

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 21- 01

INTERIM PROCEDURES FOR CIVIL ACTIONS
UNDER SB 40

In 2021 SB 40, following publication in the Kansas Register, by New Sections 1(d)(3) and 2(d)(3) and Sections 6(g)(3), 8(e)(3), and 12(d)(3), the Supreme Court is authorized to “adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection.” In the interim, the following procedures are adopted for the 10th Judicial District:

1. Petitions filed under SB 40, New Sections 1(d)(1) and 2(d)(1) and under Sections 6(g)(1), 8(e)(1), or 12(d)(1) must be verified under oath or declaration under penalty of perjury. Petition must include name, address, telephone number, and a valid working e-mail address for the petitioner. Petition must clearly show on the face of the petition that it is filed under 2021 SB 40.
2. Such petitions must include a copy of the order(s) under which the petitioner is aggrieved clearly showing the date of adoption or issuance.
3. Such petitions must include factual allegations with specificity indicating how the petitioner is substantially burdened or inhibited by specific provision(s) of the order under consideration and the nature of its business or individual activity so burdened. The allegations must show with specificity and not by mere conclusory language, how the petitioner’s burden is substantially different from the burden upon persons or entities similarly situated who are not included on the petition.
4. Such petitions must include a specific prayer for relief. If such prayer includes injunctive relief either of a temporary or permanent nature, the petition must also include all of the factual allegations necessary to support the elements for injunctive relief.
5. Such petitioner must certify the date and time that the petition has been served *and received* by the body or entity which issued the order by which the petitioner is aggrieved. Petitioner shall provide actual notice to respondent of the filing of the petition no less than 24 hours after its filing. The respondent shall have not more than 24 hours to file and serve a verified response to the petition.

6. Such petitions must specify how the order which is the subject of the action could be more narrowly tailored to respond to the disaster emergency addressed by the order under review and suggest less restrictive means, if any, to achieve such purpose(s).

7. The petitioner must certify whether they had an opportunity to appear and be heard prior to the adoption or issuance of the order under review and, if so whether they did appear and express their aggrieved burden and whether they suggested the alternatives expressed in the petition.

8. Hearings shall be commenced in the time mandated by the statute after receipt of the petition by the Clerk of the District Court who shall promptly advise the petitioner, respondent, and District Judge of the assigned Division.


9. The respondent shall be the entity or party issuing or adopting the order under review as named in the petition. The respondent shall be notified by the petitioner and the Court of the time and date for commencement of the hearing and be given opportunity to be heard by affidavit or, if needed, testimony addressing the allegations of the petition.

10. The Court will issue its decision with findings of facts based upon verified pleadings, affidavits, sworn testimony, or documents received in evidence within the statutory time after conclusion of the hearing. The hearing timely started under the statute may be continued as necessary to hear the facts before conclusion and submission when the time starts for the Court to issue its ruling.

These rules of procedure may be modified by the assigned Judge hearing the case as necessary. They will remain in effect until such time as they are superseded by rules adopted by the Kansas Supreme Court or further Order of this Court.

IT IS SO ORDERED.

Dated this 2nd day of April 2021.


Thomas Kelly Ryan
Chief Judge, 10th Judicial District