

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

JUDICIAL WATCH, INC.,

Plaintiff,

V.

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

V.

MICHAEL ADAMS in his official capacity
as Secretary of State,¹ *et al*,

Defendants.

*** **

Case No. 3:17-cv-00094-GFVT

ORDER

This matter is before the Court on its own motion. On November 14, 2018, Judicial Watch filed a Complaint that initiated this action against the former Secretary of State and the Executive Director and members of the Kentucky State Board of Elections. [R. 1.] On June 12, the parties filed a proposed agreed Consent Judgment, which the Court approved and entered on July 3. [R. 39.] Following the parties' disagreements, Plaintiffs filed a Motion to Modify and Enforce the Consent Judgment due to the Defendants' alleged breach on October 10, 2019. [R.

¹ Federal Rule of Civil Procedure 25(d) states: "An action does not abate when a public officer who is a party in an official capacity...ceases to hold office while the action is pending. The officer's successor is *automatically* substituted as a party. Later proceedings should be in the substituted party's name, but any misnomer not affecting the parties' substantial rights must be disregarded. The court may order substitution at any time but the absence of such an order does not affect the substitution." Accordingly, the proper defendant in place of Alison Lundergan Grimes is Michael Adams, the current Secretary of State of Kentucky.

45.] This Court held a hearing on December 18, 2019 to hear argument from the parties in regard to the pending motion. [R. 68.]

Following the hearing, there has been a change of administration, including the transition of the current Secretary of State. The current Secretary of State has been in office for approximately six months. Thus, the Court finds that it is appropriate to let the current Secretary of State express his views of the pending matter and update the Court on the status of compliance under the Consent Decree.

Accordingly, and the Court being sufficiently advised, it is hereby **ORDERED** that the Secretary of State **SHALL** file a status report **on or before July 15, 2020**.

This the 23d day of June, 2020.

The image shows a handwritten signature in black ink, which appears to read "Gregory F. Van Tatenhove", written over a circular official seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "EASTERN DISTRICT OF KENTUCKY" at the bottom, with an eagle emblem in the center.

Gregory F. Van Tatenhove
United States District Judge