Commonwealth of Kentucky
Court of Appeals

STUDENT DOE 1; STUDENT DOE 2; STUDENT DOE 3; STUDENT DOE 4; STUDENT DOE 5; STUDENT DOE 6; STUDENT DOE 7, individually, proceeding under pseudonyms, and on behalf of similarly situated current students of Kentucky State University, Movants v. COMMONWEALTH OF KENTUCKY; ANDY BESHEAR, in his official capacity as Governor of the Commonwealth of Kentucky; KENTUCKY COUNCIL ON POSTSECONDARY EDUCATION; DR. AARON THOMPSON, in his official capacity as President of the Kentucky Council on Postsecondary Education; MADISON SILVERT, in his official capacity as Chair of the Kentucky Council on Postsecondary Education; KENTUCKY FINANCE AND ADMINISTRATION CABINET; HOLLY M. JOHNSON, in her official capacity as Secretary of the Kentucky Finance and Administration Cabinet; KENTUCKY DEPARTMENT OF REVENUE; THOMAS B. MILLER, in his official capacity as Commissioner of the Kentucky Department of Revenue; KENTUCKY STATE UNIVERSITY, by and through the BOARD OF REGENTS OF KENTUCKY STATE UNIVERSITY; TAMMI DUKES, in her official capacity as Chair of the Kentucky State University Board of Regents; DR. KOFFI C. AKAKPO, in his official capacity as President of Kentucky State University, Respondents.	Case Number 26-CA-0946 Case Number 26-CA-1068 **JOINT MOTION TO RELATE AND HEAR APPEALS TOGETHER OR CONSOLIDATE; EXPEDITE RECORD AND BRIEFING; AND RECOMMEND TRANSFER UNDER RAP 17(F)**

Appellants move under RAP 2(G)–(H), RAP 7, RAP 17(F), and the Court's docket-management authority to relate the two regular appeals arising from the same action, hear them together or consolidate them to the extent jurisdictionally and administratively appropriate, accelerate record certification and briefing, and recommend that the Supreme Court transfer the earlier regular appeal with the new final-judgment appeal.

THE TWO REGULAR APPEALS

1. The prior regular appeal, No. 2026-CA-0946, timely challenges the June 30, 2026 CR 54.02 order dismissing Governor Beshear, Secretary Johnson, and Commissioner Miller.

2. The new appeal, No. 2026-CA-1068, challenges the August 24, 2026 final judgment disposing of all remaining claims and parties and denying all declaratory and injunctive relief.

RELATING OR CONSOLIDATING THE APPEALS IS NECESSARY

Both regular appeals arise from the same verified petition, the same Act, the same implementation regime, overlapping official-capacity parties, the same record, and interlocking standing and redressability questions. Separate panels could otherwise decide inconsistent questions about the proper parties, the scope of declaratory relief, and the validity of the same final judgment. RAP 2(G) authorizes appeals with similar parties or substantially identical issues to be heard together. RAP 2(H) permits consolidation when separate appeals arise from the same circuit action and involve identical parties; because the party sets are not completely identical, hearing together or administrative relation is the minimum appropriate remedy, with consolidation to the extent the Court finds RAP 2(H) satisfied.

EXPEDITED REVIEW IS ESSENTIAL

The August 24 final order now supplies findings that did not exist when interlocutory relief was denied: the Student Does are current enrolled students whose educational, financial, enrollment, and contractual interests are directly affected; degree closures are "imminent and irrefutable'; SB 185 is operative; its consequences will materialize before final disposition; current injuries are fairly traceable to the Act and its mandatory implementation; KSU's ability to act independently does not defeat causation; and an injunction would directly redress those injuries. *Final Order* 5–7 (copy attached). Those findings eliminate any permissible basis to treat the harm as remote, self-inflicted, or attributable only to an optional university policy.

The case concerns the constitutionality of an emergency Act governing Kentucky's only public HBCU during the very academic year in which programs must be reduced, students can be excluded, debts referred, and degree paths altered. Ordinary appellate time would deliver an answer after the semesters, courses, housing terms, faculty relationships, and degree sequences at issue have disappeared.

RAP 17(F) RECOMMENDATION

Appellants are filing a timely RAP 17(A) motion in the Supreme Court to transfer the new appeal. RAP 17(F) permits the Court of Appeals to recommend transfer at any time when a pending case is of great and immediate public importance. To avoid splitting one constitutional controversy between appellate courts, this Court should recommend transfer of the earlier regular appeal if the Supreme Court transfers the new one.

WHEREFORE, Movants respectfully request that the Court relate the two regular appeals and assign them to the same panel; alternatively, consolidate them to the extent RAP 2(H) permits; direct expedited certification and transmission of a single nonduplicative record, with sealed student materials preserved under seal; set an accelerated briefing schedule and permit a combined brief addressing the interlocking orders, subject to the Court's word limit; recommend under RAP 17(F) that the Supreme Court transfer the earlier regular appeal together with the new appeal if transfer of the new appeal is granted; and grant such further relief as will prevent procedural duplication from defeating review on the merits.

Respectfully submitted,

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By: */s/ James M. Morris*
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CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served by electronic service on this the 25th day of August, 2026, by electronic filing only, to counsel for Respondents, and the Honorable Judge Thomas Wingate, in accordance with Kentucky's e-Filing Notification System.

/s/ James M. Morris
ATTORNEY FOR MOVANTS