

**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. :

CONSENT ORDER

Plaintiffs Jason Nemes, James Howland, Ken Kearns, Aaron Gillum, Theodore Roberts, Tyson Hermes, and Erik Hermes (the “Original Plaintiffs”), and Intervening Plaintiffs Keisha Dorsey and Amy McGrath for Senate, Inc., by and through Counsel, and Defendants Justin Crigler, Michael Helmig, Emily Shelton and Michael Howard (collectively the “Boone County Defendants”), as well as Defendants Jim Luersen, Mike Jansen, James Shroer, and Jack Snodgrass (collectively the “Campbell County Defendants”), in their official capacities as the County Boards of Election for Boone and Campbell Counties, agree and stipulate to settle this matter as follows:

1. Plaintiffs agree to dismiss the Boone County Defendants and Campbell County Defendants, without prejudice, subject to the terms and conditions of this Agreed Order.
2. Nothing in this Order shall be deemed any admission of liability, Defendants denying any liability.
3. In exchange for their dismissal without prejudice, under FRCP 41(a), the Boone County Defendants and Campbell County Defendants agree that:
 - a. The Boone County Defendants agree that they shall open a second polling place for the June 23, 2020 Primary Election at 2950 Washington Square,

Burlington, KY 41005 and post notice of this additional polling location on the Clerk's website to give notice to the public;

- b. The Campbell County Defendants agree that they shall open a second polling place for the June 23, 2020 Primary Election at 1098 Monmouth Street, Newport, KY 41071 and post notice of this additional polling location on the Clerk's website to give notice to the public;
- c. Both the Boone County Defendants and Campbell County Defendants agree that should the Court enter an order extending polling hours, they will comply with that order, subject to any modification, reversal or vacation of the judgment on appeal;
- d. The Court will retain jurisdiction to enforce this Agreed Order; and
- e. Each party will bear their own costs and fees, the Original Plaintiffs and Intervening Plaintiffs Dorsey and Amy McGrath for Senate, Inc. expressly agreeing that the Boone County Defendants and Campbell County Defendants will not be liable for attorney fees or costs under 42 U.S.C. 1988 or other applicable law.

June 16, 2020



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

IT IS SO ORDERED.

Stipulated and Agreed:

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

/s/Jeffrey Mando
Counsel for the Boone and Campbell County
Defendants Keisha Dorsey

/s/William Brammell Counsel for Intervening Plaintiff Amy McGrath for Senate, Inc.