

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MIGUEL COCA and)
ALEJANDRO RANGEL-LOPEZ,)
)
Plaintiffs,)

Case No. 6:22-cv-01274-EFM-RES

vs.)
)

CITY OF DODGE CITY, a municipal)
corporation, the DODGE CITY)
COMMISSION, E. KENT SMOLL, in his)
official capacity as Mayor of Dodge City,)
MICHAEL BURNS, in his official capacity)
as Vice-Mayor of Dodge City, RICK)
SOWERS, in his official capacity as a)
member of the Dodge City Commission,)
CHUCK TAYLOR, in his official capacity)
as a member of the Dodge City Commission,)
and JOSEPH NUCI, in his official capacity)
as a member of the Dodge City Commission,))

_____)
Defendants.)

DEFENDANTS’ MOTION TO DISMISS PLAINTIFFS’ AMENDED COMPLAINT

Defendants hereby move the Court for an order dismissing Plaintiffs' claims against them under Federal Rule of Civil Procedure 12(b)(6), for the reasons stated in their contemporaneously filed Brief in Support. Plaintiffs have failed to allege facts sufficient to state a claim under section 2 of the Voting Rights Act and the U.S. Constitution. Accordingly, the Amended Complaint should be dismissed with prejudice.

Respectfully submitted,

FOULSTON SIEFKIN LLP

By: /s/ Anthony F. Rupp

Anthony F. Rupp, KS #11590

Tara Eberline, KS #22576

Sarah E. Stula, KS #27156

7500 College Boulevard, Suite 1400

Overland Park, Kansas 66210
(913) 498-2100
(913) 498-2101 (fax)
trupp@foulston.com
teberline@foulston.com
sstula@foulston.com

-and-

Clayton J. Kaiser, KS #24066
FOULSTON SIEFKIN, LLP
1551 North Waterfront Parkway, Suite 100
Wichita, Kansas 67206
(316) 267-6371
(316) 267-6345 (fax)
ckaiser@foulston.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on the 11th of January 2023, the foregoing was electronically filed with the Clerk of the Court by using the Court's e-Filing system which will send notification of electronic filing to counsel for all parties of record, and a true and correct copy was served by electronic mail upon:

Sharon Brett
AMERICAN CIVIL LIBERTIES
UNION OF KANSAS
P.O. Box 917
Mission, Kansas 66201
sbrett@aclukansas.org
(913) 490-4100

Chad W. Dunn
Sonni Waknin
Bernadette Reyes
UCLA VOTING RIGHTS PROJECT
3250 Public Affairs Building
Los Angeles, California 90065
chad@uclavrp.org
sonni@uclavrp.org
bernadette@uclavrp.org
(310) 400-6019

Jonathan Topaz
Sophia Lin Lakin
AMERICAN CIVIL LIBERTIES
UNION, INC.
125 Broad Street, 18th Floor
New York, New York 10004
jtopaz@aclu.org
slakin@aclu.org
(212) 549-2500

Abena Mainoo
Jonathan I. Blackman
JD Colavecchio
Mijin Kang
Elizabeth R. Baggott
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
One Liberty Plaza
New York, New York 10006
amainoo@cgsh.com
jblackman@cgsh.com
jdcolavecchio@cgsh.com
mkang@cgsh.com
ebaggott@cgsh.com
(212) 225-2000

Scott Fuqua
FUQUA LAW & POLICY, P.C.
P.O. Box 32015
Santa Fe, New Mexico 87594
scott@fuqualawpolicy.com
(505) 982-0961

/s/ Anthony F. Rupp