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COMMONWEALTH OF KENTUCKY
KENTUCKY GENERAL ASSEMBLY
In the House of Representatives

IN RE: Impeachment of Attorney General Daniel Cameron

PETITIONERS' REQUEST FOR HEARING ON MOTIONS

Come the Petitioners, Hon. Kevin Glogower and three Grand Jurors and Ms. Linda Smith, by counsel, and request a hearing on the pending motions before this Impeachment Committee. In support of this Motion, Petitioners would show as follows:

Petitioners filed a motion to recuse the Chairperson of the Impeachment Committee, ("I.C."), due to conflict of interest and bias. No response has been filed to the motion and time for response has expired. While the I.C. Chair spoke to the media about the motion and indicated he would ignore it and proceed to continue as Chair, no hearing has been had on the matter. Petitioners respectfully urge the I.C. to consider that the Chair should not speak for the body on a motion that specifically addresses him, but should recuse from consideration of the motion and leave the discussion on prejudice to the remainder of the I.C.

In addition, Petitioners would ask that the I.C. cease disseminating inaccurate information designed to improperly restrict appropriate public actions. Chairperson Nemes' communications to the citizens of this Commonwealth claiming those who bring impeachment petitions will be liable for expansive "costs" and attorneys' fees are wholly without merit. The law is clear in specifying that an unsuccessful petitioner may be liable to the members of the Committee for those portions of their legislative day spent on this matter. Inappropriate claims for costs have a chilling effect on citizens who are exercising their protected rights.

Impeachment proceedings do not come with potentially ruinous charges against ordinary citizens. The newly alleged “rule” or “requirement” that petitioners may have to pay additional costs, including attorneys’ fees, is not found in Kentucky law. In fact, such fees were clearly disallowed by the Senate rules in the last impeachment, that of “Butch” Burnette in 1991. The rule could not be clearer: “In no event shall costs include attorney’s fees.” See: *Impeachment in Kentucky*, LRC Informational Bulletin No. 176, citing Senate Resolution No. 41, 1/29/91 reproduced at p. 51.

Any attempt by individuals to subvert this precedent in order to silence concerned citizens invites further action against both the Commonwealth and themselves individually. See, e.g., 42 USC Section 1983 which forbids “acting under color of statute, custom or usage to suppress citizens.” The fees threatened by Chairperson Nemes are basically a “tax” that calls out for judicial oversight as it extends far beyond what the LRC is permitted to do. Although impeachment is regularly a legislative matter, the imposition of unwarranted and impermissible fees and costs on petitioners will require redress in court.

It is this Committee, if anyone, which may be entitled to costs constituting that portion of their legislative day spent on this matter. The Attorney General, like the Petitioners, is simply fulfilling his duty as a citizen to answer the call to appear before the legislature. He is not entitled to an award of any costs of such appearance.

This suppression tactic is improper, unbecoming of a legislative committee, and should promptly cease. All public communications by the Committee that contain such intentionally chilling misinformation should be promptly withdrawn and a corrected communication posted.

Petitioners have also filed a Motion to Strike certain inappropriate portions of the Response filed by the Attorney General. Petitioners request opportunity to be heard on that motion as well.

Respectfully submitted
/s/ Anna Stewart Whites /s/

Anna Stewart Whites
327 Logan Street
Frankfort KY 40601
(502)352-2373
Annawhites@aol.com

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing document was served electronically on Clerk of the House, Speaker Osborne and Minority Leader Jenkins, and on counsel for the Attorney General, Hon. Barry Dunn and Hon. Victor Maddox, 700 Capitol Avenue, Suite 118, Frankfort KY 40601 and Hon. Christopher Thacker, Billings Law Firm PLLC, 145 Constitution Street, Lexington KY 40507, this the 1st day of February, 2021.

/s/ Anna Stewart Whites /s/

Attorney for Petitioners