

RECEIVED

DATE 8/30/11 TIME: 3:19 PM

METRO COUNCIL COURT

COMMONWEALTH OF KENTUCKY
LOUISVILLE/METRO GOVERNMENT
JEFFERSON COUNTY**IN THE MATTER OF THE REMOVAL CHARGES
AGAINST DISTRICT ONE COUNCILWOMAN JUDITH GREEN**

**RESPONSE TO SUBPOENAS ISSUED TO RESPONDENT
GREEN AND TO ANDREA JACKSON**

INTRODUCTION

Respondent, Judy Green, was served on July 25, 2011, with a subpoena ordering her to produce documents that allegedly relate to the facts underlying the charges that have been alleged in support of her removal from office. The subpoena required Green to produce all of the following documents that are in her possession, custody or control:

1. All tax returns for 2009 and 2010;
2. All documents evidencing any alleged loan and repayment of loan in connection with the Green Clean Team and any payments, timesheets or receipts regarding the workers;
3. All emails concerning the Green Clean Team or 100 Black Men;
4. All photos or awards relating to the Green Clean Team or monies granted to 100 Black men;
5. All bills and receipts associated with the credit card issued in Andrea Jackson's name; and
6. All documents evidencing the use of Kroger gift cards purchased with taxpayer funds.

Given the circumstances of Respondent Green's health coupled with the relevancy of the material sought, Respondent Green seeks an order denying the information requested and the relief sought in this matter.

ARGUMENT

Rule 15 of the Louisville Metro Council Removal Hearing Rules and Procedures provides the Council Court with the power to issue subpoenas after review and approval of an application by either the Charging Committee or the respondent.

Moreover, Kentucky Revised Statute 13B.080 sets out the powers and authority of an administrative hearing officer with respect to the conduct of an administrative hearing process, i.e., “the rules generally accepted in Kentucky for administrative proceedings.”

However, Rule 401 of the Kentucky Rules of Evidence defines “relevant evidence” as:

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

The information sought in the subpoenas is not tantamount to relevant evidence and goes well beyond the scope of the charges against Green.

Moreover, Rule 403 of the Kentucky Rules of Evidence discusses the exclusion of relevant evidence on grounds of prejudice, confusion, or waste of time:

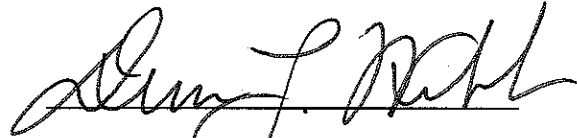
Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of undue prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, or needless presentation of cumulative evidence.

While Respondent Green challenges the relevance of the requested documents, if said documents are deemed relevant, the documents cause undue prejudice, clearly will confuse the issues, and are intended to mislead the jury in its review of the material.

Finally, it has been noted in the media and by counsel that Respondent Green has been unavailable to participate in her defense due to her failing health. She has therefore been unable to produce said documents because of that reason.

Because of the aforementioned reasons, Respondent Green respectfully asks that the Motion for Relief be DENIED.

Respectfully submitted,



Derwin L. Webb
WEBB LAW OFFICES
455 S. 4TH Street, Suite 382
Louisville, Kentucky 40202
502.583.6978
502.583.6977 (facsimile)
Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2011, I served a copy of the foregoing by facsimile and by first class, United States Mail, postage pre-paid, upon the following:

R. Gregg Hovious
Fultz Maddox Hovious & Dickens, PLC
101 S. Fifth Street, 27th Floor
Louisville, Kentucky 40202
502.588.2000
502.588.2020 (facsimile)
Counsel for the Charging Committee



Counsel for Respondent