

FILED

APR 02 2015

HEATHER L. SMITH
CLERK OF APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

15-113267-S

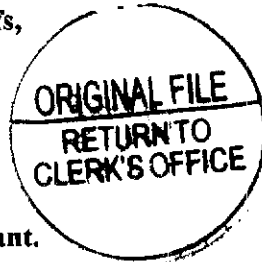
LUKE GANNON,
By his next friends and guardians, *et al.*,

Appellees/Plaintiffs,

v.

STATE OF KANSAS,

Appellant/Defendant.



County Appealed From: Shawnee

District Court Case No.: 10-C-1569

**PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO STRIKE STATE'S
SUPPLEMENTAL DOCKETING STATEMENT**

Plaintiffs file this reply in support of their request that this Court strike the State's Supplemental Docketing Statement, filed with the Kansas Supreme Court on March 18, 2015, and remand this matter to the Panel for purposes of resolving all post-trial motions.¹ Since Plaintiffs initially filed their Motion to Strike with the Court, additional, pertinent events have taken place. Specifically, Governor Brownback signed House Substitute for Senate Bill 7 (S.B. 7) into law, altering the method by which Kansas school districts will receive funding in FY15, FY16, and FY 17 and further reducing overall funding available to Kansas schoolchildren. As a result, on March 26, 2015, Plaintiffs filed a Motion for Declaratory Judgment and Injunctive Relief. Plaintiffs' motion, currently pending before the Panel, attacks S.B. 7 as unconstitutional for failing to comply with both the adequacy and equity components of Article 6 of the Kansas Constitution.

¹ On March 5, 2015, the Kansas Supreme Court held, "This matter is remanded to the district court for resolution of all pending post-trial motions, including the State's January 23 motion to alter and amend the December 30 order regarding adequacy and the Plaintiffs' January 27 motion to alter the December 30 order regarding equity." Order, at pp. 3-4 (emphasis added).

As a result, Plaintiffs request that the Court remand this matter to the Panel until after resolution of Plaintiffs' Motion for Declaratory Judgment and Injunctive Relief, which directly implicates the equity issues that both parties agree remain before the Panel. Judicial efficiency demands that the Panel be allowed to fully consider the merits of the matters pending before it and develop an adequate record, before this matter is submitted to the Kansas Supreme Court for appellate review.

In support of this request, Plaintiffs state as follows:

1. On March 11, 2015, the Panel issued a Memorandum Decision and Order denying the State's Motion to Alter or Amend the Panel's December 30 Order (with regard to adequacy). The State appealed from the March 11 Order on March 16, 2015 and docketed the appeal the same day.
2. On March 13, 2015, the Panel scheduling a hearing on Plaintiff's January 27, 2015 equity motion to take place on May 7, 2015.
3. On March 25, 2015, S.B. 7 was signed into law by Governor Brownback. On March 26, 2015, Plaintiffs filed a Motion for Declaratory Judgment and Injunctive Relief, challenging S.B. 7 as unconstitutional because it violates both the equity and adequacy components of Article 6 of the Kansas Constitution. As part of that motion, Plaintiffs have specifically requested that the Panel take evidence regarding S.B. 7 at the May 7, 2015 equity hearing. S.B. 7 directly implicates the issues raised in Plaintiff's equity motion because it reduces the full equalization promised to school districts following the Supreme Court's March 2014 mandate.
4. Plaintiffs consider their motion related to S.B. 7 a post-trial motion for purposes of this litigation. That motion requires resolution of matters that are currently before the Panel with regard to whether the State is in compliance with the Supreme Court's March 2014 equity mandate.

5. Because both parties agree that the Panel retains jurisdiction over the equity component of this lawsuit, the Panel will have jurisdiction to consider whether S.B. 7 violates the Supreme Court's equity mandate at the May 7 hearing. *See e.g.* State's Response, at pp. 2-3.

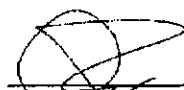
6. Plaintiff's motion regarding S.B. 7 also raises adequacy issues that, in the interest of judicial economy, should be addressed before the Kansas Supreme Court takes up the State's adequacy appeal. *See e.g. Murphy v. Woods*, 2001 Kan. App. Unpub. LEXIS 612, *7 (Kan. App. 2001) (unpublished) (when the record on appeal is inadequate to address legal questions pending before the Supreme Court, "common sense and judicial efficiency" dictate that the matter be remanded for sufficient factual findings).

7. Because all post-trial motions have not been resolved, this matter should remain before the Panel for resolution in its entirety, as set forth in the Kansas Supreme Court's March 5, 2015 Order.

WHEREFORE, Plaintiffs respectfully request the Panel strike the State's Supplemental Docketing Statement, filed with the Kansas Supreme Court on March 18, 2015, remand this matter back to the Panel, and allow the Panel to retain jurisdiction over the entirety matter while all post-trial motions are resolved.

Dated this 2nd day of April, 2015.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April, 2015, a true and correct copy of the above and foregoing was sent by first-class mail to the following:

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Additionally, the above and foregoing was sent by first-class mail to the following:

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