UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
FRANKFORT DIVISION

SAMANTHA WIGGINTON, *et al.*,

Plaintiffs,

v.

COMMONWEALTH OF KENTUCKY, *et al.*,

Defendants.

CIVIL No. 3:26-cv-00035-CHB

Defendant Secretary Johnson, Finance and Administration Cabinet, Response to Plaintiffs' Motion for a Temporary Restraining Order

Defendant Secretary Holly McCoy Johnson, in her official capacity as Secretary of the Finance and Administration Cabinet, Commonwealth of Kentucky, by and through counsel, submits this Response to Plaintiffs' Motion for a Temporary Restraining Order (Doc. 2).

Plaintiffs submit the instant motion pursuant to Federal Rule of Civil Procedure 65 for a temporary restraining order and preliminary injunction to preserve the "*status quo* and restraining Defendants from implementing Kentucky Senate Bill 185 … in ways that irreversibly alter Kentucky State University …" (Doc. 2, Page ID# 1049) (emphasis original). However, Plaintiffs' motion does not specifically reference the Finance Secretary with respect to any enforcement authority set forth in Kentucky Senate Bill 185 (R.S. 2026) and instead simply refers to "EMARS-transition[,]" which denotes the Commonwealth's Enhanced Management Administrative Reporting System (EMARS). (Doc. 2, Page ID# 1052). Specifically, Senate Bill 185, Section 1(4) provides "[n]otwithstanding KRS 164A.560, beginning no later than July 1, 2027, all financial

transactions of Kentucky State University shall be reported and reconciled no less than monthly in the Enhanced Management Administrative Reporting System (EMARS)."

Senate Bill 185 does not provide the Finance Secretary with any authority to enforce or implement its provisions. Like their motion, Plaintiffs' Complaint only references the Finance Secretary, who is sued in her official capacity for prospective declaratory and injunctive relief, with respect to "… EMARS, statewide fiscal controls, finance-related implementation, and any Cabinet role in enforcing the challenged fiscal provisions of SB 185." (Doc. 1, Page ID# 13).

Under 745 KAR 1:035, Kentucky State University, under the authorization of KRS 164A.560, allowed for the Board of Regents and the president of the university to perform various financial management functions specified in KRS 164A.575. Although Senate Bill 185 notwithstands KRS 164A.560 in a relevant section, it does not transfer any newly created authority to the Finance Secretary. Any role of the Finance Secretary pertaining to Senate Bill 185 revolves around information "reported" to, and "reconciled" in, the EMARS system.

A temporary restraining order against the Finance Secretary would have no legally binding effect and would be a legal nullity, as there is no action of the Finance Secretary to enjoin.

Because the extent of the Finance Secretary's involvement set forth in Senate Bill 185 is limited to only minor references, but SB 185 provides the Finance Secretary with no enforcement or implementation authority, the Finance Secretary is not a proper party to this action. Plaintiffs fail to raise an actual case or controversy against the Finance Secretary and fail to allege any actions of the Finance Secretary that have caused their alleged injury. As a result, Plaintiffs lack standing and fail to state a claim upon which relief can be granted as to the Finance Secretary.

The Court should deny Plaintiffs' motion as to the Finance Secretary.

Respectfully submitted,

/s/ Shan Dutta
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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 counsel of record to be served.

/s/ Shan J. Dutta
Shan J. Dutta