

**IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT, SHAWNEE COUNTY, KANSAS
CIVIL DEPARTMENT**

LEAGUE OF WOMEN VOTERS OF
KANSAS, LOUD LIGHT, KANSAS
APPLESEED CENTER FOR LAW AND
JUSTICE, INC., and TOPEKA INDEPENDENT
LIVING RESOURCE CENTER,

Plaintiffs,

vs.

Case No. 2021-CV-000299

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and DEREK
SCHMIDT, in his official capacity as Kansas
Attorney General,

Defendants,

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED PETITION FOR
LACK OF SUBJECT MATTER JURISDICTION AND FAILURE TO STATE
A CLAIM ON WHICH RELIEF CAN BE GRANTED**

Defendants Scott Schwab and Derek Schmidt, each sued in their official capacities and acting by and through their undersigned counsel, respectfully move to dismiss the Plaintiffs' Amended Petition for: (i) lack of subject matter jurisdiction pursuant to Kan. Stat. Ann. § 60-212(b)(1); and (ii) failure to state a claim upon which relief can be granted pursuant to Kan. Stat. Ann. § 60-212(b)(6). Defendants have concurrently filed a Memorandum in Support.

Respectfully Submitted,

By: /s/ Bradley J. Schlozman

Bradley J. Schlozman (Bar # 17621)

Scott R. Schillings (Bar # 16150)

Krystle M. S. Dalke (Bar # 23714)

HINKLE LAW FIRM LLC

1617 North Waterfront Parkway, Suite 400

Wichita, KS 67206

Telephone: (316) 267-2000

Facsimile: (316) 630-8466

Email: bschlozman@hinklaw.com

E-mail: sschillings@hinklaw.com

E-mail: kdalke@hinklaw.com

Attorneys for Defendants

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2021, a true and correct copy of the above and foregoing was electronically filed with the Clerk of the District Court by using the eFlex filing system, which will transmit a copy to all counsel of record and was e-mailed to:

Pedro L. Irigonegaray
Nichole Revenaugh
Jason Zavadil
J. Bo Turney
IRIGONEGARAY, TURNEY, & REVENAUGH LLP
1535 S. W. 29th Street
Topeka, Kansas 66611
Telephone: (785) 267-6115
E-mail: pedro@itrlaw.com
E-mail: nicole@itrlaw.com
E-mail: jason@itrlaw.com
E-mail: bo@itrlaw.com

and

Amanda R. Callais (pro hac vice)
Henry J. Brewster (pro hac vice)
Elisabeth C. Frost (pro hac vice)
PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-9959
E-mail: acallais@perkinscoie.com
E-mail: hbrewster@perkinscoie.com
E-mail: efrost@perkinscoie.com

Attorneys for Plaintiffs

By: /s/ Bradley J. Schlozman