

IN THE SUPREME COURT OF THE STATE OF KANSAS

LUKE GANNON, by his next of friends )  
 and guardians, *et al.*, )  
 )  
 Plaintiffs/Appellees, )  
 )  
 v. )  
 )  
 STATE OF KANSAS, )  
 )  
 Defendant/Appellant. )  
 \_\_\_\_\_ )

Case No. 18-113267-S

MOTION FOR ISSUANCE OF THE MANDATE

Appellant the State of Kansas moves for this Court to issue its mandate in this appeal.

On June 14, 2019, this Court filed an opinion holding that the State had substantially complied with this Court’s orders that required it to bring the K-12 public education financing system into compliance with the adequacy requirement of the state constitution.<sup>1</sup> *Gannon v. State*, 309 Kan. 1185, 1186, 1200, 443 P.3d 294 (2019) (*Gannon VII*). But because the approved remediation plan involved a series of funding increases to be phased in through the 2022-2023 school year, this Court “retain[ed] jurisdiction to ensure continued implementation of the scheduled funding.” *Id.* at 1201.

---

<sup>1</sup> The Court had previously held that the “constitutional infirmities regarding equity identified in *Gannon V* have been corrected.” *Gannon v. State*, 308 Kan. 372, 398, 420 P.3d 477 (2018).

Because the 2022-2023 school year ended on June 30, 2023, and “all planned funding has been phased in successfully,” *Gannon VII*, 309 Kan. at 1201, this Court should now issue its mandate and release jurisdiction of this appeal.

Respectfully submitted,

OFFICE OF ATTORNEY GENERAL  
KRIS W. KOBACH

/s/ Anthony J. Powell  
Anthony J. Powell, #14981  
Solicitor General  
Memorial Bldg., 2nd Floor  
120 SW 10th Avenue  
Topeka, Kansas 66612-1597  
Tel: (785) 296-2215  
Fax: (785) 291-3767  
Email: anthony.powell@ag.ks.gov

*Attorneys for Appellant State of Kansas*

### CERTIFICATE OF SERVICE

I certify that on October 11, 2023, the above motion was electronically filed with the Clerk of the Court using the Court’s electronic filing system, which will send a notice of electronic filing to:

Alan L. Rupe  
LEWIS BRISBOIS BISGAARD & SMITH  
1605 North Waterfront Parkway, Suite 150  
Wichita, KS 67206-6634  
Alan.Rupe@lewisbrisbois.com

John S. Robb  
Somers, Robb & Robb  
110 East Broadway  
Newton, KS 67114-0544  
johnrobb@robblaw.com

*Attorneys for Plaintiffs*

*/s/ Anthony J. Powell*