
No. 19-5125

ARGUED ON NOVEMBER 14, 2019

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

STATE OF NEW YORK, *et al.*,

Plaintiffs-Appellees

v.

UNITED STATES DEPARTMENT OF LABOR, *et al.*,

Defendants -Appellants

On Appeal from the United States District Court
for the District of Columbia
No. 1:18-cv-1747

**MOTION TO SUBSTITUTE COMMONWEALTH OF KENTUCKY, *EX
REL.* ANDY BESHEAR, GOVERNOR AS A PARTY**

La Tasha Buckner
Chief of Staff & General Counsel
S. Travis Mayo
Chief Deputy General Counsel
Taylor Payne
Deputy General Counsel
Office of the Governor
700 Capitol Avenue, Suite 106
Frankfort, KY 40601
(502) 564-2611
(502) 564-1275 (fax)
LaTasha.Buckner@ky.gov
travis.mayo@ky.gov
taylor.payne@ky.gov
*Attorneys for the Commonwealth of Kentucky,
ex rel. Andy Beshear, Governor*

Movant, Commonwealth of Kentucky, *ex rel.* Andy Beshear, Governor, requests that this Court substitute it as a party to the above-styled appeal in place of the current Plaintiff-Appellee, Commonwealth of Kentucky, pursuant to Federal Rule of Appellate Procedure (“FRAP”) 43(a)(1). Under Section 69 of the Kentucky Constitution, the Governor of Kentucky is the Chief Magistrate of the Commonwealth of Kentucky and is vested with the supreme executive power of the Commonwealth. The undersigned counsel represented the Commonwealth of Kentucky in the above-styled appeal, during which time the current Governor of Kentucky, Andy Beshear, was the Attorney General of Kentucky. Therefore, consistency in the representation of the Commonwealth of Kentucky will be maintained by the substitution of the Commonwealth of Kentucky, *ex rel.* Andy Beshear, Governor in the above-styled appeal. Pursuant to Circuit Rule 27(h), the Movant has contacted or attempted to contact all other parties and has not been notified that an opposition will be filed to this Motion.

Wherefore, Movant, Commonwealth of Kentucky, *ex rel.* Andy Beshear, respectfully requests that this Court substitute it as a party to the above-styled appeal pursuant to FRAP 43(a)(1).

Respectfully submitted,

s/ S. Travis Mayo

La Tasha Buckner
Chief of Staff & General Counsel
S. Travis Mayo
Chief Deputy General Counsel
Taylor Payne
Deputy General Counsel
Office of the Governor
700 Capitol Avenue, Suite 106
Frankfort, KY 40601
(502) 564-2611
(502) 564-1275 (fax)
LaTasha.Buckner@ky.gov
travis.mayo@ky.gov
taylor.payne@ky.gov
*Attorneys for the Commonwealth of Kentucky,
ex rel. Andy Beshear, Governor*

CERTIFICATE OF SERVICE

I certify that on December 16, 2019, I electronically filed the foregoing document with the Clerk of the Court of the United States Court of Appeals for the District of Columbia by using the appellate CM/ECF system. I certify that all other participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: December 16, 2019

/s S. Travis Mayo

S. Travis Mayo

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the requirements of Federal Rule of Appellate Procedure 27(d)(2) because it contains 186 words, according to the count of Microsoft Word. I further certify that this brief complies with typeface and style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) because it has been prepared in Microsoft Word using 14-point Times New Roman font.

Dated: December 16, 2019

/s S. Travis Mayo

S. Travis Mayo