Appellate Case No. 24-127390 A

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

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

v.

DAVID HARPER, Director of Vehicles, Department of Revenue, in his official capacity,
and MARK BURGHART, Secretary of Revenue, in his official capacity,
Respondent-Appellants,

ADAM KELLOGG, et. al,
Respondent/Intervenor-Appellants.

Appeal from District Court of Shawnee County
Hon. Teresa L. Watson, Judge
District Court Case No. SN-2023-CV-000422

BRIEF OF AMICUS INFORMATION SOCIETY PROJECT

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INTEREST OF AMICUS[1]

Amicus is the Information Society Project (ISP) at Yale Law School,[2] an intellectual center exploring the implications of new technologies for law and society. The ISP focuses on a wide range of issues such as the intersections between the regulation and dissemination of information, health policy, and privacy concerns. Many of the scholars associated with the ISP have special expertise in the jurisprudence of informational privacy rights under the First, Fifth, and Fourteenth Amendments and their state constitutional analogues. These scholars share an interest in ensuring that the constitutionality of identity disclosure requirements is determined in accordance with settled principles of the right to privacy under both the Kansas and federal Constitutions.

SUMMARY OF ARGUMENT

Under the doctrine of constitutional avoidance, if there is more than one plausible interpretation of a statute, a court should avoid the interpretation that raises serious constitutional questions. *See Crowell v. Benson*, 285 U.S. 22, 62 (1932); *Ashwander v. TVA*, 297 U.S. 288, 348 (1936) (Brandeis, J., concurring). Despite this doctrine—and a plausible alternate reading—the Shawnee County District Court adopted the Attorney General's reading of K.S.A. 77-207, Kan. Att'y Gen. Op. No. 2023-2 ("the AG Interpretation"), which would force transgender Kansans to reveal personal and intimate information to

[1] The application of amicus ISP to file this brief was granted. *Kansas v. Harper,* No. 24-127390 A (Ord. granting application (Dec. 3, 2024)). No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund its preparation or submission. No person other than amicus or amicus's counsel made a monetary contribution to the preparation or submission of this brief.

[2] The ISP does not represent the institutional views of Yale Law School, if any.

Kansas Department of Revenue ("KDOR"), require KDOR to maintain constitutionally protected information, and result in repeated disclosures of transgender Kansans' private, intimate information. The AG Interpretation not only raises serious concerns about Kansans' privacy rights, but it violates those rights under Section 1 of the Kansas Constitution whether it incorporates the balancing test applicable under *Whalen* and its progeny, or the strict scrutiny test applied by the Kansas Supreme Court in *Hodes.* To avoid these serious constitutional questions, the Court should reverse the lower court's ruling, adopt KDOR's and Intervenor-Appellants' reasonable alternate construction of K.S.A. 77-207, and lift the existing injunction.

STATEMENT OF FACTS

1. Statutory framework

On April 4, 2023, the Kansas legislature enacted Senate Bill ("SB") 180, now codified at K.S.A. 77-207, over the Governor's veto. K.S.A. 77-207 defines individuals' sex according to their reproductive anatomy at birth and declares intermediate scrutiny to be the proper standard by which to judge cases of sex-based discrimination.

Prior to the statute's effective date of July 1, 2023, KDOR allowed Kansans to obtain IDs that comport with their gender identity (*i.e.*, transgender Kansans could have their driver's license reflect the gender they identify with). R. II, 213–14. On June 26, 2023, however, the Attorney General officially opined that SB 180 required KDOR to "list the

licensee's 'biological sex, either male or female, at birth' on driver's licenses that it issues" and "update its data set to reflect the licensee's sex at birth." AG Interpretation.[3]

2. Harms of forced disclosure

Proper identity documents are necessary for a broad range of life activities including access to important public goods, services, shelters or other facilities, acquiring benefits, travel, financial transactions, registering to vote, and securing employment and housing. *See* Nat'l Acads., Sci., Eng'g, & Med., *Understanding the Well-Being of LGBTQI+ Populations* 5-11 (2020). Identity documents that bear a transgender person's assigned sex at birth "inaccurately describe the discernable appearance of the license holder by not reflecting the holder's lived gender expression of identity," creating problems for both the document's owner and all those who need to see the document. *K.L. v. State, Dep't of Admin., Div. of Motor Vehicles*, No. 3AN-11-05431-CI, 2012 WL 2685183, at *7 (Alaska Super. 2012) (unpublished opinion).

