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CLERK OF THE EDWARDS COUNTY DISTRICT COURT
CASE NUMBER: 2019-CV-000005

IN THE 24TH JUDICIAL DISTRICT
DISTRICT COURT OF EDWARDS COUNTY, KANSAS

WATER PROTECTION ASSN. OF CENTRAL KANSAS, V. DAVID BARFIELD, P.E., IN HIS OFFICIAL CAPACITY AS CHIEF ENGINEER, DIVISION OF WATER RESOURCES, KANSAS DEPARTMENT OF AGRICULTURE, V. THE CITY OF HAYS, KANSAS AND THE CITY OF RUSSELL, KANSAS, Pursuant to K.S.A. Chapter 77	CASE NO. 2019-CV-000005	PLAINTIFF, DEFENDANT, INTERVENORS,
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RESPONSE OF THE CITY OF RUSSELL, KS TO PLAINTIFF'S DISCOVERY MOTION

The Intervenor, the City of Russell, Kansas, through its attorney Kenneth L. Cole of Woelk & Cole in response to Plaintiff's Motion for Discovery do hereby adopt the responses of both the Chief Engineer and the City of Hays to Plaintiff's Motion for Discovery. As noted in those responses the Kansas Judicial Review Act does not specifically authorize discovery but some courts and legal scholars have suggested that a court, may within a well-defined parameter of inquiry, permit limited discovery. The City of Russell requests that the motion be denied, but if the Court is inclined to grant the motion the Court should, as a prerequisite to authorizing that discovery, require Plaintiff to support the request by some factual justification for the same. Absence such a showing the use of discovery in this review proceeding should not be granted as it would serve only to increase the costs for all parties and to delay resolution of the case.

Respectfully Submitted:



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CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Response was filed with the Electronic Filing System which will send a Notice of Electronic Filing to the following case participants who are registered Filing Users:

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