

No. 15-114153-A

IN THE KANSAS COURT OF APPEALS

HODES & NAUSER, M.D., P.A. *et al.*, *Plaintiffs-Appellees*,

vs.

DEREK SCHMIDT, in his official capacity as Attorney General
of the State of Kansas, *et al.*, *Defendants-Appellants*.

MOTION FOR SUBSTITUTION OF COUNSEL

NOW COMES Kevin M. Smith, counsel of record for *amicus curiae*, the Family Research Council, in the above-captioned cause, and respectfully moves this Honorable Court for leave to withdraw as counsel of record and to substitute in his place Robert L. Howard, Foulston Siefkin, LLP, and in support of said motion states as follows:

(1) Kevin M. Smith is counsel for record for the Family Research Council, as *amicus curiae*, in the above-captioned cause, and electronically filed FRC's brief in support of the defendants on October 20, 2015.

(2) On December 9, 2015, Sam Brownback, Governor of the State of Kansas, appointed Mr. Smith to the position of district court judge for the 18th District (Sedgwick County), which appointment is effective January 21, 2016.

(3) As a result of his appointment to the bench, Mr. Smith will not be able to continue to serve as counsel of record for the Family Research Council in this matter.

(4) Attorney Robert L. Howard, Foulston Siefkin, LLP, has agreed to be substituted as counsel of record for FRC in place of Kevin Smith, to be effective on the date this motion is granted (Mr. Howard's appearance is attached to this motion).

(5) The Family Research Council consents to this substitution of counsel.

For the foregoing reasons, Kevin M. Smith moves this Honorable Court for leave to withdraw as counsel for the Family Research Council and to substitute Robert L. Howard in his place.

Dated: January 11, 2016

Respectfully submitted,

/s/Kevin M. Smith
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CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing motion was served, via class mail, postage prepaid, on January 11, 2016, on the following counsel of record:

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APPEARANCE

Robert L. Howard, Foulston Siefkin, LLP, hereby enters his appearance as counsel
of record for the Family Research Council, as *amicus curiae*, in the above-captioned
cause.

/s/Robert L. Howard
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