

IN THE SUPREME COURT OF THE STATE OF KANSAS

JAMES HADLEY, JOHN EDWARD TETERS, MONICA BURCH, TIFFANY TROTTER, KARENA WILSON, ABRAHAM ORR, DAVID BROOKS, SASHADA MAKTHEPHARAK through his next friend KAYLA NGUYEN; *on their own and on behalf of a class of similarly situated persons;*

Petitioners,

v.

JEFFREY ZMUDA, in his official capacity as the Secretary of Corrections for the State of Kansas, SHANNON MEYER, in her official capacity as the Warden of Lansing Correctional Facility, DONALD LONGFORD, in his official capacity as the Warden of Ellsworth Correctional Facility, and GLORIA GEITHER, in her official capacity as the Warden of Topeka Correctional Facility.

Respondents.

Original Action No. _____

Class Action

IMMEDIATE RELIEF SOUGHT

MOTION TO EXPEDITE

Petitioners James Hadley, John Edward Teters, Monica Burch, Tiffany Trotter, Karena Wilson, David Brooks, and Sashada Makthepharak through his next friend Kayla Nguyen (“Petitioners”), respectfully move that this proceeding be expedited given the imminent harm they face without this Court’s immediate intervention.

The Coronavirus is rapidly spreading in Kansas Department of Corrections (“KDOC”) facilities. *See* Petition Ex. D. In a single week, the number of confirmed cases

grew exponentially, increasing from three to twenty-three between Wednesday, April 1, 2020 and Wednesday, April 8, 2020. The number of suspected cases in KDOC facilities is much higher. Petitioners are increasingly observing fellow inmates with COVID-19 symptoms being moved to separate parts of the facility to quarantine. *See* Petition Ex. F ¶ 4; Ex. K ¶ 6; Ex. M ¶ 6. Every day Petitioners are incarcerated in KDOC's overcrowded prisons without access to soap and cleaning supplies they are being exposed to infection. A speedy adjudication by this Court would not only reduce transmissions but save lives.

Habeas relief is an inherently swift process. *White v. Shipman*, 54 Kan. App. 2d 84, 90, 396 P.3d 1250 (Kan. App. 2017) (“the legislature intended for habeas proceedings to be summary in nature and dealt with in an expedited fashion”). Once the Court issues a writ, it must be served without delay. K.S.A. § 60-1503. Additionally, the person to whom a writ is directed is required to answer within 72 hours of receiving service. K.S.A. § 60-1504. Accordingly, Petitioners' request to proceed in an expedited fashion would not fundamentally accelerate the traditional pace of the proceeding. Petitioners are primarily seeking an expedited determination from the Court as to whether it intends to exercise original jurisdiction and direct Respondents to file an answer. Additionally, Petitioners respectfully request that the Court order class certification and set an emergency hearing or argument in this case as soon as possible after Respondents' answer is filed.

In conclusion, given the immediate nature of the crisis at issue in the Petition and the relatively slight modifications to the traditional habeas timeline proposed, Petitioners respectfully request that this proceeding be expedited.

Dated: April 9, 2020

Respectfully Submitted,

ACLU FOUNDATION OF KANSAS

/s/ Lauren Bonds

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Counsel for Petitioners

CERTIFICATE OF SERVICE

The undersigned person hereby certifies that a true and correct copy of the above and foregoing document was placed with a courier service on April 9, 2020, for delivery to:

Jeff Cowger
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/s/ Lauren Bonds
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