

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

THE LOUISVILLE KENNEL CLUB, INC., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:07CV-230-S

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

DEFENDANT

ORDER

This matter is before the court on motion of non-party Humane Society of the United States (“HSUS”), to appear as *amicus curiae* and to file a memorandum on the parties’ cross-motions for summary judgment (DNs 45, 28).¹

HSUS states that its brief offers “factual information” and “legal perspectives not adequately developed by the litigants.”

With respect to the offer of factual information, the defendant, Louisville/Jefferson County Metro Government has noted in its response to the motion that Pamela Rogers, the Kentucky Director and local representative of HSUS, worked with the Metro Government Council throughout the two and one-half years that the Animal Control and Welfare Ordinance was under discussion and deliberation. Thus all essential factual information was presumably presented to the Council and has been available to Metro in this litigation. It is not the province of this court to revisit the legislative process, but rather to evaluate the constitutionality of the resulting legislation. The court has no reason to believe that the parties have not amply articulated the pertinent factual concerns herein.

¹Humane Society filed an *amicus* motion which was not ruled on prior to entry of the stay in this case. The current motion renews that motion.

With respect to HSUS' concern that "legal perspectives [have not been] adequately developed by the litigants," we would note that Metro employs capable counsel who have presented the legal perspectives of the defendant in this action. Despite HSUS' stated concern, the court has been shown no reason to consider the briefs of Metro to be deficient. While Metro does not oppose the consideration of HSUS' *amicus* brief, the plaintiffs clearly do. The parties have sought to streamline the process and bring this action to resolution. Absent a firmer basis for an *amicus* submission, the court will consider the motions on the briefs of the parties.

For the reasons set forth herein and the court being otherwise sufficiently advised, **IT IS HEREBY ORDERED AND ADJUDGED** that the motion of non-party, Humane Society of the United States, for leave to appear as *Amicus Curiae* and to file a memorandum on the parties' cross-motions for summary judgment (DN 45) is **DENIED**.

IT IS SO ORDERED.

August 25, 2008

A handwritten signature in black ink, appearing to read "Charles R. Simpson III", is written over a circular embossed seal of the United States District Court. The signature is fluid and cursive.

**Charles R. Simpson III, Judge
United States District Court**