

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**VOTEAMERICA and VOTER  
PARTICIPATION CENTER,**

**Plaintiffs,**

**v.**

**SCOTT SCHWAB, in his official capacity as  
Secretary of State of the State of Kansas;  
DEREK SCHMIDT, in his official capacity as  
Attorney General of the State of Kansas; and  
STEPHEN M. HOWE in his official capacity  
as District Attorney of Johnson County,**

**Defendants.**

**CIVIL ACTION**

**No. 21-2253-KHV**

**ORDER**

This matter is before the Court on Defendants' Motion For Summary Judgment Regarding Counts I-III (Doc. #141) and Plaintiff's Motion For Summary Judgment (Doc. #144), both filed October 14, 2022. Between briefs and exhibits, these cross-motions comprise more than 23,000 pages. The briefs and exhibits on plaintiff's Daubert motion add another 550 pages to the record. And briefing is still in progress.

This case is set for a bench trial on May 1, 2023. The Court cannot imagine a worse use of scarce judicial resources than to plough through this record on cross-motions for summary judgment, only to potentially repeat the process at trial. The problem is especially acute because the factual record in this case is replete with argument, immaterial objections and matters which do not fairly address the substance of the matters asserted. See D. Kan. Rule 56.1(e).

Having reviewed the record to date, the Court orders as follows:

1. There being no need or reason for delay, trial is hereby advanced to March 13,

2023. In anticipation of trial, counsel no later than December 1, 2022 shall confer in good faith and prepare a statement of all uncontroverted facts to which the parties can stipulate. Counsel shall not refuse to stipulate to uncontroverted facts on grounds (e.g., lack of relevance or materiality, foundation, inadmissibility, inconsistency relative to other facts) that the Court is capable of addressing at trial. Should counsel fail to participate in good faith in identifying uncontroverted facts, the Court will not hesitate to impose sanctions under Rule 11, Fed. R. Civ. P.

2. Counsel no later than December 1, 2022 shall also file a joint statement of all facts to which they claim the record reveals a genuine issue of material fact.

3. Counsel shall discuss whether in lieu of adjudicating this case on cross-motions for summary judgment, they stipulate that all issues may be submitted for trial on the written record generated by the pending motions for summary judgment and Daubert motion. If so, counsel shall so advise the Court by written stipulation filed no later than December 1, 2022. If counsel do not so stipulate, the Court will construe all pending motions as trial briefs and will consider them only for assistance in resolving the issues at trial on March 13, 2022.

4. No later than December 1, 2022, counsel shall file unsealed unredacted copies of exhibits attached in support of all pending motions. The Court will not consider any exhibits which contain redactions or are sealed.

**IT IS SO ORDERED.**

Dated this 15th day of November, 2022 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge