

IN THE DISTRICT COURT OF
SHAWNEE COUNTY, KANSAS

TRUST WOMEN FOUNDATION INC.,
d/b/a SOUTH WIND WOMEN'S CENTER
d/b/a TRUST WOMEN WICHITA,

Plaintiff,

v.

Case No. 2018-CV-844

Division 7

DEREK SCHMIDT, in his official capacity as
Attorney General of the State of Kansas,

Defendant.

NOTICE OF APPEAL

Defendant Derek Schmidt, in his official capacity as Attorney General for the State of Kansas, appeals from this Court's Memorandum Opinion and Entry of Judgment on Plaintiff's Motion for a Temporary Injunction and Temporary Restraining Order, issued December 31, 2018, to the Court of Appeals of the State of Kansas. *See* K.S.A. 60-2102(a).

While the District Court dismissed Plaintiff's claims against the Attorney General, it did so by modifying and extending an Agreed Order that provided injunctive relief in a different case, with different parties, and regarding a statute not challenged in this case. *See Hodes & Nauser v. Moser*, No. 11-C-1298 (Shawnee County Dist. Ct.). That aspect of the Court's decision provides an independent ground for appeal. *See* K.S.A. 60-2102(a)(2).

In addition to this Notice of Appeal, the Attorney General is simultaneously filing a Motion to Clarify and/or Dissolve Injunction Relating to K.S.A. 65-4a10 in the *Hodes & Nauser* case to address the continuing effect of the Agreed Order in that case, which is the only appropriate case for the District Court to decide the question. Out of an abundance of caution, and to avoid any claim that the Attorney General has waived or abandoned the issue, the Attorney General also appeals the decision in this case.

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

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CERTIFICATE OF SERVICE

This is to certify that on this 30th day of January, 2019, I electronically filed the above and foregoing with the Clerk of the Court using the Court's Electronic Filing System, which will send a notice of electronic filing to all counsel of record:

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