

**COMMONWEALTH OF KENTUCKY
COURT OF APPEALS
Case No. 2011-CA-000232-MR**

**AMERICAN SADDLEBRED
HORSE ASSOCIATION, INC.**

APPELLANT

v.

**Appeal from Fayette Circuit Court
Civil Action No. 09-CI-05292
Judge James D. Ishmael, Jr.**

EDWARD BENNETT, ET AL.

APPELLEES

**MOTION OF CENTER FOR NONPROFIT EXCELLENCE, INC.
FOR LEAVE TO FILE AMICUS BRIEF**

The Center for Nonprofit Excellence, Inc. ("CNPE"), hereby moves the Court, pursuant to Rule 76.12(7) of the Kentucky Rules of Civil Procedure, for permission to file the amicus curiae brief tendered with this motion. This brief is timely filed, within fifteen days of the filing of Appellant's brief.

1. NATURE OF MOVANT'S INTEREST

CNPE's interest in this case arises from the fact that CNPE's mission is to advance the interests of the nonprofit community. It is of the view that an expansive interpretation of the right of the members of a Kentucky nonprofit corporation to review the records of the corporation under KRS 273.233 will have an adverse impact on that community.

2. POINTS TO BE PRESENTED

CNPE contends that giving members what amounts to an unlimited right, under KRS 273.233, to review virtually all documents and information in the possession of the

corporation is an overly broad reading of the statute. Such an interpretation is inconsistent with the express terms of the statute, with the statutory scheme as it relates to Kentucky membership nonprofit corporations, and with common practice in Kentucky. In addition, a broad interpretation of the scope of a member's access to records under KRS 273.233 will adversely impact the nonprofit community. Finally, such a broad interpretation will lead to additional litigation over the "proper purpose" standard as that phrase is used in KRS 273.233.

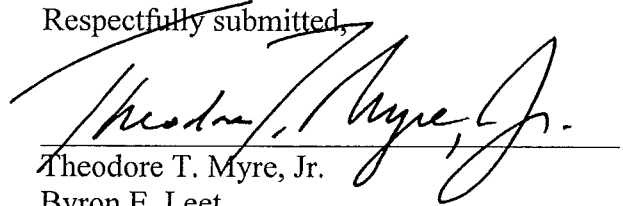
3. RELEVANCE TO DISPOSITION OF CASE

CNPE believes the points presented are relevant because at least a portion of the case involves the scope of a member's access to the records of a Kentucky nonprofit corporation under KRS 273.233.

4. CONCLUSION

Therefore, and for the foregoing reasons, CNPE asks the Court to grant it leave to file the tendered amicus curiae brief that is attached hereto.

Respectfully submitted,



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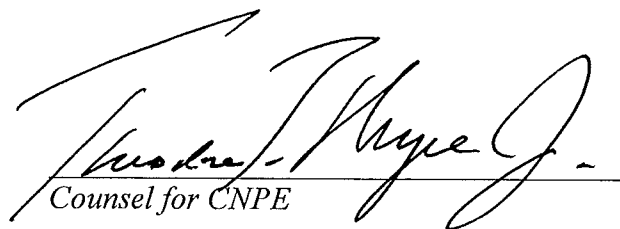
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served by First Class U.S. Mail, postage prepaid, on this the 13th day of September 2011 upon:

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