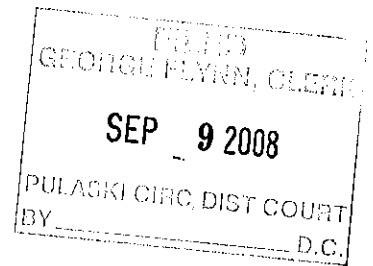


COMMONWEALTH OF KENTUCKY  
PULASKI CIRCUIT COURT  
DIVISION I  
CASE NO. 08-CI-01201



**EDDY F. MONTGOMERY, individually and  
in his official capacity as Commonwealth's  
Attorney for the 28<sup>th</sup> Judicial Circuit**

**PLAINTIFF**

**v. MOTION TO DISMISS OR IN THE ALTERNATIVE TO TRANSFER**

**LaDONNA H. THOMPSON, in her official  
capacity as Commissioner, Kentucky  
Department of Corrections**

**DEFENDANT**

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COMES NOW the Defendant, by counsel, and respectfully requests that the Court dismiss this matter on the grounds that the Pulaski Circuit Court does not have venue; or in the alternative to transfer this matter to the Franklin Circuit Court for further proceedings. As support for this motion the Defendant refers to the memorandum of law filed with the Court.

WHEREFORE, the Defendant prays for the appropriate order of the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley W. Duke', written over a horizontal line.

**WESLEY W. DUKE**  
JUSTICE & PUBLIC SAFETY CABINET  
Office of Legal Services  
125 Holmes Street, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
(502) 564-4001 Ext. 338 Fax (502) 564-5229  
E-Mail: [Wesley.Duke@ky.gov](mailto:Wesley.Duke@ky.gov)  
COUNSEL FOR DEFENDANT

NOTICE

The foregoing motion shall come on for hearing before the Pulaski Circuit Court on the 19<sup>th</sup> day of September, 2008 at 9:00 a.m.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was mailed, postage prepaid, this 9<sup>th</sup> day of Sept., 2008, to:

Eddy F. Montgomery  
Commonwealth's Attorney  
236 East Mt. Vernon Street  
Somerset, KY 42501

  
\_\_\_\_\_  
COUNSEL FOR DEFENDANT

COMMONWEALTH OF KENTUCKY  
PULASKI CIRCUIT COURT  
CASE NO. 08-CI-01201

**EDDY F. MONTGOMERY, individually and  
in his official capacity as Commonwealth's  
Attorney for the 28<sup>th</sup> Judicial Circuit**

**PLAINTIFF**

v.

**ORDER**

**LaDONNA H. THOMPSON, in her official  
capacity as Commissioner, Kentucky  
Department of Corrections**

**DEFENDANT**

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This matter is before the Court on the Defendant's Motion to Dismiss or in the alternative to Transfer; and the Court having reviewed the pleadings herein and being otherwise sufficiently advised;

IT IS HEREBY ORDERED that this matter is DISMISSED.

This is a final and appealable order.

So Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

---

JUDGE  
PULASKI CIRCUIT COURT DIVISION I

Distribution:

Eddy F. Montgomery  
Commonwealth's Attorney  
236 East Mt. Vernon Street  
Somerset, KY 42501

LaDonna H. Thompson, Commissioner  
Department of Corrections  
275 East Main Street  
P.O. Box 2400  
Frankfort, Kentucky 40602-2400

WESLEY W. DUKE  
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COUNSEL FOR DEFENDANT

COMMONWEALTH OF KENTUCKY  
PULASKI CIRCUIT COURT  
CASE NO. 08-CI-01201

**EDDY F. MONTGOMERY, individually and  
in his official capacity as Commonwealth's  
Attorney for the 28<sup>th</sup> Judicial Circuit**

**PLAINTIFF**

v.

**ORDER**

**LaDONNA H. THOMPSON, in her official  
capacity as Commissioner, Kentucky  
Department of Corrections**

**DEFENDANT**

---

This matter is before the Court on the Defendant's Motion to Dismiss or in the alternative to Transfer; and the Court having reviewed the pleadings herein and being otherwise sufficiently advised;

IT IS HEREBY ORDERED that this matter is Transferred to the Franklin Circuit Court for further proceedings.

This is a final and appealable order.

So Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

---

JUDGE  
PULASKI CIRCUIT COURT DIVISION I

Distribution:

Eddy F. Montgomery  
Commonwealth's Attorney  
236 East Mt. Vernon Street  
Somerset, KY 42501

LaDonna H. Thompson, Commissioner  
Department of Corrections  
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WESLEY W. DUKE  
JUSTICE & PUBLIC SAFETY

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COUNSEL FOR DEFENDANT