

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY**

JANE DOE 1 et al.,

Plaintiffs,

v.

WILLIAM C. THORNBURY, JR., MD, et al.,

Defendants.

**NOTICE REGARDING HEARING**

Civil No. 3:23-cv-00230-DJH

Pursuant to this Court’s June 1, 2023, Order (DN 40), Plaintiffs submit this notice regarding whether a hearing is necessary on the motion for preliminary injunction:

Plaintiffs filed their Motion for Preliminary Injunctive Relief (“Motion”) on May 23, 2023. On June 1, 2023, this Court granted Attorney General Daniel Cameron’s Motion to Intervene. DN 38. Defendants Thornbury and Denker filed their Response to Plaintiffs’ Motion on June 2, 2023. DN 41. Defendant Friedlander filed his Response to Plaintiffs’ Motion on June 5, 2023. DN 42. Intervenor-Defendant Cameron’s Response to Plaintiffs’ Motion is due on June 9, 2023. DN 40.

As the Court noted, a hearing is required when there are disputed factual issues. *Id.* at PageID#477 (citing *Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp.*, 511 F.3d 535, 552 (6th Cir. 2007)). Neither Defendants Thornbury and Denker’s Response nor Defendant Friedlander’s Response appears to raise any factual disputes that would require a hearing. *See, e.g.*, DN 39 (Thornbury and Denker “have no objection to Plaintiffs’ Motion for Preliminary Injunctive Relief;” “it would behoove KBML/KBN-licensees and their patients for the Court to grant the injunction.”).

While Plaintiffs do not believe there should be any factual disputes, Plaintiffs anticipate that Intervenor-Defendant Cameron’s forthcoming response likely will present factual disputes (*see generally* DN 16 at 1-2, “Background”), and therefore respectfully request this Court schedule

the Motion for a hearing prior to June 29—the effective date of Section 4 of SB 150—to include witness testimony. At the Court’s request and direction, Plaintiffs can provide dates on which their witnesses will be available to testify.

Dated: June 5, 2023

Respectfully submitted,

/s/ Heather Gatnarek

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*\*pro hac vice application submitted*

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was filed with the Court using the CM/ECF system on June 5, 2023, which will generate an electronic notice of filing to all counsel registered with that service.

/s/ Heather Gatnarek  
Heather Gatnarek