

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 122,760

JAMES HADLEY, JOHN EDWARD TETERS, MONICA BURCH, TIFFANY TROTTER, KARENA WILSON, ABRAHAM ORR, DAVID BROOKS, and SASHADA MAKTHEPHARAK Through His Next Friend KAYLA NGUYEN, on Their Own and on Behalf of a Class of Similarly Situated Persons,
Petitioners,

v.

JEFFREY ZMUDA, in His Official Capacity as the Secretary of Corrections for the State of Kansas, SHANNON MEYER, in Her Official Capacity as the Warden of Lansing Correctional Facility, DONALD LONGFORD, in His Official Capacity as the Warden of Ellsworth Correctional Facility, and GLORIA GEITHER, in Her Official Capacity as the Warden of Topeka Correctional Facility,
Respondents.

ORDER

Under the expedited scheduling order, Respondents timely filed a Response to the Court's April 10, 2020, Order and Motion to Dismiss at approximately noon today. That response makes clear there are significant issues of fact and those issues must be determined before the questions of law presented by the Verified Class Action Petition for Writ of Habeas Corpus can be addressed.

We, therefore, order:

1. The oral argument set for April 15, 2020, at 3 p.m. is cancelled.
2. This court will not exercise its original jurisdiction because a district court with concurrent jurisdiction can determine the predicate questions of fact and provide relief. See Supreme Court Rule 9.01(b) (2019 Kan. S. Ct. R. 62).

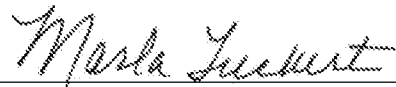
3. Jurisdiction over this case is transferred to Leavenworth County District Court. See Supreme Court Rule 9.01(b).

4. To the extent the language of K.S.A. 2019 Supp. 60-1501(a) would require the individually named Petitioners to file an individual action in a county other than Leavenworth County, those Petitioners' individual actions are consolidated with those of the other Petitioners who would ordinarily file their actions in the Leavenworth County District Court to allow for the just and efficient resolution of this action. Cf. K.S.A. 2019 Supp. 60-242.

We note Petitioners' timely replies filed at approximately 5 p.m. today.

Dated this 14th day of April 2020.

FOR THE COURT

A handwritten signature in cursive script, appearing to read "Marla Luckert", is written above a horizontal line.

MARLA LUCKERT,
Chief Justice