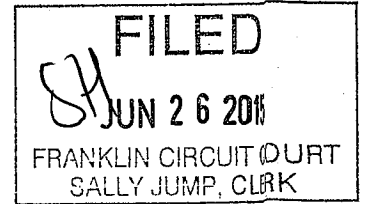


COMMONWEALTH OF KENTUCKY  
FRANKLIN CIRCUIT COURT  
DIVISION II  
NO. 15-CI-687



INTERNATIONAL ASSOCIATION OF CERTIFIED  
HOME INSPECTORS, ET AL.

PLAINTIFFS

v.

NOTICE

COMMONWEALTH OF KENTUCKY, CABINET  
HEALTH AND FAMILY SERVICES, ET AL.

DEFENDANTS

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Please take notice that on the 1<sup>st</sup> day of July, 2015 at 10:00 a.m. in Courtroom E, the undersigned will make and renew the following Motion and tender the attached Order.

PLAINTIFFS' MOTION FOR A TEMPORARY INJUNCTION

RELIEF SOUGHT

Come the Plaintiffs, by counsel, and hereby respectfully move this Court, pursuant to Kentucky Rule of Civil Procedure 65.04 and all other applicable law, for a temporary injunction enjoining Defendants from implementation, administration or enforcement of 902 KAR 95:040 concerning the Radon Contractor Certification Program (hereinafter "Radon Control Regulations") until such time as this Court can make and determine the rights and duties of the parties as requested hereinabove; including the making of a final and binding decision as to the constitutionality of the challenged regulations as well as whether they are ultra vires the statutes under which they were allegedly promulgated and whether such regulations are violative of the anti-trust laws of the Commonwealth of Kentucky.

Plaintiffs further move that the requested temporary injunction continue in effect until further order of this Court or the Court's final judgment in this matter is issued, whichever occurs first.

GROUNDS FOR MOTION

In support hereof, Plaintiffs hereby reiterate and affirm each and every allegation contained in numerical paragraphs 1-17 of the Complaint for Declaration of Rights and Temporary and Permanent Injunctive Relief filed with this Court on June 25, 2015;

Plaintiffs further state that they will suffer immediate and irreparable harm if the Defendants are permitted to proceed further to implement, administer, or seek to enforce the challenged administrative regulations before this Court can determine the rights and duties of the parties as requested in the Complaint filed herein, including the making of a final and binding decision as to the constitutionality of the challenged administrative regulations as well as whether they are ultra vires the statutes to which such regulations were allegedly promulgated and whether such regulations are violative of the anti-trust laws of the Commonwealth of Kentucky.

Plaintiffs further state that there is no other adequate remedy at law available to them, and that if the Defendants are permitted to continue to implement, administer or enforce the challenged regulations, irreparable injury, loss, and damage to the Plaintiffs, as well as the public, will occur.

Defendants will not suffer substantial harm as a result of the Court issuing a temporary injunction because, on information and belief, Defendants are not prepared to implement said regulations in any event and the relief requested simply maintains the

status quo concerning the conduct of Plaintiffs' respective business activities which has been the case since before July 1, 2015.

WHEREFORE, Plaintiffs respectfully request that the Court grant this motion and enter a temporary injunction in the form submitted herewith. Plaintiffs further request that the Court set a hearing date for argument on their motion as soon as practicable.

Respectfully submitted,



Richard L. Masters  
MASTERS, MULLINS & ARRINGTON  
1012 South Fourth Street  
Louisville, Kentucky 40203  
502.582.2900/502.587.0931 (fax)  
Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION and proposed Order have this 26th day of June, 2015, been mailed via email and first class, postage prepaid, to:

Christina Heavrin, General Counsel  
D. Brent Irvin, Deputy General Counsel  
Cabinet for Health and Family Services  
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Richard L. Masters