

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY DIVISION**

KAIL MARIE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. 14-cv-02518-DDC/TJJ
ROBERT MOSER, M.D., in his official capaci-)	
ty as Secretary of the Kansas Department of)	
Health and Environment, <i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION
ON MARRIAGE RECOGNITION CLAIMS

Pursuant to Fed. R. Civ. P. 65(a), Plaintiffs move for a preliminary injunction:

(1) enjoining Defendants Nick Jordan, Lisa Kaspar, and Mike Michael, in their official capacities – as well as all officers, agents, servants, employees, attorneys, other persons who are in active concert or participation with them – from enforcing article 15, section 16 of the Kansas Constitution, Kansas Statutes Annotated §§ 23-2501 and 23-2508, and any other sources of state law to refuse recognition of the marriages of same-sex couples whether performed in Kansas or elsewhere, and (2) requiring Defendants Nick Jordan, Lisa Kaspar, and Mike Michael, in their official capacities – as well as all officers, agents, servants, employees, attorneys, other persons who are in active concert or participation with them – to treat same-sex married people the same as any other married persons including:

- (a) requiring Defendant Jordan, in his official capacity – and all officers, agents, servants, employees, attorneys, other persons who are in active concert or participation with him – to recognize marriages validly entered into in Kansas and elsewhere by same-sex couples for purposes of filing individual state income tax returns in a “married” status;

- (b) requiring Defendants Jordan and Kasper in their official capacities – and all officers, agents, servants, employees, attorneys, other persons who are in active concert or participation with them – to recognize marriages validly entered into in Kansas and elsewhere by same-sex couples for purposes of issuing new drivers’ licenses to married same-sex spouses who change their names as part of the marriage licensure process; and
- (c) requiring Defendant Michael in his official capacity – and all officers, agents, servants, employees, attorneys, other persons who are in active concert or participation with him – to recognize marriages validly entered into in Kansas and elsewhere by same-sex couples for purposes of allowing employees covered by the Kansas State Employees Health Plan (“KSEHP”) to add their same-sex spouses as dependents covered by the KSEHP.

Plaintiffs request such injunction remain in effect until entry of final judgment in this action.

Respectfully submitted,

/s/ Stephen Douglas Bonney
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ATTORNEYS FOR PLAINTIFFS

Certificate of Service

I certify that, on December 8, 2014, the foregoing document was served on counsel for Defendants Moser, Hamilton, and Lumbreras by e-mail through the Court's ECF system, and First Class Mail, postage prepaid, on the following:

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Docking State Office Building
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Topeka, KS 66612

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Dept. of Revenue, Division of Vehicles
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Mike Michael, Director
State Employee Health Plan
Curtis State Office Building
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/s/ Stephen Douglas Bonney