Transgender Americans already encounter significant levels of stigma and discrimination in a variety of day-to-day life activities. *See* Br. of Amici Curiae LGBTQ Advoc. Grps., *Corbitt v. Sec'y of the Alabama L. Enf't Agency*, 115 F.4th 1335 (11th Cir. 2024). By forcing them to use inaccurate licenses, the State increases the likelihood that transgender Kansans will be subjected to discrimination, harassment, physical harm, and

[3] The new AG Interpretation runs contrary to the policies of forty-six states and the federal government. *See Identity Document Laws and Policies*, Movement Advancement Project, https://www.lgbtmap.org/equality-maps/identity_documents (last visited Dec. 3, 2024) (finding that only four states—including Kansas—categorically prohibit identity-matching-identification).

the denial of services and benefits. According to a national survey, of those individuals showing an ID with a name or gender that did not match their gender presentation, 25% of people were verbally harassed, 16% were denied services or benefits, 9% were asked to leave a location or establishment, and 2% were assaulted. James et al., *The Report of the 2015 U.S. Transgender Survey* 10, Nat'l Ctr. Transgender Equal. (2016).

Given the realities of modern technology and state law designed to increase agency efficiency, data from official government forms, including sex designations, replicate and spread throughout the "automated administrative state." Waldman, *Gender Data in the Automated Administrative State*, 123 Colum. L. Rev. 2249 (2023). In this way, "[e]very airport or doctor's visit, every job or benefits application, every background check, every vote, every interaction with the police, every plan to start a business, and every identity verification demand triggers a larger system of technological surveillance designed, from the ground up, to erase or misgender anyone outside the norm." *Id.* at 2266-67.

3. Procedural history

This case was initiated on July 7, 2023, when Kansas Attorney General Kris Kobach filed a petition for mandamus and injunctive relief in the Shawnee County District Court, to require KDOR officials who are responsible for issuing drivers' licenses to force implementation of the AG Interpretation. *See* R. I, 7, 11 On July 10, 2023, the district court issued a temporary restraining order requiring the state agency respondents to do so. R. I, 30-33.

Four transgender Kansans and the parent of a 17-year-old transgender Kansan ("Intervenors") intervened, alleging that the Attorney General was unlikely to succeed on

the merits of his claim both because 1) the AG Interpretation is contrary to the plain language of the statutes, and 2) to the extent there is any ambiguity, it should be resolved against the AG Interpretation to avoid violations of the right to informational privacy, among others, under the Kansas Constitution. R. III, 4. After discovery, expert testimony, and a two-day evidentiary hearing, the district court adopted the AG Interpretation and granted the petitioner's motion for a temporary injunction on March 11, 2024, concluding without any further analysis that "Kansas courts have not recognized a right to informational privacy under Section 1 of the Kansas Constitution Bill of Rights." R. III, 276.

ARGUMENT AND AUTHORITIES

I. The Kansas Constitution protects the right to informational privacy at least consonant with the federal Constitution.

The AG Interpretation must—at minimum—satisfy federal privacy protections. The Kansas Supreme Court has repeatedly recognized that the Kansas Constitution provides protections that *at least* "echo federal standards." *Alpha Med. Clinic v. Anderson*, 280 Kan. 903, 920, 128 P.3d 364 (2006) (declining to decide whether Kansas Constitution provided stronger protections for the right to informational privacy where challenged provision violated federal standard); *Hodes & Nauser, MDs, P.A. v. Schmidt*, 309 Kan. 610, 620, 440 P.3d 461 (2019) [hereinafter *Hodes I*] ("[T]his court has often said that sections 1 and 2

have 'much of the same effect' as the Due Process and Equal Protection Clauses found in the Fourteenth Amendment to the United States Constitution.").[4]

Moreover, although the Court did not rely on a right to privacy in *Hodes I*, the Court recognized privacy as a "natural right" protected under Section 1 of the Kansas Bill of Rights. 309 Kan. at 650 (citing *Kunz v. Allen*, 102 Kan. 883, 884, 172 P. 532 (1918) ("'A right of privacy in matters purely private is therefore derived from natural law.'"); *Munsell v. Ideal Food Stores*, 208 Kan. 909, 922-23, 494 P.2d 1063 (1972); *Johnson v. Boeing Airplane Co.*, 175 Kan. 275, 262 P.2d 808 (1953)). The district court's contrary assertion—that Kansas has never recognized such a right under Section 1—is, therefore, plainly false, and the AG Interpretation must at least satisfy the federal standard.

