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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: 2019-CV-000060



Court: Shawnee County District Court
Case Number: 2019-CV-000060
Case Title: Trust Women Foundation Inc vs. Marc Bennett -
District Attorney Sedgwick Co KS, et al.
Type: ORDER ON REMAND

SO ORDERED.

A handwritten signature in black ink, appearing to read "T. Watson".

/s/ Honorable Teresa L Watson, District Court Judge

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION THREE**

TRUST WOMEN FOUNDATION, INC.,

Plaintiff

vs.

Case No. 2019-CV-60

MARC BENNETT, ET AL.,

Defendants

ORDER ON REMAND

This lawsuit involves a constitutional challenge to state statutes. Plaintiff is Trust Women Foundation, Inc. Defendants are Marc Bennett, the Sedgwick County District Attorney; Kathleen Selzer Lippert, executive director of the Kansas Board of Healing Arts; Robin D. Durrett, president of the Kansas Board of Healing Arts; and Derek Schmidt, Attorney General of the State of Kansas. Plaintiff filed a motion seeking a temporary restraining order and temporary injunction preventing enforcement of Sections 6 and 7 of the Telemedicine Act and K.S.A. 65-4a10. Defendants Lippert and Durrett filed a motion to dismiss the claims against them.

This Court rejected Plaintiff's challenge to Sections 6 and 7 of the Telemedicine Act. That decision was not appealed. This Court denied Plaintiff's motion for a temporary injunction barring enforcement of K.S.A. 65-4a10 and dismissed the claims against Defendants Lippert and Durrett. Plaintiff appealed these decisions. A two-judge majority of the Kansas Court of Appeals panel reversed this Court's denial of a temporary injunction and its dismissal of the claims against Defendants Lippert and Durrett. The matter was remanded to this Court for entry of an order in accord with the directions of the appellate panel's majority opinion.

This Court is bound to follow the mandate of the appellate court. For this reason, Plaintiff's claims against Defendants Lippert and Durrett are reinstated. Plaintiff's motion for temporary injunction barring enforcement of K.S.A. 65-4a10 is granted. The agreed stay entered by order of this Court on August 26, 2019, is lifted. The parties are directed to call Division 3 to set the matter for a status conference.

This order is effective on the date and time shown on the electronic file stamp.

IT IS SO ORDERED.

HON. TERESA L. WATSON
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above document was filed electronically on the date stamped on the order, providing notice to counsel of record.

/s Angela Cox
Administrative Assistant