

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 113,267

LUKE GANNON, *ET AL*,
Appellee,

v.

STATE OF KANSAS,
Appellant.

ORDER

This matter is before the court following remand in *Gannon v. State*, 298 Kan. 1107, 319 P.3d 1196 (2014). On December 30, 2014, the 3-judge panel appointed under K.S.A. 2014 Supp. 72-64b03 issued a Memorandum Opinion and Order on Remand. The panel held that the legislature substantially complied with its obligation to provide equity in school funding under Article 6 of the Kansas Constitution, but that it failed to comply with the adequacy requirements of Article 6. See *Gannon*, 298 Kan. at 1163 (Article 6 contains both equity and adequacy requirements).

On January 23, 2015, the State filed in the district court a motion to alter and amend the panel's December 30 order, pursuant to K.S.A. 60-259(f) and K.S.A. 60-252(b). On January 27, the Plaintiffs filed in the district court their own motion under K.S.A. 60-259(f) to alter the December 30 order regarding its equity holding. The panel has scheduled a hearing on these motions for March 5.

The State also filed a notice of appeal in the district court on January 28 and later filed a docketing statement in this court on February 18. The State's brief on appeal is

currently due March 30, 2015. See Supreme Court Rule 6.01(b)(1)(B) (2014 Kan. Ct. R. Annot. 39-40).

On February 27, the State filed in this court a Corrected Motion for an Order Staying Further Panel Proceedings Pending Disposition of the Appeal or, in the Alternative, an Order Remanding the Case for the Limited Purpose of Having the Panel Resolve the State's Motion to Alter or Amend. In its motion, the State argues that because its appeal has been docketed with this court, the panel no longer has jurisdiction to consider the State's outstanding motion to alter or amend in the district court. Accordingly, it requests that this court either (1) stay any further proceedings before the panel regarding its motion to alter or amend, or (2) remand the case to the panel for the limited purpose of resolving its motion to alter or amend.

If the Plaintiffs wish to respond to the State's motion to stay the panel's proceedings or alternatively remand this case to the panel, they are hereby ordered to do so by 5:00 p.m. on Tuesday, March 3, 2015. No extensions of time will be granted.

BY ORDER OF THE COURT this 2 day of March 2015.

A handwritten signature in black ink, appearing to read 'Lawton R. Nuss', written over a horizontal line.

LAWTON R. NUSS,
Chief Justice