A. The federal right to informational privacy protects a broad range of personal, medical, sexual, and intimate information, including transgender status.

First recognized in *Whalen v. Roe*, 429 U.S. 589, 599 (1977), the right to informational privacy protects personal information, including medical information and information about sexual history and identity, from government disclosure. In *Whalen*, the Court considered the constitutionality of a New York law allowing collection of the names and addresses of individuals prescribed certain drugs, expressing particular concern about

[4] *See also, e.g., State v. Morris,* 255 Kan. 964, 979–81, 880 P.2d 1244 (1994) (double jeopardy provisions of federal, Kansas constitutions "co-equal"); *State v. Schultz*, 252 Kan. 819, 824, 850 P.2d 818 (1993) (Section 15 of Kansas Constitution's Bill of Rights is "identical" in scope to Fourth Amendment of federal Constitution); *State ex rel. Tomasic v. Kansas City*, 230 Kan. 404, 426, 636 P.2d 760 (1981) (Section 1 of Kansas Constitution's Bill of Rights given same effect as Equal Protection Clause of Fourteenth Amendment of federal Constitution)). This is merely a baseline. See *infra* Section II for discussion of how the Kansas Supreme Court has found Section 1 more extensive than the U.S. Constitution.

the "threat to privacy implicit in the accumulation of vast amounts of personal information in computerized data banks or other massive government files." *Id.* at 605. The Court upheld the law at issue only because of the extensive protections against disclosure in that case. *Id.; see also, e.g., Nixon v. General Services Administration*, 433 U.S. 425 (1977); *NASA v. Nelson*, 562 U.S. 134 (2011).

Following *Whalen,* federal courts nationwide recognize that government collection or disclosure of medical or health information implicates the federal right to privacy, noting, for example, that there are "few subject areas more personal and more likely to implicate privacy interests than that of one's health or genetic make-up." *Norman-Bloodsaw v. Lawrence Berkeley Lab'y*, 135 F.3d 1260, 1269 (9th Cir. 1998) (*citing Doe v. City of New York*, 15 F.3d 264, 267 (2d Cir. 1994). The Tenth Circuit broadly protects medical and health information under the federal constitution. *See, e.g., Herring v. Keenan*, 218 F.3d 1171, 1175 (10th Cir. 2000) ("[T]here is a constitutional right to privacy that protects an individual from the disclosure of information concerning a person's health."); *accord A.L.A. v. West Valley City*, 26 F.3d 989, 990 (10th Cir. 1994); *Lankford v. City of Hobart*, 27 F.3d 477, 479 (10th Cir. 1994); *Douglas v. Dobbs*, 419 F.3d 1097, 1102 (10th Cir. 2005).

A person's transgender status fits squarely within this precedent. Federal courts have specifically recognized that information regarding an individual's sexual orientation and

gender identity is subject to constitutional safeguards.[5] *See Powell v. Schriver*, 175 F.3d 107, 111 (2d Cir. 1999) ("The excruciatingly private and intimate nature of transsexualism, for persons who wish to preserve privacy in the matter, is really beyond debate."); *Lambert v. Hartman*, 517 F.3d 433, 441 (6th Cir. 2008) (recognizing "fundamental right of privacy in one's sexual life"); *Sterling v. Borough of Minersville*, 232 F.3d 190, 196 (3d Cir. 2000) ("It is difficult to imagine a more private matter than one's sexuality and a less likely probability that the government would have a legitimate interest in disclosure of sexual identity . . . . "); *Bloch v. Ribar,* 156 F.3d 673, 685-86 (6th Cir. 1998) ("sexuality and choices about sex" are significant, intimate interests); *ACLU v. Mississippi*, 911 F.2d 1066, 1070 (5th Cir. 1990); *Thorne v. City of El Segundo*, 726 F.2d 459, 468 (9th Cir. 1983).

