

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

THE LOUISVILLE KENNEL CLUB, INC., ET AL.

PLAINTIFF

v.

CIVIL ACTION NO. 3:07-CV-230-S

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

DEFENDANTS

ORDER

For the reasons stated in the Memorandum Opinion entered this date, **IT IS HEREBY**

ORDERED AND ADJUDGED:

1. Section 91.022 of the Louisville/Jefferson County Metro Government Code of Ordinances is declared unconstitutional insofar as it requires owners of unaltered dogs to obtain written approval of their enclosures. Plaintiffs' motion for summary judgment (DN 20) is **GRANTED** in this respect, and Metro's motion for summary judgment (DN 27) is **DENIED** to the same extent. Metro is hereby enjoined from enforcing § 91.022's written approval requirement.
2. Section 91.101 of the Louisville/Jefferson County Metro Government Code of Ordinances is declared unconstitutional insofar as it threatens to deprive pet owners of their property rights without a finding of guilt. Plaintiffs' motion for summary judgment (DN 20) is **GRANTED** in this respect, and Metro's motion for summary judgment (DN 27) is **DENIED** to the same extent. Metro is hereby enjoined from enforcing § 91.101 in the manner just described.
3. Plaintiffs' Fourth Amendment claims regarding §§ 91.073(D), 91.094(A), and 91.101(A) are hereby **DISMISSED** for lack of subject-matter jurisdiction. The Court is without authority to rule on the parties' motions for summary judgment as regards those claims.
4. With respect to all other claims presented in this case, Metro's motion for summary judgment (DN 27) is **GRANTED**, and plaintiffs' motion for summary judgment (DN 20) is **DENIED**.