

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

ALICIA M. PEDREIRA, et al.

PLAINTIFF

v.

3:00-CV-210-CRS

SUNRISE CHILDREN'S SERVICES, INC., et al.

DEFENDANTS

**MEMORANDUM OPINION**

This matter is before the court on the joint motion of the plaintiffs, Alicia M. Pedreira, *et al.*,<sup>1</sup> and the Commonwealth Defendants<sup>2</sup> for voluntary dismissal of the action with prejudice.

Ironically, after twenty years of litigation and 645 docket entries numbering over 7700 pages, this will be the shortest opinion authored by the Court in the matter:

1. An Establishment Clause claim was brought against the Commonwealth Defendants by Kentucky taxpayer plaintiffs.
2. A joint motion is before the Court, filed by the parties to the sole remaining claim, Pedreira, *et al.* and the Commonwealth Defendants, to voluntarily dismiss the Establishment Clause claim with prejudice pursuant to Fed.R.Civ.P. 41(a)(2) and to thus bring this litigation to an end.

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<sup>1</sup> Alicia M. Pedreira, Johanna W.H. Van Wijk-Bos, and Elwood Sturtevant are the Kentucky taxpayers who have asserted an Establishment Clause claim concerning the Commonwealth's use of taxpayer funds.

<sup>2</sup> Eric Friedlander, in his official capacity as the Secretary of the Cabinet for Health and Family Services, and Justice Mary Noble, in her official capacity as the Secretary of the Justice and Public Safety Cabinet, collectively the Commonwealth Defendants.

3. Controlling precedent in this circuit, *Smoot v. Fox*, 340 F.2d 301 (6<sup>th</sup> Cir. 1964), indicates that a voluntary dismissal with prejudice “is a complete adjudication of the issues presented by the pleadings and is a bar to a further action between the parties” and holds that this Court has no discretion to deny the motion.
4. All other matters discussed in the briefs<sup>3</sup> are irrelevant to this decision and will not be addressed herein.

A separate order and final judgment voluntarily dismissing the action with prejudice will be entered herein this date in accordance with this Memorandum Opinion.

September 7, 2021



**Charles R. Simpson III, Senior Judge**  
**United States District Court**

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<sup>3</sup> Sunrise Children’s Services, Inc. does its best to argue against the application of *Smoot*, but to no avail. All discussion of the 2021 Settlement Agreement between Pedreira, *et al* and the Commonwealth Defendants is pointless and will not be addressed by the Court as that Settlement Agreement is not properly before the Court for any relevant purpose. Additionally, the summary judgment motion is rendered moot by the voluntary dismissal with prejudice of the claim and its attendant result, as noted in *Smoot*.