

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION II
CIVIL ACTION NO. 15-CI-1146

KENTUCKY JUSTICE RESOURCE CENTER, INC.

PLAINTIFF

v.

SETTLEMENT AGREEMENT

GOVERNOR MATTHEW G. BEVIN, ET AL.

DEFENDANTS

THIS SETTLEMENT AGREEMENT made this 18th day of MARCH 2016, by and between the between Plaintiff, Kentucky Justice Resource Center, Inc. ("Plaintiff") and Defendants, Members of the Governor's Postsecondary Education Nominating Committee ("Committee"), in their official capacities as members of the Governor's Postsecondary Education Nominating Committee, Sandra Higgins Stinson, Debbie Hatfield, Shae Hopkins, Kimberly McCann, Eugene Mosely, Edward Borne, and Katie Beard, and Defendants, the University of Louisville Board of Trustees ("Board of Trustees") in their official capacities as members of the University of Louisville Board of Trustees, Marie Abrams, Bob Benson, Laurence Benz, Dr. Emily Bingham, Jonathan Blue, Ron Butt, Stephen Campbell, Paul Diaz, Douglas Hall, Larry Hayes, Bruce Henderson, Dr. Robert Curtis-Hughes, Angela Lewis-Klein, Brucie Moore, Jody Prather, Robert W. Rounsavall, II, and William E. Summers, IV, and Defendant, Governor Matthew G. Bevin, in his official capacity as the Governor of the Commonwealth of

Kentucky (“Governor Bevin”)¹, in Case No. 15-CI-1146 (Franklin Cir. Ct. Ky.)(the “Action”);

WHEREAS, the parties intend to be bound with the terms of this Settlement Agreement;

WHEREAS, there are currently two (2) vacancies on the Board of Trustees due to two (2) voluntary resignations that have occurred since a January 25, 2016 court hearing in the Action.

WHEREAS, the parties agree that the resignations of the two (2) seated Trustees prior to the expiration of their appointed terms is an important factor in the settlement of this case in that the resignations will provide the Governor with the opportunity to fill those vacancies with racial minority members.

WHEREAS, the parties agree that the Board of Trustees should be properly constituted with the appropriate racial minority representatives in compliance with KRS 164.821(5) and that the appointment of two (2) additional racial minority representatives to the two open seats on the Board of Trustees will bring the total number of racial minority representatives on the Board of Trustees to the proportional representative number of three (3) in compliance with KRS 164.821(5).

WHEREAS, the parties further agree that the appointments by the Governor of two (2) additional racial minority representatives will take place as soon as possible after the Committee makes its recommendations to the Governor and will comply with the definition of a “racial minority” as defined by 1997 Office of Management and Budget (OMB) Standards on race and ethnicity used by the U.S. Census Bureau, to-wit: White;

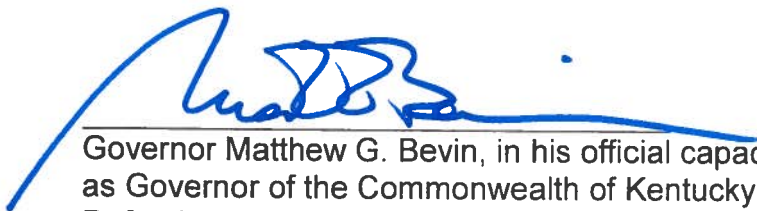
¹ At the January 25, 2016 Hearing in this Action, the Court granted the oral motion made by Counsel for Governor that the Governor be re-aligned as a Plaintiff in the Action. Because of ongoing negotiations between the parties, a formal written Order has not been submitted to the Court to that effect.


Black or African-American; American Indian or Alaska Native; Asian; and Native Hawaiian or other Pacific Islander. This definition shall also be used for the future appointment of members of the Board of Trustees who are appointed pursuant to KRS 164.821(5) unless the definition becomes contrary to law.

WHEREAS, the Board of Trustees agrees not to take, and will not take, any structural or other significant actions, including major personnel actions, or engage in any business regarding potential structural or other significant actions, including major personnel actions, until the Board of Trustees is properly constituted with the appropriate racial minority representatives in compliance with KRS 164.821(5), as set forth above.

THEREFORE, the parties agree that with the execution in full of this Settlement Agreement, they are bound to the terms herein, and that Plaintiff, Kentucky Justice Resource Center, Inc., will dismiss the action with prejudice with all parties bearing their own costs and fees related to the action.

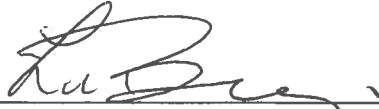
Executed this the 18th day of March, 2016.


Governor Matthew G. Bevin, in his official capacity
as Governor of the Commonwealth of Kentucky
Defendant


Rev. Milton Seymore
Director for the Plaintiff, Justice Resource Center, Inc.



Chair for Defendant, Governor's Post-Secondary
Education Nominating Committee



Laurence Benz
Chair for Defendant, The University of
Louisville Board of Trustees