

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
THIRD JUDICIAL DISTRICT

2015 MAR 26 PM 1 28

LARRY T. SOLOMON, CHIEF JUDGE,)
30TH JUDICIAL DISTRICT of the)
STATE OF KANSAS,)

Plaintiff,)

Division 6

v.)

Case No. 2015-CV-156

THE STATE OF KANSAS,)

Defendant.)
_____)

MOTION TO DISMISS

Defendant State of Kansas, by and through counsel, moves this Court for judgment dismissing this action pursuant to K.S.A. 60-212(b)(1) and (b)(6). As per Shawnee County District Court Local Rule 3.202(a), a memorandum in support of the motion is submitted herewith.

As explained in the State’s Memorandum, the Court does not have jurisdiction over this matter because Plaintiff Chief Judge Solomon lacks standing to challenge the constitutionality of Section 11 of 2014 Senate Substitute for House Bill 2338 on the grounds that it violates Article III, § 1, of the Kansas Constitution. Also, to the extent Chief Judge Solomon alleges a potential future injury that may not occur, this matter is not ripe.

If the Court were to reach the merits, the Petition should be dismissed for failure to state a claim because HB 2338, § 11, is an exercise of the Legislature’s constitutional authority to determine how chief judges are selected and does not unconstitutionally infringe on the Kansas Supreme Court’s general administrative authority.

For the reasons set forth in the State's Memorandum, the State of Kansas requests that this action be dismissed and that it receive such other and further relief as the Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of March, 2015, a true and correct copy of the above Motion to Dismiss was mailed, postage prepaid, to:

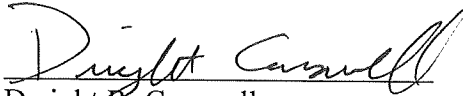
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