

IN THE SUPREME COURT OF THE STATE OF KANSAS

BUTLER, KRISTIN, and
BOZARTH, SCOTT,
Plaintiffs,

v.

SHAWNEE MISSION SCHOOL
DISTRICT BOARD OF EDUCATION,
Defendant/Appellee.

KANSAS ATTORNEY GENERAL
DEREK SCHMIDT,
Intervenor/Appellant.

Case No. 124205

MOTION TO EXPEDITE APPEAL

Kansas Attorney General Derek Schmidt moves that this appeal be expedited given the confusion caused by the district court’s order and the importance of the emergency management law at issue.

Kansas Supreme Court Rule 7.01 provides that this Court “on motion may advance other cases as justice or the public interest may require.” This Court has previously expedited cases when warranted, including another case involving the State’s emergency management law. *See Kelly v. Legislative Coordinating Council*, No. 122,765 (Kan.). This case involves the constitutionality of 2021 Senate Bill 40, which amends the emergency management laws and makes other changes, such as

adding an additional member to the Legislative Coordinating Council. Given the significance of these issues, expedited consideration of this appeal is justified.

As noted in the Attorney General's motion to stay, which is being filed simultaneously with this motion, the district court's order creates confusion in that it purports to hold all of SB 40 "unenforceable." The current status of the State's emergency management law is therefore uncertain, and an expeditious decision from this Court is needed to provide clarity.

While an order granting the Attorney General's motion to stay would alleviate many of these concerns, expediting this appeal is warranted even if the motion to stay is granted in order to timely provide a final resolution of these matters. The Attorney General respectfully suggests that 14 days for each side to brief the merits and 7 days for a reply would be an appropriate expedited schedule for the case.

Respectfully submitted,

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DEREK SCHMIDT

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CERTIFICATE OF SERVICE

I certify that a copy of this document has been served upon the following by e-mail on this 2nd day of August, 2021:

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