

**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 KRIS KOBACH,
in his official capacity as Kansas Attorney
General,

Defendants.

DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' SUMMARY JUDGMENT BRIEF

Defendants respectfully move the Court for an order striking Plaintiffs' summary judgment brief. Defendants also request expedited briefing on this motion and an expedited hearing. In support, Defendants state as follows:

I. – INTRODUCTION

Plaintiffs' sprawling summary judgment submission bears little resemblance to what the Kansas state court rules contemplate. Summary judgment is intended to streamline litigation by isolating genuinely material undisputed facts, not to bury the opposing party and the Court under an avalanche of paper. Plaintiffs, however, have chosen to bludgeon this Court and Defendants with a **236-page** brief (taking both the statements of fact and argument into account), which includes nearly **650** purported "statements of fact" and over 3,000 pages of exhibits.

This case involves Kansas' signature verification requirement for advance mail ballots, a procedure that rejected, over the course of two election cycles, a mere 224 ballots *statewide* due

to a signature mismatch. The complete disconnect between the scale of the dispute and the scale of Plaintiffs' filing is striking. Their prolix submission does not clarify or streamline the litigation; it buries it in prose, pontification, and paper.

The Kansas Supreme Court Rules, the Code of Civil Procedure, and the Court's inherent authority all demand concision, relevance, and proportionality in summary judgment practice. Plaintiffs' filing disregards each of those principles. Left unaddressed, the submission would place an unnecessary and unwarranted burden on the Court's resources and reward a tactic designed more to overwhelm than to illuminate. For those reasons, and as explained below, the Court should strike Plaintiffs' summary judgment brief.

II. - ARGUMENT

A. The Court Should Strike Plaintiffs' Summary Judgment Brief for Its Failure to Comply with the Kansas Supreme Court Rules and Rules of Civil Procedure.

Plaintiffs' summary judgment briefing consists of 236 pages, encompassing 83 pages of argument and 153 pages of allegedly "undisputed material facts." These are accompanied by over 3,000 pages of exhibits. Plaintiffs listed 479 numbered statements of fact. But many have up to 10 subparagraphs, each alleging its own facts. Taking those additional subparagraphs into account, there are actually **645** statements of fact. Many are immaterial, clearly controverted, and never should have been included.

This extraordinary number of alleged facts clearly flies in the face of Kansas Supreme Court Rule 141(a)(1), which requires summary judgment briefs to state "**concisely**, in separately numbered paragraphs, the **uncontroverted** contentions of fact on which the movant relies." (emphasis added). Rule 141 is "not just fluff – it means what it says and serves a necessary purpose." *McCullough v. Bethany Med. Ctr.*, 235 Kan. 732, 736, 683 P.2d 1258 (1984) (superseded by statute on other grounds); *see also Lovitt v. Bd. of Cnty. Comm'rs of Shawnee Cnty.*, 43

Kan.App.2d 4, 12, 221 P.3d 107 (2009) (noting that K.S.A. 60-256 and Supreme Court Rule 141 “set forth a detailed protocol for proceedings on motions for summary judgment”).

Moreover, K.S.A. 60-102 instructs courts and parties that the Code of Civil Procedure “shall be liberally construed, administered and employed . . . to secure the just, speedy and inexpensive determination of every action and proceeding.” Clearly, a nearly 240-page summary judgment brief undermines this “speedy and inexpensive” directive. For the Court to be forced to sift through *hundreds of pages* of purported “facts” and thousands of pages of exhibits (many of which are unnecessary, immaterial, and/or redundant) frustrates rather than advances the efficient resolution of the case. This is precisely the sort of excess the rules are designed to prevent.

