ELECTRONICALLY FILED

2021 May 14 PM 11:50
CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2020-CV-000638

THIRD JUDICIAL DISTRICT SHAWNEE COUNTY DISTRICT COURT CIVIL DEPARTMENT

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

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to K.S.A. 60-256 and Kansas Supreme Court Rule 141, Scott Schwab, Kansas Secretary of State, in his official capacity, Defendant in the above captioned matter, by and through his undersigned attorney, moves for summary judgment against Petitioner Davis Hammett.

Summary judgment in favor of Defendant is proper, under the uncontroverted facts, on all three alleged counts because:

- Mr. Schwab has complied with his obligations under the Kansas Open Records
 Act;
 - 2. The requested records are not abstracts of voting records;

- 3. Mr. Schwab has not destroyed any abstracts of voting records; and,
- 4. Plaintiff lacks standing to assert a violation of K.S.A. 25-2709.

The arguments and authorities in the Memorandum in Support of Motion for Summary Judgment, filed contemporaneously with this motion, are incorporated here.

Oral argument is not requested.

Respectfully Submitted,

/s/ Garrett Roe GARRETT ROE #26867 General Counsel for Secretary of State Scott Schwab 120 SW 10th Ave, Memorial Hall, First Floor Topeka KS 66612 Ph. 785-296-8473 Fax: 785-368-8032

Email: garrett.roe@ks.gov

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the 14th day of May, 2021, I caused a copy of the foregoing to be filed on the Court's electronic filing system and further that I caused a copy to be served on opposing counsel via e-mail.

/s/ Garrett Roe

Garrett Roe, Kansas No. 26867

Attorney for Defendant