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November 6, 2014

The Honorable Ortrie D. Smith
Senior District Judge
U.S. District Court, Western District of Missouri
Charles Evans Whittaker Courthouse
400 East 9th Street
Kansas City, Missouri 64106

RE: *Kyle Lawson, et al. v. Robert Kelly*; 14-cv-00622

Dear Judge Smith,

On August 5, 2014, the State filed its motion for judgment on the pleadings (Doc. #7). Plaintiffs filed their motion for summary judgment on September 5, 2014 (Doc. #20). The parties' dispositive motions are now fully briefed.


In the time since the parties' filing of their motions, several decisions have been issued, including a decision made by the federal district court for the district of Puerto Rico, *see Conde-Vidal v. Garcia-Padilla*, Case No. 14-1253 (D. PR Oct. 21, 2014) (Ex. A), and two decisions by Missouri state courts, *see Barrier, et al. v. Vasterling, et al.*, Case No. 1416-CV03892 (16th Judicial Circuit Oct. 27, 2014); *State v. Florida*, Case No. 1422-CV03892 (22nd Judicial Circuit Nov. 5, 2014) (Exhibit B & C), bearing on the issues raised in the parties' dispositive motions.

The State has declined to appeal the judgment in *Barrier*, but has appealed the decision in *State v. Florida* to the Missouri Supreme Court. There is a potential for conflicting rulings as between the state court decisions and any decision from the federal courts, leaving state officials, especially recorders of deeds, unable to determine how to proceed. In view of

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the foregoing, the State requests a conference to discuss the status of the pending motions in light of ongoing state court litigation.

Warmest regards,


Jeremiah J. Morgan

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