In addition to K.S.A. 60-102’s mandate, courts possess inherent authority to control their dockets, prevent abusive litigation tactics, and impose reasonable limits on filings to ensure efficient adjudication. *See Holt v. State*, 290 Kan. 491, 500, 232 P.3d 848 (2010) (“With the district court’s inherent power to manage litigation is the ability to curb abusive filing practices that place a strain on the judicial system.”). Plaintiffs’ filing epitomizes the kind of strain *Holt* warns against. No court should be required to navigate an evidentiary thicket of this size.

Given the unprecedented volume of Plaintiffs’ materials, finding a comparable case proved difficult. One court, though, found that **257** facts – which consisted of the *combined* facts submitted by the parties – were not, by definition, “summary.” *First Tracks Invs., LLC v. Murray, Plumb & Murray*, 121 A.3d 1279, 1280 (Me. 2015). Highlighting the requirement that summary judgment motions must be supported by a “short and concise statement” of material facts, the court noted that “both parties’ statement of facts are laden with unnecessary and inflammatory characterizations of the evidence, name more than one fact per statement, are repetitive and duplicative, lack a chronological organization, and contain many facts that are entirely irrelevant to the litigation.”

Id. Because of the flagrant disregard of the summary judgment procedural rules, the Court found that the district court would have been well within its discretion to outright deny the motion. *Id.*

Plaintiffs' submission here is far more offensive. Their 236-page filing, filled with 645 statements of fact, is not a product of legitimate need.¹ Rather, it reflects a seeming effort to harass. (Ironically, Plaintiffs' brief contains more pages than the total number of ballots that were rejected in Kansas over two election cycles.) Plaintiffs' filing is not proportional to the scope of the dispute, the record, or the issues presented. Allowing such a submission would reward excess, encourage future abuse, and needlessly complicate the Court's task. The Court should strike the brief.²

B. Expedited Consideration Is Necessary.

Because Defendants' summary judgment response is due December 10, 2025, expedited briefing and an expedited hearing on this motion are necessary. Defendants respectfully request that the Court order Plaintiffs to respond to this motion on a shortened timeline and set the matter for hearing for an in-person hearing at the Court's earliest convenience.

III. – CONCLUSION

In sum, Defendants respectfully request that the Court:

1. Strike Plaintiffs' summary judgment brief;
2. Set expedited deadlines for briefing on this motion and schedule an expedited in-person hearing; and
3. Grant such other and further relief as the Court deems just and proper.

¹ In contrast, Defendants' memorandum in support of its motion for summary judgment is just 47 pages, which includes their statement of uncontroverted material facts.

² If the Court is not inclined to strike Plaintiffs' brief, Defendants request that the Court: (i) give Defendants – and, to ensure procedural fairness, Plaintiffs – an additional 30 days (until January 9, 2026) to respond to the opposing parties' respective summary judgment motions; (ii) afford the parties 24 days (until February 2, 2026) to file their summary judgment reply briefs, and (iii) direct that the final pretrial conference be continued beyond January 20, 2026 (its current setting) to some future date that is mutually convenient to both the parties and the Court.

Respectfully Submitted,

By: /s/ Bradley J. Schlozman

Bradley J. Schlozman (Bar #17621)

Scott R. Schillings (Bar #16150)

Amy M. Decker (Bar #18739)

HINKLE LAW FIRM LLC

1617 North Waterfront Parkway, Suite 400

Wichita, KS 67206

Telephone: (316) 267-2000

Facsimile: (316) 660-6596

Email: bschlozman@hinklaw.com

Email: sschillings@hinklaw.com

Email: adecker@hinklaw.com

Garrett R. Roe (Bar #26867)

HINKLE LAW FIRM LLC

8711 Penrose Lane, Suite 400

Lenexa, KS 66219

Telephone: (913) 345-9205

Facsimile: (913) 345-4832

Email: groe@hinklaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2025, a copy of the foregoing was filed electronically with the Clerk of the Shawnee County District Court via the Court's e-filing system, which caused the document to be sent via e-mail to all counsel of record.

/s/ Bradley J. Schlozman

Bradley J. Schlozman (Bar #17621)