

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

The State of KANSAS, *ex rel.* KRIS W.
KOBACH, Attorney General,

Petitioner,

v.

DAVID HAPRER, et al.,

Respondents,

and

ADAM KELLOGG, et al.,

Intervenors.

Case No. SN-2023-CV-000422
Division No. 3

MOTION FOR VOLUNTARY DISMISSAL

Plaintiff, the State of Kansas, *ex rel.* Attorney General Kris W. Kobach, filed this mandamus action on July 7, 2023. Plaintiff's Petition requested that the Court issue a writ of mandamus ordering Respondents, David Harper, Mark Burghart, and the Department of Revenue's Division of Vehicles, to comply with the language of SB 180, which requires the Department to designate an individual's biological sex, rather than gender identity, on an individual's driver's license and other state-issued identification documents.

A temporary injunction was granted on March 11, 2024, which was reversed by the Court of Appeals on June 13, 2025. Briefing on cross-motions for summary

judgment was complete by June 13, 2024, and a hearing on those motions is currently scheduled for May 6, 2026.

After the Court set the hearing on the parties' summary judgment motions, however, the Kansas Legislature approved Senate Bill 244.¹ SB 244 provides that "sex" and "gender" each refer to an "individual's biological sex, either male or female, at birth." SB 244, sec. 6, codified as K.S.A. 2025 Supp. 77-207(a)(1). It further invalidates all Kansas driver's licenses which identify an individual contrary to that definition (SB 244, sec. 4, codified as K.S.A. 2025 Supp. 8-243(g)(1)) and requires the Department of Revenue to cancel all such licenses and reissue them with the correct gender identification (SB 244, sec. 4, codified as K.S.A. 2025 Supp. 8-243(g)(2)).

On or about February 26, 2026, SB 244 will become effective upon its publication in the Kansas Register (SB 244, sec. 9). Because SB 244 will expressly require Respondents to list an individual's biological sex on the individual's driver's license, Plaintiff believes that the claims in the petition, as well as Respondents' and Intervenors' counterclaims, are now moot.

Accordingly, pursuant to K.S.A. 60-241(a)(2), Plaintiff moves to dismiss this case, without prejudice, on condition that the parties shall each bear their own costs, expenses, and attorney fees. A proposed order is attached.

¹ Attached as Exhibit 1.

Respectfully submitted,

/s/James R. Rodriguez

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CERTIFICATE OF SERVICE

I certify that on February 20, 2025, the above document was electronically filed with the Clerk of the Court using the Court's electronic filing system, which will send a notice of electronic filing to registered participants.

/s/ James R. Rodriguez
James R. Rodriguez
Assistant Attorney General