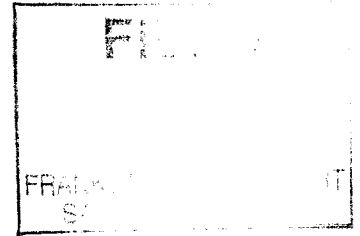


COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION II
CASE NUMBER 08-CI-1950



AMERICAN ATHEISTS, INC., *ET AL.*

PLAINTIFFS

v.

DEFENDANTS' MOTION TO DISMISS
OR FOR SUMMARY JUDGMENT

COMMONWEALTH OF KENTUCKY, *ET AL.*

DEFENDANTS

Come the Defendants, Commonwealth of Kentucky, the Kentucky Office of Homeland Security and Thomas L. Preston in his official capacity as Executive Director of the Office of Homeland Security, by counsel, and pursuant to CR 12 and CR 56, move to dismiss the complaint or, in the alternative, for summary judgment as there is no genuine issue of material fact and defendants are entitled to judgment as a matter of law. Plaintiff's memorandum in support hereof is attached hereto.

Respectfully submitted,

JACK CONWAY
ATTORNEY GENERAL

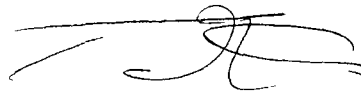
Tad Thomas
Assistant Deputy Attorney General

Craig F. Newbern, Jr.
Assistant Attorney General
Office of the Attorney General
700 Capitol Ave., Suite 118
Frankfort, Ky. 40601
(502) 696-5300
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion for Summary Judgment, with attachments, was served January 30th, 2009 by first class mail, postage pre-paid, on the following:

Edwin F. Kagin
P.O. Box 666
Union, KY 41091

A handwritten signature in black ink, appearing to read 'Tad Thomas', written over a horizontal line.

Tad Thomas