

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

FIRST BAPTIST CHURCH;)
PASTOR STEPHEN ORMORD;)
CALVARY BAPTIST CHURCH;)
PASTOR AARON HARRIS)
Plaintiffs,)

v.)

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

GOVERNOR LAURA KELLY,)
in her official capacity, ET AL.)
Defendants.)

**MOTION TO EXPAND TEMPORARY RESTRAINING ORDER
TO ADDITIONAL PARTIES AND REQUEST FOR EXPEDITED HEARING**

COMES NOW Plaintiffs in this matter, by and through counsel, and respectfully move this Court for an Order expanding the Temporary Restraining Order issued April 18, 2020 to enjoin, in addition to Defendant Governor Laura Kelly, the remaining Defendants: Adjutant General David Weishaar, Geary County Sheriff Daniel E. Jackson, Jr., and Ford County Sheriff William Carr. In support of their Motion, Plaintiffs state the following:

1. The verified facts and statements of law in Plaintiffs’ Amended Verified Complaint for Declaratory Judgment and Injunctive Relief (Doc. 3) are incorporated herein by reference.
2. The legal authorities and arguments contained in Plaintiffs’ Motion for Expedited Hearing and Motion for Temporary Restraining Order (Doc. 7) with Exhibits (Docs. 7-1 and 7-2) are incorporated herein by reference.
3. On April 16, 2020, Plaintiffs filed the original Complaint against Governor Laura Kelly in her official capacity.

4. On April 17, Plaintiffs moved the Court for a Temporary Restraining Order as to Defendant Kelly. Later that day, an expedited hearing was held on the Motion.

5. On April 18, this Court issued a Memorandum and Order along with a Temporary Restraining Order enjoining the Governor from enforcing Executive Order 20-18 (“EO 20-18”) and Executive Order 20-25 (“EO 20-25”) against Plaintiffs.

6. On April 21, counsel for Governor Kelly filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction.

7. On April 22, Plaintiffs filed an Amended Complaint to address developments related to the issuance of EO 20-25 and adding Adjutant General David Weishaar, Geary County Sheriff Daniel E. Jackson, Jr., and Ford County Sheriff William Carr as additional Defendants (hereinafter “Additional Defendants”).

8. Plaintiffs will file a response to the Governor’s Motion to Dismiss within the timeframe established by the Court’s Order (Doc. 24) demonstrating that the Court has subject matter jurisdiction to enjoin Governor Kelly from enforcing EO 20-25.

9. As detailed in the Amended Verified Complaint, Kansas law also grants concurrent authority to Defendants Carr, Jackson, and Weishaar to enforce EO 20-25 against Plaintiffs.

10. As a result, to ensure that Executive Order 20-25 is not unconstitutionally enforced against Plaintiffs by either the Governor, pursuant to her supreme directive enforcement powers derived in part from Kan. Const. Art. I, § 3 and K.S.A. 48-925(a) & (c)(10), or by the three Additional Defendants pursuant to their delegated ordinary peacetime and/or extraordinary emergency enforcement powers derived from relevant statutes and the emergency directives of the Governor, the Court’s Temporary Restraining Order should be expanded to enjoin all four named Defendants.

11. Accordingly, Plaintiffs respectfully request that the Temporary Restraining Order issued on April 18, 2020 be expanded to include both Defendant Kelly and the Additional Defendants.

12. Plaintiffs request an expedited hearing on this Motion because another Sunday is less than four days away and Plaintiffs wish to gather for worship pursuant to the social distancing protocols proposed to the Court and set forth in the Temporary Restraining Order.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully pray the Court expand the Temporary Restraining Order to enjoin Governor Laura Kelly, Adjutant General David Weishaar, Geary County Sheriff Daniel E. Jackson, Jr., and Ford County Sheriff William Carr from enforcing the religious activity prohibition of EO 20-25 against Plaintiffs.

Respectfully submitted this 22nd day April 2020.

/s/ Tyson C. Langhofer

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*Admission for Pro Hac Vice forthcoming.