Forced disclosure of transgender status may disclose stigmatized medical information that "constitutes the most serious invasion of privacy" and receives "the greatest weight" in the law due to the "ostracism, discrimination and violence" that often follows. Turkington, *Legacy of the Warren and Brandeis Article: The Emerging Unencumbered Constitutional Right to Informational Privacy*, 10 N. Ill. U. L. Rev. 479,

[5] The Eleventh Circuit recently incorrectly found that a similar Alabama policy requiring transgender people to submit documentation of gender reassignment surgery before being allowed to update gender markers on their driver's licenses did not violate federal privacy rights because, in that circuit, "there is no constitutional right to privacy in motor vehicle record information." *Corbitt v. Sec'y of the Alabama L. Enf't Agency*, 115 F.4th 1335, 1350–51 (11th Cir. 2024) (relying on *Pryor v. Reno*, 171 F.3d 1281, 1288 n.10 (11th Cir. 1999)). Not only does this holding rely on precedent unique to the Eleventh Circuit, but it is precisely because there is no realistic way to protect the privacy of information on one's driver's license that one should not be required to display transgender status—information that is deeply personal, intimate, sexual, and medical in nature and thus *is protected*—on one's license.

511-12 (1990). Gender dysphoria is a serious medical condition characterized by a clinically significant and persistent discomfort or distress with a person's assigned sex at birth. World Pro. Ass'n Transgender Health, *Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People* 5 (7th ed., 2011). Without proper treatment, people with gender dysphoria experience a range of debilitating symptoms, including anxiety, depression, and suicidality. Because misunderstandings of and stigma towards transgender people remains prevalent in the United States, transgender individuals must retain the ability to keep their medical status confidential. At minimum, forcing disclosure of transgender status denies these individuals "the ability to manage the boundaries around their intimate lives, thus violating their sexual privacy and entrenching a sense of subordination." Citron, *Sexual Privacy*, 128 Yale L.J. 1870, 1894 (2019).

B. The AG Interpretation fails the balancing test applied in *Alpha.*

In *Alpha Medical Clinic v. Anderson*, 280 Kan. 903, 921 (2006), the Kansas Supreme Court recognized that government infringements on the federal right to privacy must satisfy a balancing test to be constitutional. Applying this balancing test to review under the Kansas Constitution, a court must weigh the state's interest in disclosure against the harm to the individual, taking into account the "competing interests, including the type of information requested, the potential harm in disclosure, the adequacy of safeguards to prevent unauthorized disclosure, the need for access, and statutory mandates or public

policy considerations." *Id*. [6] The AG Interpretation clearly fails under *Alpha*: the harm to transgender Kansans far outweighs the state's supposed "interest." First, the type of information requested—transgender status—is at the heart of privacy protections, as discussed *supra* Section I.A. Further, the harms of forced disclosure of transgender status are severe and life-threatening, ranging from health, housing, and workplace discrimination to psychological distress and humiliation to physical violence and bodily harm. *See supra* Section 2.

The AG Interpretation also provides no protections against unauthorized disclosure. *See supra* Section 2. Unlike *Whalen*, where private medical information was kept in a "locked cabinet" surrounded by a "locked wire fence and protected by an alarm system," here, personal health information is displayed on driver's licenses and maintained in easily accessible state records. 429 U.S. at 594. Each time a transgender Kansan is asked for an ID, they are forced to reveal personal information. Further, KDOR gender markers are maintained in a variety of state data sets, accessible to many government officials.

While the Attorney General has claimed after-the-fact that KDOR's previous policy allowing individuals to display their gender identity, rather than sex assigned at birth, on licenses, hampers law enforcement, Br. of Pet'r-Appellee at 36-37, he has failed to

[6] The Tenth Circuit has adopted a stricter test. To analyze an informational privacy claim, courts must consider (1) if the party asserting the right has a legitimate expectation of privacy in that information, (2) if disclosure of that information serves a compelling state interest, and (3) if the disclosure has been made in the least intrusive manner. *Stidham v. Peace Officer Stds. and Training*, 265 F.3d 1144, 1155 (10th Cir. 2001).

demonstrate any harm caused by KDOR's prior policy. *See* Br. of Intervenor-Appellants at 36-38.

