

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 113,267

LUKE GANNON, by his next friends and guardians, *et al.*,  
*Appellees*,

v.

STATE OF KANSAS,  
*Appellant*.

ORDER

On July 24, 2015, this court issued its order stating: "Although the equity and adequacy issues 'do not exist in isolation from each other,' they are currently in different stages of resolution." The court then set a bifurcated briefing schedule and examined the equity issues first.

On June 28, 2016, this court issued its order regarding equity. After consideration of recent legislation, we held: "[T]he legislature has currently satisfied the court's orders in *Gannon I* [*Gannon v. State*, 298 Kan. 1107, 319 P.3d 1196 (2014)], *Gannon II* [*Gannon v. State*, 303 Kan. 682, 368 P.3d 1024 (2016)], and *Gannon III* [*Gannon v. State*, 304 Kan. \_\_\_, \_\_\_ P.3d \_\_\_, 2016 WL 3063848 (2016)] regarding equity. Therefore, no judicial remedy is necessary at this time." We further held: "oral arguments to address the adequacy portion of this litigation will be set by future court order."

With the equity issues currently resolved, we turn our attention to the adequacy issues as follows:

1. While the parties have previously filed their mandatory briefs on the adequacy issues, subsequent legislation and two decisions by this court may impact the issues on appeal. Accordingly, the parties may file supplemental briefs at their option. Such briefs must be filed before 5 p.m. on August 12, 2016.
2. The supplemental briefs shall not exceed 50 pages exclusive of cover, table of contents, appendix, and certificate of service. The format of the briefs shall conform to Supreme Court Rule 6.07 (2015 Kan. Ct. R. Annot. 51), and briefs shall be filed in accordance with Supreme Court Rule 6.09(a) (2015 Kan. Ct. R. Annot. 53).
3. Requests to file additional briefs, to exceed the page limits, and to extend the time to file briefs shall not be considered.

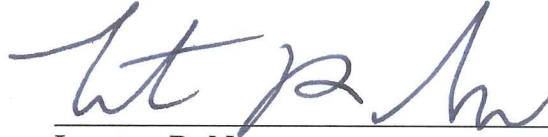
The parties are ordered to appear before this court at 9 a.m. on Wednesday, September 21, 2016, for oral arguments. Like their briefs, the parties' oral arguments should address, among other things, whether the legislature has met its duty under Article 6, § 6 of the Kansas Constitution regarding adequacy. At oral arguments, the parties should also address the panel's remedial orders and what changes, if any, may be appropriate should we ultimately affirm the panel's holdings regarding adequacy.

As the appellant, the State will argue first and will be allowed 60 minutes for oral argument. It may reserve a portion of its time for rebuttal. Appellees will also be allowed 60 minutes for oral argument. This setting is firm; motions to change the date and time will not be considered.

We retain jurisdiction of this case and all issues.

BY ORDER OF THE COURT this 6th day of July, 2016.

FOR THE COURT

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

Lawton R. Nuss  
Chief Justice