

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

JOHN DOE,)	
)	
<i>Plaintiff,</i>)	
)	
vs.)	Case No. 12 C 168
)	Div. No. 6
KIRK THOMPSON, DIRECTOR,)	
<i>et al.,</i>)	
)	
<i>Defendants.</i>)	

FILED BY CLERK
 K.S. DISTRICT COURT
 THIRD JUDICIAL DIST.
 TOPEKA, KS
 2012 DEC -7 P 2:58

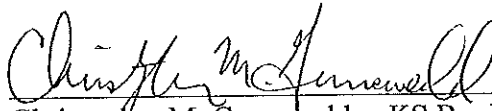
DEFENDANTS' JOINT MOTION TO STRIKE

COME NOW Defendants Kirk Thompson, Director of the Kansas Bureau of Investigation ("KBI"), and Frank Deming, Sheriff of Johnson County, Kansas and move the Court to strike hearsay and other inadmissible testimony and text from Plaintiff's affidavits and other materials supporting his motion for summary judgment. The affidavits submitted in support of Plaintiff's motion are replete with testimony unsupported by specific material facts or personal knowledge or both; inadmissible hearsay testimony, including double and triple hearsay; legal, psychological, and other technical and lay opinion testimony that lacks foundation and about which the affiant or the out-of-court declarant lacks the necessary competency. Plaintiff's motion also inappropriately attempts to use general law journal articles and other publications in lieu of testimony to establish certain facts. Further, Plaintiff's affidavits and motion refer to the content of documents without providing certified copies of those documents. All of this objectionable material violates K.S.A. §§60-256, 60-419, 60-456, 60-460, 60-467, and distorts the record in a way that unfairly prejudices Defendants. Plaintiff's memorandum in support of summary judgment also contains evidentiary statements completely unsupported by the record in violation of Supreme Court Rule 141(a).

In support of this motion, Defendants have prepared a supporting memorandum, which is being filed contemporaneously.

Respectfully Submitted,

OFFICE OF THE ATTORNEY
GENERAL, DEREK SCHMIDT



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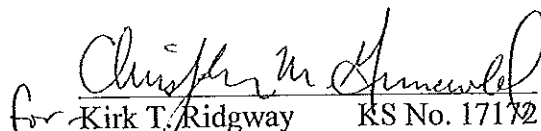
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ATTORNEYS FOR DEFENDANT

*FRANK DENNING, SHERIFF OF JOHNSON
COUNTY, KANSAS*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Defendants' Joint Motion to Strike was sent by U.S. mail, postage prepaid, this 7th day of December, 2012 addressed to:

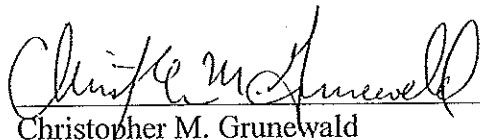
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Original filed with:

Clerk of the District Court
Shawnee County Courthouse
200 SE 7th St. Room 209
Topeka, Kansas 66603

And a copy hand delivered to:

Honorable Larry D. Hendricks
Shawnee County Courthouse
200 SE 7th St. Division Six
Topeka, Kansas 66603


Christopher M. Grunewald