

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
FRANKFORT DIVISION**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Case No. 3:25-cv-00028-GFVT</b>
	:	
<b>v.</b>	:	<b>Judge Gregory F. Van Tatenhove</b>
	:	
<b>ANDREW BESHEAR, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT**

1. On June 17, 2025, Plaintiff filed its Complaint against Defendants, Governor Andrew Beshear, Robbie Fletcher, in his official capacity as the Commissioner of Education, and the Kentucky Council on Postsecondary Education. ECF No. 1.

2. On June 23, 2025, Plaintiff filed an Amended Complaint removing Robbie Fletcher as a Defendant and adding Aaron Thompson, in his official capacity as the President of the Kentucky Council on Postsecondary Education, as a Defendant. ECF No. 4.

3. Governor Andrew Beshear was subsequently voluntarily dismissed as a Defendant and is not a party to this Joint Motion or any Consent Judgment this Court may enter. ECF No. 23.

4. The Parties agree that the Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and venue is proper under 28 U.S.C. § 1391.

5. In the Amended Complaint, Plaintiff challenged 13 KAR 2:045, Section 8(4)(a) (eff. 6-22-2022), as expressly preempted by federal immigration law at 8 U.S.C. § 1623.

6. Plaintiff requested that this Court enter a judgment declaring that 13 KAR 2:045, Section 8(4)(a) (eff. 6-22-2022), violates the Supremacy Clause and is therefore invalid.

7. Plaintiff further requested that this Court issue a permanent injunction that prohibits the Kentucky Council on Postsecondary Education, and Aaron Thompson, in his official capacity as the President of the Kentucky Council on Postsecondary Education, as well as their successors, agents, and employees, from enforcing 13 KAR 2:045, Section 8(4)(a) (eff. 6-22-2022).

8. Plaintiff and Defendants, Kentucky Council on Postsecondary Education, and Aaron Thompson, agree that the Court has the authority to provide the requested relief under the Supremacy Clause, U.S. Const. Art. VI, cl. 2, as well as 28 U.S.C. §§ 1651, 2201, and 2022, and its inherent equitable powers.

9. Plaintiff and Defendants, Kentucky Council on Postsecondary Education, and Aaron Thompson, agree that 13 KAR 2:045, Section 8(4)(a) (eff. 6-22-2022), is preempted by 8 U.S.C. § 1623.

10. Plaintiff and Defendants, Kentucky Council on Postsecondary Education, and Aaron Thompson, request that the Court enter a final judgment declaring that 13 KAR 2:045, Section 8(4)(a) (eff. 6-22-2022), violates the Supremacy Clause and is therefore invalid.

11. Plaintiff and Defendants, Kentucky Council on Postsecondary Education, and Aaron Thompson, request that the Court enter a permanent injunction prohibiting the Kentucky Council on Postsecondary Education, and Aaron Thompson, as well as their

successors, agents and employees, from enforcing 13 KAR 2:045, Section 8(4)(a) (eff. 6-22-2022).

12. The Parties agree that each will bear their own costs and fees.

Respectfully submitted,

Chad Mizelle  
Acting Associate Attorney General

Abhishek S. Kambli  
Deputy Associate Attorney General

Brett A. Shumate  
Assistant Attorney General  
Civil Division

Yaakov M. Roth  
Principal Deputy Assistant Attorney General

Sean Skedzielewski  
Counsel to Assistant Attorney General

Elianis N. Perez  
Assistant Director

/s/ Luz Maria Restrepo  
Luz Maria Restrepo  
Trial Attorney  
United States Department of Justice  
Office of Immigration Litigation  
General Litigation and Appeals Section  
Civil Division  
P.O. Box 868, Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 598-2443  
Fax: (202) 305-7000  
Email: luz.maria.restrepo@usdoj.gov

*Attorneys for the United States*

/s/ David M. Dirr  
Mark D. Guilfoyle (Ky. Bar No. 27625)  
David M. Dirr (Ky. Bar No. 94068)  
Dressman Benzinger LaVelle psc  
109 East Fourth Street  
Covington, KY 41011  
Telephone: (859) 341-1881  
mguilfoyle@dbllaw.com  
ddirr@dbllaw.com

*Attorneys for Kentucky Council on  
Postsecondary Education and Aaron Thompson*

**CERTIFICATE OF SERVICE**

I certify that on the 22nd day of August, 2025, the foregoing was electronically filed via the Court's CM/ECF system, which will provide electronic notification to all counsel of record.

/s/ Luz Maria Restrepo  
Luz Maria Restrepo