

IN THE SUPREME COURT OF THE STATE OF KANSAS

In Re the

JOINT REQUEST OF THE SEVENTH JUDICIAL)
DISTRICT and THE TWENTY-SEVENTH JUDICIAL)
DISTRICT TO CONSOLIDATE) **Case No. 124927**
MULTI-DISTRICT LITIGATION)
PURSUANT TO K.S.A. 60-242(c))

RESPONSE OF PLAINTIFFS IN *FRICK, ET AL. V SCHWAB* TO PETITION TO CONSOLIDATE

On behalf of the Plaintiffs in *Frick et al. v. Schwab, et al.*, Case No. 2022-CV-000071, District Court of Douglas County, the undersigned counsel respond to the Petition to Consolidate filed by the Chief Judges of Districts Seven and Twenty-Nine.

The *Frick* Plaintiffs oppose the Petition to Consolidate, respectfully stating:

- (1) The facts and claims in their suit involve only the Congressional redistricting map as it affects the residents and voters of Douglas County while the facts and claims in the two cases pending in Wyandotte County relate to the map as it also affects the voters of Wyandotte County;
- (2) The District Judge currently assigned in each of the cases is best suited to hear his respective cases, as each is most familiar with the geography and demography of his county;
- (3) The *Strick* suit involves only a claim of partisan gerrymandering under the Kansas Constitution, while the two cases pending in Wyandotte County involve claims of racial gerrymandering as well as partisan gerrymandering, making the Wyandotte County cases more complex and requiring the introduction of more extensive evidence that is irrelevant to the claim in the *Frick* case;
- (4) After consultation with the parties, the Court in the *Frick* case has already implemented an expedited schedule whereby the parties will prepare for trial;
- (5) Plaintiffs and Secretary Schwab each have commenced discovery, including serving written discovery on one another and have asked each other to schedule depositions;
- (6) All of the *Frick* Plaintiffs' fact witnesses, including Plaintiffs themselves, reside in Douglas County; and

(7) To the *Frick* Plaintiffs' knowledge, no fact witness in their case resides in Wyandotte County.

Wherefore, Plaintiffs in *Frick v. Schwab* state their opposition to the request of the Chief Judges in the Seventh and Twenty-Ninth Judicial Districts for consolidation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2022, a true and final copy of the foregoing was served by electronic mail on the following:

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The Honorable Robert P. Burns
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