

**IN THE SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY, KANSAS**

LILY LOE, by and through her parent
and next friend Lisa Loe; LISA LOE;
RYAN ROE, by and through his parent
and next friend Rebecca Roe;
REBECCA ROE,

Plaintiffs,

v.

STATE OF KANSAS, *ex rel.* KRIS
KOBACH, Attorney General of the
State of Kansas,

Defendants.

Case No. DG-2025-CV-000241
Division No. 7

**DEFENDANT'S RESPONSE TO PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY IN SUPPORT OF THEIR MOTION FOR
TEMPORARY INJUNCTION AND IN OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

Defendant Kris Kobach, in his official capacity as Attorney General for the State of Kansas, files this Response to Plaintiffs' Notice of Supplemental Authority in Support of their Motion for Temporary Injunction and in Opposition to Defendant's Motion to Dismiss.

The trial court's order in *Soe v. Louisiana State Board of Medical Examiners*, Docket No. C-751-385 (La. 19th J. Dist. Ct. Feb. 4, 2026), denying Defendants' motion for summary judgment is distinguishable, both procedurally and on the merits.

Procedurally, the trial court’s order is an order denying summary judgment and, as such, is solely premised on the existence of a genuine dispute of material facts. The order contains no legal reasoning or legal conclusions. It sheds *no* light on the difference between the Louisiana and federal constitutions. This Court, by contrast, is currently considering a motion for temporary injunction, an extraordinary remedy, which entails an entirely different—and more difficult—legal burden for the Plaintiffs to carry. Further, Plaintiffs’ reliance on the order is misplaced because it is an interlocutory decision that the Louisiana trial court may reconsider or revise at any time. *See Favrot v. Favrot*, 68 So. 3d 1099, 1103 (La. Ct. App. 2010) (trial court may reconsider a or revise an interlocutory judgment at any time prior to the entry of a final judgment) (collecting cases); *see also Magallanes v. Norfolk S. Ry. Co.*, 23 So. 3d 985, 988 (La. Ct. App. 2009) (“A denial of a motion for summary judgment is an interlocutory judgment”).

Substantively, the *Soe* order is inapplicable because the Louisiana Constitution differs materially from the Kansas Constitution Bill of Rights. Under binding Kansas precedent, the equal protection guarantee in the Kansas Constitution Bill of Rights is coextensive with the federal Equal Protection Clause: “Kansas courts *shall* be guided by United States Supreme Court precedent interpreting and applying the equal protection guarantees of the Fourteenth Amendment of the federal Constitution when we are called upon to interpret and apply the *coextensive* equal protection guarantees of section 2 of the Kansas Constitution Bill of Rights.” *Rivera v. Schwab*, 315 Kan. 877, 894, 512 P.3d 168, 180 (2022) (emphasis added). Under

Rivera, the Supreme Court’s decision in *Skrmetti* is thus dispositive of Plaintiffs’ claims. By contrast, the Louisiana Constitution’s guarantee of equal protection “g[i]ve[s] greater rights and protection than its federal counterpart.” *Louisiana Associated Gen. Contractors, Inc. v. State Through Div. of Admin., Off. of State Purchasing*, 95-2105, p. 14 (La. 3/8/96), 669 So. 2d 1185, 1196. Accordingly, while the question presented by this case may be an open one under Louisiana’s Constitution, *Skrmetti* is dispositive of the Kansas constitutional claims asserted here.

For these reasons, and those stated in Defendant’s briefing, *Soe v. Louisiana* has no bearing on the motions pending before the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed via the Kansas Courts eFiling system, which will automatically serve an electronic copy upon Plaintiffs Lily Loe, Lisa Loe, Ryan Roe, and Rebecca Roe, via their attorneys of record who have registered with that system. In addition, the foregoing was e-mailed to the following attorneys for Plaintiffs:

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