

**IN THE DISTRICT COURT SEDGWICK COUNTY  
EIGHTEENTH JUDICIAL DISTRICT OF KANSAS**

OMEGA BOOTCAMP INC. and RYAN )  
FLOYD )  
 )  
Plaintiffs, )  
 )  
v. ) Case No. 20-CV-1880-RD  
 )  
THE STATE OF KANSAS )  
 )  
Defendant. )  
\_\_\_\_\_ )

**JOINT MOTION FOR ORDER ENTERING STAY OF PROCEEDINGS**

COME NOW JOINTLY the parties in this matter and move the Court for an order entering a stay of proceedings on the parties' Joint Motion for Entry of Stay of Proceedings. Plaintiffs Omega Bootcamps Inc. and Ryan Floyd appear by and through counsel, Ryan Kriegshauser of Kriegshauser Law, LLC and Josh Ney of Ney Law Firm, LLC. Defendant State of Kansas appears by and through Attorney General Derek Schmidt, as represented by Assistant Attorney General Arthur Chalmers and Deputy Attorney General Dennis Depew. In support of their motion, the plaintiffs claim the following:

1. This matter implicates significant public policy questions of statewide and national importance regarding the costs borne by private businesses and individuals that have been subject government shutdown orders by the state and local units of government during the COVID-19 pandemic.
2. The issues raised in this matter are likely a matter of first impression in Kansas and have the potential of creating varying legal and statutory interpretations in the event similar compensation claims are brought in other jurisdictions across the state.

3. Furthermore, compensation provisions exist in other state emergency management acts increasing the risk of disparate interpretations and outcomes.

Further, the parties agree that:

4. The parties desire to allow the Kansas Legislature and other public policy interests time to consider legislative changes that would allow for a consistent statewide process for considering compensation claims of private businesses and individuals economically harmed by government shutdown orders by units of government during the COVID-19 pandemic.
5. The parties also desire time to consider the joining of other necessary parties to this action, including Sedgwick County, Kansas as appropriate parties that the plaintiffs claim may be responsible to pay compensation. This determination may also be informed by legislative action.

WHEREFORE, the parties respectfully move the court to enter an order staying the proceedings in this matter until June 1, 2021 or the adjournment of the Kansas Legislature *Sine Die* for the 2021 regular legislative session, whichever date is later in time.

JOINTLY PREPARED AND SUBMITTED BY:

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