as an admission or concession by Governor Beshear that he is a proper party to the action.
- e. Governor Beshear reserves all rights, claims, and defenses that may be available to him related to whether he is a proper party to this action and any appeals arising from this action.
- f. The parties to this Order shall bear their own attorney's fees and costs with respect to each other and will not seek the same from the other.
- g. Nothing in this Order shall be deemed to affect or adjudicate the pending claims against the remaining Defendants.
- h. Governor Beshear is hereby dismissed without prejudice under FRCP 41;
- i. The Court will retain jurisdiction to enforce this Agreed Order; and
- j. Governor Beshear shall not further participate in this matter.

IT IS SO ORDERED.

June 16, 2020



**Charles R. Simpson III, Senior Judge
United States District Court**

Stipulated and Agreed:

/s/Christopher Wiest
Counsel for the Plaintiffs
and Intervening Plaintiff
Keisha Dorsey

/s/Travis Mayo
Chief Deputy General Counsel
Office of the Governor