

IN THE SEVENTH JUDICIAL DISTRICT DOUGLAS COUNTY DISTRICT COURT
CIVIL DEPARTMENT

DANIEL DOE, MATTHEW MOE, KYLE
KOE, NICHOLAS NOE, CAMERON
BROYLES, AND DAKOTA WEST

Plaintiffs,

v.

Case No. DG-2026-CV-000112
Division JMCCABRIA

STATE OF KANSAS, ex rel KRIS
KOBACH, Attorney General; KANSAS
DEPARTMENT OF REVENUE, KANSAS
DIVISION OF VEHICLES; DEANN
WILLIAMS, Director of Vehicles, Department
of Revenue, in her official capacity; MARK
BURGHART, Secretary of Kansas Department
of Revenue, in his official capacity; KANSAS
DEPARTMENT OF ADMINISTRATION;
and ADAM PROFFIT, Secretary of Department
of Administration, in his official capacity,

Defendants.

**ANSWER OF DEFENDANT KANSAS DEPARTMENT OF REVENUE TO
PLAINTIFF'S AMENDED PETITION**

Defendants, Kansas Department of Revenue, Kansas Division of Vehicles, Director Deann Williams, in her official capacity, and Mark Burghart, in his official capacity, (collectively "KDOR"), hereby submit their Answer to the Amended Petition. Defendants hereby set forth the following responses to the Plaintiffs' statements of its claims within the numbered paragraphs of the Petition:

A. Answer to Amended Petition

1. Every allegation of the Amended Petition which is not specifically admitted herein is denied.

2. KDOR Defendants admit the allegations within paragraphs 1, 8, 9, and 11 of the Amended Petition.
3. KDOR Defendants lack sufficient information or knowledge to admit or deny paragraphs 2-7, 12-35, 48-166, 169-171, 175, 176, 180, 192, and 193, and therefore deny the same.
4. KDOR Defendants deny the allegations in paragraphs 10, 196-241, and Section VI Requests for Relief A-E. Regarding paragraph 10, KDOR Defendants deny that Plaintiffs' claims warrant such relief. As to paragraphs 196-241, KDOR Defendants deny the allegations for it is the role of the Kansas Attorney General to address constitutional challenges to state laws. Plaintiff's Amended Petition, at page 7, ¶ 36.
5. KDOR Defendants deny paragraphs 44, 45, 47, for it lacks sufficient information or knowledge to admit or deny and therefore denies the same. KDOR admits that Adam Proffitt is Secretary of Administration but cannot speak for that Department's scope of responsibility.
6. KDOR Defendants admit the allegations within paragraphs 36 through 43, and 46 of the Amended Petition.
7. KDOR Defendants admit the allegations within paragraphs 167 through 168 but indicate that the legislative and case law history speaks for itself.
8. KDOR Defendants deny allegations within paragraphs 169 through 171, for they call for legal conclusions and the statutes, attorney general opinion, and cases speak for themselves.
9. KDOR Defendants admit the allegations within paragraphs 172 of the Amended Petition.

10. KDOR Defendants deny allegations within paragraphs 173 and 174 calls for legal conclusions and expression of Legislative intent, and KDOR will let the bill and record speak for itself.
11. Regarding paragraph 177, KDOR Defendants admit the sentence but for the characterization of “logrolled”.
12. KDOR Defendants admit the allegations within paragraphs 178 through 179 but indicate that the legislative and case law history speaks for itself.
13. KDOR Defendants admit the allegations within paragraphs 181 and 182 but indicate that the legislative and case law history speaks for itself.
14. As to paragraph 183, KDOR Defendants admit the third sentence, “[t]he Act requires public buildings to ‘designate each multiple-occupancy private space in such building for use only by individuals of one sex’ and directs the administrator of public buildings to ‘ensure an individual does not enter a multiple-occupancy private space that is designated for use only by individuals of the opposite sex’”. KDOR Defendants deny the first two sentences as they call for legal conclusions.
15. As to paragraphs 185-191, 194, and 195, KDOR Defendants deny as they call for legal conclusions.

B. Avoidances and Affirmative Defenses

18. KDOR Defendants hereby set forth the following affirmative defenses in response to Plaintiffs’ Amended Petition:
 - A. KDOR Defendants expressly assert and preserve all immunities, defenses, and limitations on liability available under federal and Kansas law, including sovereign immunity through the Eleventh Amendment to the United State Constitution.

KDOR Defendants do not waive any such immunity, whether expressly or by implication. To the extent Plaintiffs' claims are construed as claims against the State of Kansas, such claims are barred in whole or in part by sovereign immunity, and KDOR Defendants further reserve all protections, limitations, and defenses available under the Kansas Tort Claims Act, K.S.A. § 75-6101, et seq., and other applicable law.

- B. KDOR Defendants are immune from any damages or fees which may be sought here, pursuant to the Kansas Tort Claims Act, K.S.A. 75-6101, et seq.
- C. KDOR Defendants reserve the right to assert additional affirmative defenses based upon information obtained throughout the course of this litigation.

KDOR Defendants demand that any relief sought by Plaintiffs be denied, that Plaintiffs' Amended Petition be dismissed with prejudice, and order such other relief deemed just and equitable.

KDOR Defendants respectfully request the Plaintiffs' Sec. VI request for relief be denied. That for purposes of constitutional arguments made herein, KDOR defers to the Kansas Attorney General, as set out in Plaintiff's Amended Petition, paragraph 36 and K.S.A. 75-702, but answers this Petition so that it may provide operational support if or when directed by the Court.

Respectfully submitted,

/s/ Ted E. Smith _____

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and Deann Williams, in their respective official capacities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 24, 2026, a true and correct copy of the above and foregoing will be served on counsel for each party through the Court's electronic filing system, which will send a "Notice of Electronic Filing" to each party's registered attorney.

/s/ Ted Smith _____
Ted E. Smith, #16737
Chief Counsel, Kansas Department of Revenue