

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

FIRST BAPTIST CHURCH;)
 PASTOR STEPHEN ORMORD;)
 CALVARY BAPTIST CHURCH;)
 PASTOR AARON HARRIS)
 Plaintiffs,)
)
)
)
)
)
 GOVERNOR LAURA KELLY,)
 in her official capacity,)
)
)
 Defendant.)
 _____)

Case No. 6:20-cv-01102-JWB-GEB

MOTION TO DISMISS

Governor Laura Kelly, by and through counsel Pedro L. Irigonegaray, of Irigonegaray, Turney, & Revenaugh, L.L.P., and Lumen N. Mulligan, Attorney at Law, moves for dismissal of Plaintiff’s cause of action as moot under Rule 12(b)(1) of the Federal Rules of Civil Procedure.

In support of her motion, Governor Kelly states:

1. On April 16, 2020, Plaintiff’s filed this lawsuit challenging the constitutionality of Executive Order 20-18. Executive Order 20-18 is attached as Exhibit 1.
2. On April 16, 2020, Governor Kelly’s administration advised Plaintiffs’ counsel she was preparing an Executive Order revising the mass gathering prohibitions of Executive Order 20-18.
3. Governor Kelly signed Executive Order 20-25 on April 17, 2020.
4. Executive Order 20-25 rescinded and replaced Executive Order 20-18. Executive Order 20-25 is attached as Exhibit 2.

5. Since Executive Order 20-18 has been rescinded, Plaintiffs' lawsuit is moot.

WHEREFORE, Governor Kelly respectfully requests this Court dismiss this action as moot.

Respectfully submitted,

/s/ Pedro L. Irigonegaray

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Certificate of Service

I, the undersigned, hereby certify that I electronically filed the foregoing Motion to dismiss with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Pedro L. Irigonegaray

Pedro L. Irigonegaray