II. The Kansas Constitution provides stronger protections than the federal Constitution for the right to informational privacy.

In *Hodes I*, the Court reiterated its "authority to interpret Kansas constitutional provisions independently of the manner in which federal courts interpret corresponding provisions . . . result[ing] in the Kansas Constitution protecting the rights of Kansans more robustly." 309 Kan. at 621. The Kansas Supreme Court has found the Kansas Constitution requires greater protections than the federal constitution on several occasions. *See, e.g.*, *id.* at 660 (recognizing that broader rights to personal autonomy can be derived from Section 1 of the Kansas Constitution); *State v. McDaniel & Owens*, 228 Kan. 172, 184-85, 612 P.2d 1231 (1980) (interpreting Section 9 of the Kansas Constitution more broadly than the Eighth Amendment to the United States Constitution); *Farley v. Engelken*, 241 Kan. 663, 740 P.2d 1058 (1987) (recognizing that Section 1 of the state's constitution articulates broader rights than the federal Fourteenth Amendment). In *Hodes I*, the Court noted that Section 1 of the Kansas Bill of Rights protects a broad fundamental right to bodily autonomy that exceeds federal constitutional protections and demands strict scrutiny. 309 Kan. at 645 (striking ban on abortion). Application of the analysis in *Hodes I* leads to a similar ruling in this case: privacy protections under Section 1 of the Kansas Bill of Rights exceed federal protections.

A. The natural right to bodily autonomy incorporates a right to privacy.

In *Hodes I*, the Kansas Supreme Court found that Section 1 was intended to encapsulate inalienable natural rights, and chief among those, a right to bodily autonomy. *Id.* at 660. In drawing this conclusion, the Court used "natural rights, Lockean principles, the caselaw of Kansas, the rationale and holdings of court decisions from other jurisdictions reviewing broad constitutional natural rights provisions or other provisions similar to ours, and the history of early statutes limiting abortion in Kansas." *Id.*[7] The Kansas Supreme Court held that "[a]t the heart of a natural rights philosophy is the principle that individuals should be free to make choices about how to conduct their own lives, or, in other words, to exercise personal autonomy." *Id.* at 645.

While that case concerned the right to bodily autonomy, the ruling in *Hodes I* leads inexorably to the conclusion that the right to bodily autonomy necessitates an underlying right to privacy generally and informational privacy specifically. As the Court emphasized, people must be able to make life-altering decisions absent unreasonable state intrusion, *id.* at 614, 646, to be able to "control [their] own bodies, to assert bodily integrity, and to exercise self-determination." *Id.* at 671. If information surrounding these decisions is unprotected, the right to bodily autonomy is undermined.

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[7] Kansas constitutional interpretation begins with the text, *Wright v. Noell*, 16 Kan. 601, 607 (1876); *State v. Spencer Gifts*, 304 Kan. 755, 761, 374 P.3d 680 (2016), and where ambiguity remains, turns to the historical record with an emphasis on the intentions of the drafters. *Hodes I*, 309 Kan. at 610; *Hunt v. Eddy*, 150 Kan. 1, 5, 90 P.2d 747 (1939). As the Court acknowledged in *Hodes I*, while the text of Section 1 is ambiguous as to which discrete rights are protected, 309 Kan. at 624-27, the provision is intended to incorporate individual natural rights to protect against government infringements on individual liberty. *Id.* at 627-31.

Our nation's history and Kansas's own constitutional convention reflect this implicit understanding that informational privacy is a fundamental natural right. As the *Hodes I* Court emphasized, rights protected under Section 1 need not have been explicitly referenced or approved of by drafters. 309 Kan. at 650-60 (finding that abortion is protected under this natural rights inquiry even where early legislatures were agnostic or even hostile to it). Especially in inquiries that would vindicate rights for a group of people who were not protected by or in the political majority at the time of drafting, the Court should not be "tethered to prejudices from two centuries ago," but rather should "look to natural rights and apply them equally to protect all individuals." *Id.* at 659-60. The Court need only find evidence of a natural right conception of privacy that extends to personal information one might not want to disclose to the government. Requiring a specific territorial or early statute that protected information about transgender status asks too much. *Id.*

