

THIRD JUDICIAL DISTRICT
SHAWNEE COUNTY DISTRICT COURT
CIVIL DEPARTMENT

DAVIS HAMMET,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-CV-638
)	Div. No. 3
)	
SCOTT SCHWAB,)	
Kansas Secretary of State, in his official)	
capacity,)	
)	
)	
Defendant.)	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff Davis Hammet, by and through his undersigned attorney, submits this motion for summary judgment against Defendant Scott Schwab, Kansas Secretary of State, in his official capacity.

For the reasons detailed in the accompanying memorandum of law filed contemporaneously with this motion, this Court should grant summary judgment and grant the relief requested as specified in the Complaint. In particular, this Court should order Defendant to provide Plaintiff with the public records requested and declare Defendant's refusal to provide the records to be in violation of K.S.A. 45-218, K.S.A. 45-219, and K.S.A. 25-2709(5). This Court should also enjoin Defendant from further delaying Plaintiff's access to the requested records, by ordering Defendant to restore and retain the Kansas Secretary of State's office's ability to run the provisional ballot detail report functionality in the Electronic Voter Identification System at a state-wide level, as well as any other relief the Court may deem just and proper.

Dated: May 14, 2021

Respectfully submitted,

/s/ Sharon Brett

SHARON BRETT, KS# 28696
ACLU Foundation of Kansas
6701 W 64th Street, Suite 210
Overland Park, KS 66202
Tel: (913) 490-4114
Fax: (913) 490-4119

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2021, I electronically filed the foregoing with the Clerk of the District Court's electronic filing system which will serve all registered participants, and a copy was also served by email to counsel for the Kansas Secretary of State, Garrett Roe (garrett.roe@ks.gov) and Clay Barker (clay.barker2@ks.gov).

/s/ Sharon Brett

Sharon Brett