

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

FILED

OCT 19 2015

HEATHER L. SMITH  
CLERK OF APPELLATE COURTS

HODES & NAUSER, MDs, P.A.; )  
HERBERT C. HODES, M.D.; and )  
TRACI LYNN NAUSER, M.D., )

Plaintiffs-Appellees, )

vs. )

DEREK SCHMIDT, in his official )  
capacity as Attorney General of the )  
State of Kansas; and STEPHEN M. )  
HOWE, in his official capacity as )  
District Attorney for Johnson County, )

Defendants-Appellants. )

Case No. 15-114153-A



**MOTION FOR ADMISSION OF BRITTANI KIRKPATRICK IVEY  
PRO HAC VICE**

Under Rule 1.10 of the Rules of the Supreme Court of Kansas, I, Don Saxton, respectfully move the admission of Brittani Kirkpatrick Ivey to appear *pro hac vice* in this appeal as counsel for amici the American College of Obstetricians and Gynecologists.

1. I, Don Saxton, an attorney in this case and counsel of record for amici the American College of Obstetricians and Gynecologists, am admitted to practice law in Kansas, regularly engaged in practicing law in Kansas, and am in good standing under this Court's Rules.

2. Brittani Kirkpatrick Ivey is admitted to practice law in New York and the District of Columbia, and is regularly engaged in practicing law in Washington, D.C. She is also admitted to the United States Court of Appeals for the Third Circuit. Ms. Ivey

is a member in good standing of each bar, under the rules of the highest appellate court in that jurisdiction, and each court listed above. She is needed to assist in this appeal.

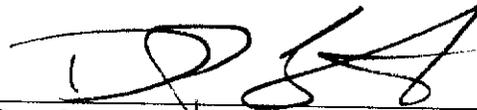
3. I will be actively engaged in this appeal and will sign all documents filed in this appeal on behalf of our clients.

4. The verified application of Brittani Kirkpatrick Ivey is attached as Exhibit A to this Motion and the \$100 non-refundable fee is included with this Motion.

For the foregoing reasons, under Rule 1.10 of the Rules of this Court, I respectfully move the admission of Brittani Kirkpatrick Ivey to appear *pro hac vice* in this appeal.

Dated: October 14, 2015

Respectfully submitted,



---

DON SAXTON, KS Bar #21978  
Saxon Law Firm LLC  
1000 Broadway, Suite 400  
Kansas City, MO 64105  
Tel.: (816) 471-1700  
Fax: (816) 471-1701  
E-mail: don@saxtonlawfirm.com

*Counsel of Record for Amici American  
College of Obstetricians and Gynecologists*

# **Exhibit A**

IN THE SUPREME COURT OF THE STATE OF KANSAS

HODES & NAUSER, MDs, P.A.;  
HERBERT C. HODES, M.D.; and  
TRACI LYNN NAUSER, M.D.,

Plaintiffs-Appellees,

vs.

DEREK SCHMIDT, in his official  
capacity as Attorney General of the  
State of Kansas; and STEPHEN M.  
HOWE, in his official capacity as  
District Attorney for Johnson County,

Defendants-Appellants.

Case No. 15-114153-A

**VERIFIED APPLICATION OF BRITTANI KIRKPATRICK IVEY  
FOR ADMISSION *PRO HAC VICE***

Under Rule 1.10 of the Rules of this Court, I, Brittani Kirkpatrick Ivey, respectfully submit this verified application for admission *pro hac vice* in this appeal as counsel for amici the American College of Obstetricians and Gynecologists (ACOG). In support of my application, I state the following:

- A. I represent the American College of Obstetricians and Gynecologists.
- B. The name, business address, telephone number, fax number, e-mail address, and Kansas attorney registration number of the Kansas attorney of record appearing in this appeal for ACOG are listed below:

Don Saxton, KS Bar #21978  
1000 Broadway, Suite 400  
Kansas City, MO 64105  
Tel.: (816) 471-1700  
Fax: (816) 471-1701  
E-mail: don@saxtonlawfirm.com

C. My residence address and business address, telephone number, fax number, and e-mail address are listed below:

Residence Address:  
2725 39<sup>th</sup> Street, NW #114  
Washington, DC 20007

Business Address:  
WILMER CUTLER PICKERING HALE AND DORR LLP  
1875 Pennsylvania Avenue NW  
Washington, DC 20006  
Tel.: (202) 663-6657  
Fax: (202) 663-6000  
E-mail: brittani.ivey@wilmerhale.com

D. I am admitted to the following bars and courts:

Bar	Admission Date	Registration Number	Status
District of Columbia Bar	December 10, 2012	1011530	Active
State of New York	April 6, 2011	4926887	Active

Court	Admission Date	Registration Number	Status
U.S. Court of Appeals for the Third Circuit	April 26, 2012	N/A	Active

E. I am regularly engaged in practicing law in Washington, D.C., and am a member in good standing of each bar, under the rules of the highest appellate court in that jurisdiction, and each court listed in Paragraph D above.

F. I have not been the subject of prior public discipline, including suspension or disbarment, in any jurisdiction.

G. I am not currently the subject of a disciplinary action or investigation in any jurisdiction.

H. I have not been granted permission to appear *pro hac vice* in Kansas within the preceding 12 months. This is my first application for permission to appear *pro hac vice* in any Kansas proceeding.

I swear or affirm that all of this information is true and correct to the best of my knowledge. I understand that I remain under a continuing obligation to notify the Clerk of the Appellate Courts if a change occurs in any of the information provided.

Dated: October 12, 2015

Respectfully submitted,



BRITTANI KIRKPATRICK IVEY  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue NW  
Washington, DC 20006  
Tel.: (202) 663-6657  
Fax: (202) 663-6000  
E-mail: brittani.ivey@wilmerhale.com

*Counsel for Amici American College of  
Obstetricians and Gynecologists*

Notary:  
Expiration Date of Notary:  
County & State:

*Mary S. Booth  
12 Oct 15*

MARY S. BOOTH  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires January 14, 2017



## CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion for Admission of Brittani Kirkpatrick Ivey *Pro Hac Vice* and Exhibit A to that Motion, the Verified Application of Brittani Kirkpatrick Ivey for Admission *Pro Hac Vice*, were sent by United States Mail, postage prepaid, on October 14, 2015, to:

ROBERT V. EYE  
ROBERT V. EYE LAW OFFICE, LLC  
123 S.E. 6<sup>th</sup> Avenue, Suite 200  
Topeka, KS 66603

TERESA A. WOODY  
THE WOODY LAW FIRM PC  
1621 Baltimore Avenue  
Kansas City, MO 64108

JANET CREPPS  
GENEVIEVE SCOTT  
ZOE LEVINE  
CENTER FOR REPRODUCTIVE RIGHTS  
199 Water Street, 22<sup>nd</sup> Floor  
New York, NY 10038

ERIN THOMPSON  
THOMPSON LAW FIRM LLC  
106 E. 2<sup>nd</sup> Street  
Wichita, KS 67202

SARAH E. WARNER  
SHON D. QUALSETH  
STEPHEN R. MCALLISTER  
THOMPSON, RAMSDELL &  
QUALSETH, P.A.  
333 West 9<sup>th</sup> Street  
P.O. Box 1264  
Lawrence, KS 66044

JEFFREY A. CHANAY  
*Chief Deputy Attorney General*  
DENNIS D. DEPEW  
*Deputy Attorney General*  
OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT  
Memorial Building, 3<sup>rd</sup> Floor  
120 S.W. 10<sup>th</sup> Avenue  
Topeka, KS 66612



DON SAXTON  
KS #21978