The historical record more than supports a natural right conception of privacy protected under Section 1. Respect for informational privacy throughout this country has existed since the Founding Era. For example, the Fourth and Fifth Amendments of the federal Constitution reflect, among other concerns, the idea that Americans must be able to safeguard information about their personal lives from the government. *See, e.g.,* Solove, A Brief History of Information Privacy Law, in *Proskauer on Privacy: A Guide to Privacy and Data Security Law in the Information Age* 1, 4-5 (Christopher Wolf ed., 2006); *see also Hodes I*, 309 Kan. at 641-42 (referencing Warren & Brandeis, *The Right to Privacy*, 4 Harv. L. Rev. 193, 205 (1890)); *Olmstead v. United States*, 277 U.S. 438 (1928). Likewise, the idea that people may safeguard sensitive personal information, including health

information, has been long recognized as an implicit right of citizens. *See* Solove, *supra*, at 6 (referencing 1782 Congressional law prohibiting opening of mail), *id.* (describing public outcry and restrictions in census data collection and reporting in response to questioning in 1890 about diseases and disabilities). Given this history, it is not surprising that several sister state higher courts have interpreted their analogous inalienable rights clauses to protect privacy as a natural right. *See, e.g., Jegley v. Picado*, 80 S.W.3d 332, 347-50 (Ark. 2002); *Powell v. State*, 510 S.E.2d 18, 21 (Ga. 1998); *Commonwealth v. Wasson*, 842 S.W.2d 487, 494-95 (Ky. 1992).

Because the Kansas Constitution protects the right to informational privacy as a natural right, the AG Interpretation must be subject to strict scrutiny review, a test it cannot survive. *See Hodes I,* 309 Kan. at 665–69; *Hodes & Nauser, MDs, P.A. v. Stanek*, 318 Kan. 995, 1010, 551 P.3d 62 (2024) [hereinafter *Hodes II*]; *Hodes & Nauser, MDs, P.A. v. Kobach*, 318 Kan. 940, 950-51, 551 P.3d 37 (2024) [hereinafter *Hodes III*].

B. The AG Interpretation fails strict scrutiny review.

Under strict scrutiny, the state must prove: (a) the existence of a compelling government interest, (b) its actions further that compelling interest, and (c) its actions do so in a way that is narrowly tailored. *Hodes II*, 318 Kan. at 1005. In this case, though, there is *no* compelling state interest, much less one that is narrowly served by the AG's Interpretation. As the Kansas Supreme Court held in *Hodes I*, compelling interests must "not only [be] extremely weighty, possibly urgent, but also rare—much rarer than merely legitimate interests and rarer too than important interests." 309 Kan. at 663 (internal quotations omitted); they also cannot be conjured up after the fact in service of litigation.

United States v. Virginia, 518 U.S. 515, 533 (1996) ("The justification must be genuine, not hypothesized or invented *post hoc* in response to litigation."). The only contemporaneous reason given for the legislation, and thus the only one that may be considered, is "linguistic clarity." R. III, 15; *see, e.g.,* K.S. Legislature, Senate Chamber Proceedings 04/26/2023, YouTube (April 26, 2023, at 4:42:25), https://shorturl.at/dMFoV; K.S. House Veto Debate on SB 180, YouTube (April 27, 2023, at 00:11:28), https://shorturl.at/ns8Ne. Even assuming such an interest admirable, it is certainly not "compelling" in the constitutional sense. *Hodes III*, 318 Kan. at 952-54 (instructing courts to avoid "more generic statements of government interest that amount to little more than advancing a 'commendable goal'"). Nor is it served by requiring disclosure of a person's gender assigned at birth.

CONCLUSION

Given these *serious and significant constitutional concerns* posed by the AG Interpretation, the Court should adopt KDOR's and Intervenors' reasonable alternative reading. This Court can also reject the AG Interpretation as a clear violation of privacy rights under Section 1 of the Kansas Bill of Rights whether analyzed under the balancing test or strict scrutiny review. For the foregoing reasons, amicus respectfully urges the Court to reverse the lower court's ruling and lift the injunction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 9th day of December, 2024, a true and correct copy of this Brief of Amicus Information Society Project was electronically filed using the court's electronic filing system which will serve all parties, and a copy was also served via email to:

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