

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

| | | |
|------------------------|---|------------------|
| GREGORY BOURKE, ET AL. |) | |
| |) | |
| PLAINTIFFS |) | |
| |) | CIVIL ACTION NO. |
| and |) | |
| |) | 3:13-CV-750-JGH |
| TIMOTHY LOVE, ET AL. |) | |
| |) | |
| INTERVENING PLAINTIFFS |) | |
| |) | |
| v. |) | |
| |) | |
| STEVE BESHEAR, ET AL. |) | |
| |) | |
| DEFENDANTS |) | |
| |) | |

MOTION TO INTERVENE

Pursuant to Fed. R. Civ. P. 24(b)(1)(B), Timothy Love and Lawrence Ysunza, along with Maurice Blanchard and Dominique James, by counsel, respectfully move this court for permission to intervene as co-plaintiffs in the action of *Gregory Bourke et al. v. Steve Beshear et al.* on the basis that their claim shares with the main action a common question of law or fact.

Fed. R. Civ. P. 24 (b)(1)(B) allows a party to intervene in an action with the Court's permission where there is a sufficient commonality of law and facts between the Intervening Plaintiffs' claim and the main action. The trial court has sound discretion to allow permissive

intervention.¹ In this case, the Equal Protection rights of same-sex couples under the Fourteenth Amendment of the U.S. Constitution are the same for both the existing Plaintiffs and the Intervening Plaintiffs. The Intervening Plaintiffs are two same-sex Kentucky couples who have sought a marriage license in the Commonwealth but have been denied on the basis of Kentucky Constitution Sec. 233A and KRS § 402.005 *et seq.*, the same discriminatory legal framework challenged in the existing action.

Further, the interest of judicial economy will be served by an adjudication of the parties' rights in one order, rather than in a piecemeal fashion with the risk of inconsistent opinions. This also serves the interests of the Commonwealth Defendants in terms of resources that would be devoted to litigating and/or appealing two cases that involve the same legal claims and defenses. The claims of both the Plaintiffs and the Intervening Plaintiffs are based upon identical legal arguments.

Intervening Plaintiffs' Complaint, setting forth their Equal Protection claims and request for relief, is attached hereto. Intervening Plaintiffs ask that this Court exercise its discretion and enter the attached Order allowing the interventions to further the interests of justice, consistency, and judicial economy.

¹ *Meyer Goldberg, Inc. v. Goldberg*, 717 F.2d 290, 294 (6th Cir. 1983).

Respectfully submitted,

s/Daniel J. Canon

Daniel J. Canon
Laura E. Landenwich
L. Joe Dunman
Louis P. Winner
CLAY DANIEL WALTON ADAMS, PLC
Meidinger Tower, Suite 101
462 S. Fourth Street
Louisville, KY 40202
(502) 561-2005
www.justiceky.com
Counsel for all Plaintiffs

Shannon Fauver
Dawn Elliott
FAUVER LAW OFFICE, PLLC
1752 Frankfort Ave.
Louisville , KY 40206
(502) 569-7710
www.fauverlaw.com
Counsel for all Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2014, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Clay A. Barkley
Brian Judy
Assistant Attorney Generals
Office of the Attorney General
Suite 118
700 Capital Avenue
Frankfort, KY 40601
*Counsel for Defendants Steve Beshear and
Jack Conway*

/s/ Daniel J. Canon
