

**IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

FAITH RIVERA, DIOSSELYN TOT-
VELASQUEZ, KIMBERLY WEAVER, PARIS
RAITE, DONNAVAN DILLON, and LOUD
LIGHT,

Plaintiffs,

v.

SCOTT SCHWAB, in his official capacity as
Kansas Secretary of State, and MICAHAEL
ABBOTT, in his official capacity as Election
Commissioner of Wyandotte County, Kansas,

Defendants.

Case No.: 2022-CV-000089

Division: 1

PLAINTIFFS' MOTION TO EXPEDITE PROCEEDINGS

Plaintiffs respectfully request that the Court expedite proceedings and resolution of this case. Plaintiffs challenge Kansas's congressional plan, Senate Bill 355, as unconstitutional and dilutive of Plaintiffs' votes, as explained fully in their Petition for Declaratory and Injunctive Relief filed yesterday morning. Because of the extraordinarily important constitutional rights at issue here, and fast approaching election deadlines, including the candidate qualification deadline on June 1 and the primary election on August 2, Plaintiffs request that the Court expedite proceedings to resolve this matter within the next seven weeks. In support of their motion to expedite, Plaintiffs state as follows:

1. This case challenges the constitutionality of Kansas's congressional plan. The resolution of this issue is, without question, of the highest possible public importance. It falls to this Court to protect the fundamental voting rights of hundreds of thousands of Kansans, who should not be forced to vote in a single election in districts that unconstitutionally dilutes the votes

of Democratic and minority Kansans.

2. Plaintiffs are five individual voters residing in Wyandotte and Lawrence Counties and Loud Light, an organization known across the state for its mobilization of Kansas's youth vote. Defendants are the Secretary of State of Kansas and the Wyandotte County Election Commissioner, both sued in their official capacities only.

3. Plaintiffs seek a judgment (1) declaring SB 355 unconstitutional under the Kansas Constitution, (2) enjoining use of SB 355 in the upcoming primary and general elections for Congress, and (3) establishing a remedial process to ensure a lawful plan is adopted, should the legislature fail to timely enact a constitutional plan.

4. Kansas's congressional elections are fast approaching. As of now, the state is scheduled to hold its congressional primary election on August 2 of this year, K.S.A. 22-203(a), and the deadline for candidates to file to be on a partisan primary ballot is June 1, K.S.A. 25-205.

5. While the Court has the power to postpone these deadlines, doing so is not yet necessary. The Court still has sufficient time to hear Plaintiffs' claims on an expedited basis before those deadlines, as the filing deadline is still nearly four months away. But even if the proceedings run longer than the schedule Plaintiffs propose below, this court has the power to postpone election deadlines several months ahead of time, just as multiple state courts across the country have done in recent weeks when considering similar constitutional challenges. *See, e.g., Order, Harper v. Hall*, No. 413P21 (N.C. Dec. 8, 2021) (postponing 2022 primary filing deadlines five months before primary); *Order, Carter et al. v. Gressman et al.*, No. 7-MM-2022 (Pa. S.C. Feb. 9, 2022) (postponing deadlines for circulation and filing of nomination petitions four months before 2022 election); *Order, In the Matter of 2022 Legislative Districting of the State*, Misc. Nos. 21, 24, 25, 26, 27 (Md. Feb. 11, 2022) (postponing candidate filing and related deadlines four months before

2022 primaries).

6. Accordingly, Plaintiffs propose the following schedule for the parties to fully litigate the merits of this case within the next seven weeks. This schedule will allow sufficient time to ensure a new plan is adopted in time for implementation in advance of the June 1 candidates filing deadline.

Event	Date
Service of Plaintiff expert report(s) and fact witness affidavits	February 23, 2022
Service of Defendant expert report(s) and fact witness affidavits	March 3, 2022
Service of reply expert report(s)	March 7, 2022
Expert witness depositions	March 8-14, 2022
Fact discovery cutoff ¹	March 14, 2022
Filing of pretrial briefs, joint stipulation of facts, witness lists, and exhibit lists	March 17, 2022
Stamped exhibits filed with the court	March 18, 2022
Trial	March 21-25, 2022
Filing of Proposed Findings of Fact and Conclusions of Law	March 29, 2022

7. If helpful to the Court, Plaintiffs request a scheduling conference to be held remotely as soon as the Court's schedule will permit.

¹ The Court may, at its discretion, allow for the shortening of certain discovery deadlines, including the time to respond to written discovery requests. K.S.A. 60-229. Plaintiffs request that the 30-day written discovery response deadlines, K.S.A. 60-233 (interrogatories); 60-234 (requests for production); 60-236 (request for admission), be shortened to 14 days to allow parties to complete fact discovery by March 14, 2022.

WHEREFORE, Plaintiffs request that the Court (1) enter a written order expediting proceedings and resolution of this action on the schedule set out above and (2) hold a remote scheduling conference as soon as the Court's calendar will permit, should doing so aid the Court.

Respectfully submitted, this 15th day of February 2022.

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**Pro Hac Vice Application Forthcoming*