

IN THE THIRD JUDICIAL DISTRICT  
SHAWNEE COUNTY DISTRICT COURT  
CIVIL DEPARTMENT

STATE OF KANSAS, *ex rel.* KRIS KOBACH,  
Attorney General,

Petitioner,

v.

DAVID HARPER, Director of Vehicles,  
Department of Revenue, in his official capacity,  
and  
MARK BURGART, Secretary of Revenue, in  
his official capacity,

Respondents.

Case No. 23-CV-000422  
Div. No. 3

**MOTION TO INTERVENE**

Come now Adam Kellogg, Kathryn Redman, Juliana Ophelia Gonzales-Wahl, Doe Intervenor-Respondent 1, and Doe Intervenor-Respondent 2, on behalf of her minor child (collectively, "Proposed Intervenors") who, pursuant to K.S.A. 60-224, respectfully request that the Court grant them leave to intervene as respondents in this action.

The Proposed Intervenors are entitled to intervene as of right because they satisfy all of the conditions required under K.S.A. 60-224(a)(2). This Motion is timely; the Proposed Intervenors may suffer a violation of their rights under the Kansas Constitution if the Court grants the relief requested by the Petitioner; and, the current parties to the action do not adequately represent the Proposed Intervenors' interests. In the alternative, the Proposed Intervenors should be allowed to intervene as a permissive matter under K.S.A. 60-224(b)(1)(B). Their claims and defenses in opposing the Petitioner's attempts to violate their rights share common questions of law and fact with the issues otherwise to be adjudicated in this action, and neither the current parties nor the administration of the action would be prejudiced by the intervention.

Contemporaneously herewith, the Proposed Intervenors have filed a Memorandum in Support of this Motion, which is incorporated herein, that provides additional facts and arguments in support of this Motion; declarations from each Proposed Intervenor in support; and a Motion to Proceed Pseudonymously on behalf of two of the Proposed Intervenors and Memorandum in Support. Similarly, the Proposed Intervenors have attached as Exhibit A to this Motion a [Proposed] Answer in Intervention, which suffices for the "pleading" required under K.S.A. 60-224(c). They would propose to file and serve the [Proposed] Answer in Intervention separately once the Court grants this Motion. But the Proposed Intervenors have served the parties with this Motion (including the attached [Proposed Answer in Intervention], and the Memorandum (including supporting Declarations), all in compliance with K.S.A. 60-205 as required under K.S.A. 60-224(c).

Proposed Intervenors respectfully request permission to attend the zoom hearing on Respondents' Motion to Dissolve the Temporary Restraining Order, scheduled for July 12, 2023 at 11:00am.

Respectfully submitted,

By: /s/ Sharon Brett  
Sharon Brett, KS Bar 28696  
D.C. Hiegert, KS Bar 29045  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF KANSAS  
10561 Barkley St., Suite 500  
Overland Park, KS 66212  
Tel: (913) 303-3641  
Fax: (913) 490-4119  
sbrett@aclukansas.org  
dhiegert@aclukansas.org

Rose Saxe\*  
Aditi Fruitwala\*  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION

125 Broad St.  
New York, NY 10004  
Rsaxe@aclu.org  
afruitwala@aclu.org

Scott C. Hecht, KS Bar 16492  
Douglas R. Dalgleish, KS Bar 22328  
Paulina Escobar \*  
STINSON LLP  
1201 Walnut St., Suite 2900  
Kansas City, MO 64106  
Scott.hecht@stinson.com  
Paulina.escobar@stinson.com

ATTORNEYS FOR INTERVENOR-RESPONDENTS

\* *Pro Hac Vice* application forthcoming

**Certificate of Service**

On July 11, 2023, I caused a copy of the foregoing to be electronically filed using the Court's electronic filing system and also caused a copy to be served on counsel via email, at [ted.smith@ks.gov](mailto:ted.smith@ks.gov), [Anthony.powell@ag.ks.gov](mailto:Anthony.powell@ag.ks.gov); [Dwight.carswell@ag.ks.gov](mailto:Dwight.carswell@ag.ks.gov); and [jesse.burris@ag.ks.gov](mailto:jesse.burris@ag.ks.gov).

/s/ Sharon Brett \_\_\_\_\_  
Sharon Brett