

**KENTUCKY COURT OF APPEALS  
ACTION NO. 2009-CA-001676**

**AMERICAN ATHEISTS, INC.**

**APPELLANT**

**v.**

**COMMONWEALTH OF KENTUCKY  
(KENTUCKY OFFICE OF HOMELAND  
SECURITY)**

**APPELLEE**

**MOTION TO ADMIT PRO HAC VICE**

Ronald D. Ray, a member of the Bar of this Court, and counsel for Amici 35 Kentucky State Senators, moves the Court to permit the Honorable Roy S. Moore and Benjamin D. DuPré, attorneys admitted to practice in the Supreme Court of Alabama, to participate with other counsel for Amici in the prosecution of this Appeal by assisting in the preparation of briefs and assisting in preparations for the oral argument on behalf of Amici.

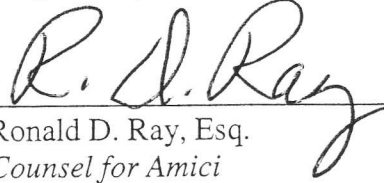
Roy S. Moore and Benjamin D. DuPré are not members of the Kentucky Bar and have been members in good standing of the Bar of Alabama for the past 32 years and 5 years, respectively. Furthermore, these distinguished attorneys are familiar with the background, facts, history, and circumstances of this case and their appearance in this case is appropriate from the standpoint of Amici and will be helpful to the Court in its deliberations. Pursuant to Kentucky SCR 3.030, they have agreed to subject themselves to the jurisdiction and rules of the Court governing professional conduct.

Movant further verifies that Roy S. Moore and Benjamin D. DuPré are of good moral and professional character.

Kentucky Bar Association Out-of-State Certifications for Roy S. Moore and Benjamin D. DuPré are attached herewith.

For the above-stated reasons, Movant requests that Roy S. Moore and Benjamin D. DuPré of Alabama be permitted to participate in this case *pro hac vice*.

Respectfully submitted,

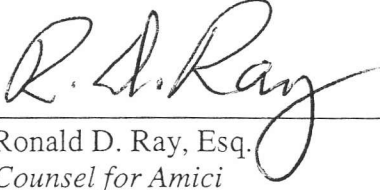
A handwritten signature in cursive script, reading "R. D. Ray". The signature is written in black ink and is positioned above a horizontal line.

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Ronald D. Ray, Esq.  
*Counsel for Amici*  
KBA# 56737  
3317 Halls Hill Road  
Crestwood, KY 40014

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Motion to Admit Pro Hac Vice was served, via first class United States mail, postage prepaid, upon Hon. Thomas Dawson Wingate, Judge, Franklin Circuit Court, 666 Chamberlin Avenue, Frankfort, Kentucky 40601; Jack Conway, Esq., Tad Thomas, Esq., Craig F. Newbern, Jr., Esq., Kentucky State Capitol, Office of the Attorney General, Capitol Suite 118, 700 Capitol Avenue, Frankfort, KY 40601-3449, counsel for Appellant, and upon Edwin F. Kagin, Esq., 10742 Sedco Drive, PO Box 666, Union, KY 41901, counsel for Appellee American Atheists, Inc., this 15<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
Ronald D. Ray, Esq.  
*Counsel for Amici*

# KENTUCKY BAR ASSOCIATION

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## KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM

COURT Kentucky Court of Appeals CASE NO. 2009-CA-1676

### SCR 3.030 Membership, practice by nonmembers and classes of membership

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$100.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

The Kentucky Bar Association certifies that Roy S. Moore has  
paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

A handwritten signature in cursive script, reading 'Nicole A. Key', is written over a horizontal line.

Nicole A. Key, Deputy Registrar

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The Kentucky Bar Association certifies that Benjamin David DuPre has paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

A handwritten signature in cursive script, reading "Nicole A. Key", is written over a horizontal line.

Nicole A. Key, Deputy Registrar