UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT FRANKFORT

SAMANTHA WIGGINTON, *et al.*,	)	
	)	
Plaintiff,	)	
v.	)	
	)	CIVIL ACTION NO. 3:26-cv-00035-CHB
	)	
COMMONWEALTH OF KENTUCKY, *et al.*	)	
	)	**GOVERNOR'S RESPONSE TO**
	)	**MOTION FOR TEMPORARY**
Defendants.	)	**RESTRAINING ORDER**

Defendant, Governor Andy Beshear, in his official capacity as the Governor of the Commonwealth of Kentucky, by and through counsel, submits this Response to Plaintiffs' Motion for a Temporary Restraining Order (Doc. 2).

Plaintiffs seek an order restraining Defendants from implementing Senate Bill 185 (R.S. 2026), (Doc. 2, Page ID## 5-6). The Court should deny the Plaintiffs' motion as to the Governor because Senate Bill 185 does not provide him with any authority to enforce or implement its provisions. Notably, other than in its emergency clause, Senate Bill 185 mentions the Governor only twice, and then only to receive: (1) a quarterly update from the Council on Postsecondary Education on the financial status of Kentucky State University, which the Council must send to the Legislative Research Commission; and (2) an annual update from the Council on Postsecondary Education on the debts and collection efforts reported by Kentucky State University to the Council, which the Council must also send to the Legislative Research

Commission. (Doc 1-6, Page ID## 1, 7.) Indeed, Plaintiffs' own motion does not specifically seek to enjoin the Governor.[1]

Because SB 185 provides the Governor with no authority to enforce or implement its provisions, a temporary restraining order against the Governor would have no legal binding effect and would be a legal nullity, as there is no action of the Governor to enjoin.

Moreover, the Governor is not a proper party to this action, and Plaintiffs fail to raise an actual case or controversy against the Governor and fail to allege any actions of the Governor have caused their alleged injury. Thus, Plaintiffs lack standing and fail to state a claim upon which relief can be granted as to the Governor.

The Court should deny Plaintiffs' motion as to the Governor.

Respectfully submitted,

/s/ S. Travis Mayo
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[1] Plaintiffs' motion references the Governor only once in stating the United States Department of Agriculture and the United States Department of Education issued a letter to the Governor on September 18, 2023 (Doc. 2, Page ID# 8).

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2026, I electronically filed the foregoing Response via the Court's CM/ECF system, causing all counsel of record to be served.

/s/ S. Travis Mayo
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