

# Court of Appeals of Kansas

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Topeka, KS 66612  
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\*\*\*\*\* FLAT FILE COPY \*\*\*\*\*

Appellate Case No. 15-114153-A  
District Court Case No. 15CV490

HODES & NAUSER, MDS, P.A.;  
HERBERT C. HODES, M.D.; AND  
TRACI LYNN NAUSER, M.D., APPELLEES,  
V.

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, APPELLANTS.

THE COURT HAS TAKEN THE FOLLOWING ACTION:

MOTION FOR LEAVE TO FILE BRIEF OF THE FAMILY RESEARCH COUNCIL, AS AMICUS CURIAE, IN  
SUPPORT OF DEFENDANTS-APPELLANTS.

GRANTED. BRIEF OF 15 PAGES IS DUE BY NOVEMBER 2, 2015. SEE SUPREME COURT RULE  
6.07(D)(7).

PLAINTIFF'S-APPELLEE'S NON-OPPOSITION TO MOTION OF THE FAMILY RESEARCH COUNCIL TO FILE  
AN AMICUS BRIEF.

NOTED.

Date: September 30, 2015

Heather L. Smith  
Clerk



FILED

SEP 28 2015

HEATHER L. SMITH  
CLERK OF APPELLATE COURTS

No. 15-114153-A

IN THE KANSAS COURT OF APPEALS

HODES & NAUSER, M.D., P.A. *et al.*, Plaintiffs-Appellees,

CIA

vs.

Expedite

DEREK SCHMIDT, in his official capacity as Attorney General  
of the State of Kansas, *et al.*, Defendants-Appellants.

MOTION FOR LEAVE TO FILE BRIEF OF THE FAMILY RESEARCH COUNCIL,  
AS *AMICUS CURIAE*, IN SUPPORT OF DEFENDANTS-APPELLANTS.

NOW COMES the Family Research Council, through its attorney, Kevin M. Smith, and respectfully moves this Honorable Court for leave to file its brief *amicus curiae* in support of the defendants-appellants, and in support of said motion states as follows:

(1) The Family Research Council (FRC) was founded in 1983 as an organization dedicated to the promotion of marriage and family and the sanctity of human life in public policy. Through publications, media appearances, public events, debates and testimony, FRC's team of policy experts reviews data and analyzes legislative and executive branch proposals that affect marriage, the family and human life. FRC also strives to assure that the sanctity of human life is recognized and respected in the decisions of courts. To that end, FRC has submitted *amicus curiae* briefs presenting its views in several Supreme

Court cases affecting unborn human life including, most recently, the challenges to state

Granted. Brief of 15 pages is due  
by 11-2-15. See Supreme Court Rule  
6.07(d)(7). Tom Malone  
9-30-15

114153

NM



FILED

SEP 30 2015

HEATHER L. SMITH  
CLERK OF APPELLATE COURTS

IN THE COURT OF APPEALS FOR THE STATE OF KANSAS

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

Plaintiffs-Appellees, )

v. )

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. )

Appellate Court Case # 15-114153-A  
Trial Court Case # 2015-CV-490, Div. 6

CIA

PLAINTIFF'S-APPELLEE'S NON-OPPOSITION TO MOTION OF  
THE FAMILY RESEARCH COUNCIL TO FILE AN AMICUS BRIEF

Plaintiffs-Appellees do not oppose the Motion of the Family Research Council to file an amicus brief in this matter. Plaintiffs-Appellees do not adopt or agree with the Family Research Council's characterization of the issues in the case or the legal arguments set forth in the motion.

Respectfully submitted this 30<sup>th</sup> day of September, 2015.

*Bob Eye*  
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NOTED.  
*Tom Nelson*  
9-30-15

114,153

NM