

# Commonwealth of Kentucky

## Court of Appeals

NO. 2008-CA-002000-OA

INTERACTIVE MEDIA ENTERTAINMENT  
AND GAMING ASSOCIATION, INC.

PETITIONER

v. AN ORIGINAL ACTION  
ARISING FROM FRANKLIN CIRCUIT COURT  
ACTION NO. 08-CI-01409

HONORABLE THOMAS D. WINGATE, JUDGE  
FRANKLIN CIRCUIT COURT

RESPONDENT

COMMONWEALTH OF KENTUCKY, EX REL  
J. MICHAEL BROWN, SECRETARY, JUSTICE  
AND PUBLIC SAFETY CABINET; AND JACK  
CONWAY, ATTORNEY GENERAL, CABINET  
OF KENTUCKY

REAL PARTIES IN INTEREST

AND: NO. 2008-CA-2019-OA

PLAYERONLY.COM; SPORTSBOOK.COM;  
SPORTSINTERACTION.COM; MYSportsBOOK.COM;  
AND LINESMAKER.COM

PETITIONERS

v. AN ORIGINAL ACTION  
ARISING FROM FRANKLIN CIRCUIT COURT  
ACTION NO. 08-CI-01409

HONORABLE THOMAS D. WINGATE, JUDGE  
FRANKLIN CIRCUIT COURT

RESPONDENT

COMMONWEALTH OF KENTUCKY, EX REL.  
J. MICHAEL BROWN, SECRETARY, JUSTICE  
AND SAFETY CABINET

REAL PARTY IN INTEREST

AND:

NO. 2008-CA-002036-OA

VICSBINGO.COM AND INTERACTIVE  
GAMING COUNCIL

PETITIONERS

v.

APPEAL FROM FRANKLIN CIRCUIT COURT  
ACTION NO. 08-CI-01409

HONORABLE THOMAS D. WINGATE,  
JUDGE, FRANKLIN CIRCUIT COURT

RESPONDENT

COMMONWEALTH OF KENTUCKY, EX REL.  
J. MICHAEL BROWN, SECRETARY, JUSTICE  
AND PUBLIC SAFETY CABINET

REAL PARTY IN INTEREST

ORDER

1. GRANTING MOTION FOR A STAY;
2. GRANTING MOTION TO CONSOLIDATE;
3. ORDERING SUA SPONTE CONSOLIDATION;
4. EXTENDING RESPONSE TIME; AND
5. SETTING ORAL ARGUMENT

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BEFORE: CAPERTON, KELLER AND TAYLOR, JUDGES.

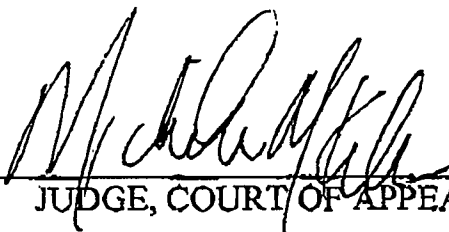
Petitioner in action 2008-CA-002000-OA has filed a motion for a stay of orders entered by the Franklin Circuit Court on September 26, 2008, and October 18, 2008, until such time as its underlying petition for writ of prohibition can be adjudicated by this Court. Having considered that motion, the response of Secretary Brown, and being otherwise sufficiently advised, the Court ORDERS that the motion be, and it is hereby, GRANTED pending oral argument and further orders of this Court.

Petitioners in action numbers 2008-CA-002019 and 2008-CA-002036 have filed a joint motion to consolidate their petitions for resolution. Petitioner in action number 2008-CA-002000 did not join in that motion. Having considered the motion to consolidate, the Court ORDERS that the motion be GRANTED. Furthermore, the Court has concluded that the interest of judicial economy would be best served by consolidation of all three petitions for resolution, given the fact that all three petitions arise from the same circuit court action and the fact that the ultimate interests of the petitioners in each action are substantially identical. Therefore, on its own motion, the Court ORDERS that action number 2008-CA-2000 be, and it is hereby, CONSOLIDATED with actions numbers 2008-CA-002019 and 2008-CA-002036 for resolution by the November 2008 motion panel of this Court.

Each of the real parties in interest SHALL, if they so choose, FILE a single response to all three petitions on or before twenty (20) days from the date of filing petition number 2008-CA-002036, addressing the issues advanced in each petition. The time for filing responses in actions 2008-CA-002000 and 2008-CA-002019 is hereby extended in accordance with the above-stated response time.

Oral argument in this action is scheduled for 10:00 a.m on Friday, December 12, 2008, in the Court of Appeals' Courtroom on the 10<sup>th</sup> floor of the Jefferson Judicial Center. The petitioners shall have 30 minutes to present their arguments, to be divided as they see fit. Respondent shall have 20 minutes to respond.

ENTERED: NOV 14 2008

  
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JUDGE, COURT OF APPEALS