

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MIGUEL COCA, et al.,

Plaintiffs,

v.

CITY OF DODGE CITY, KANSAS, a
municipal corporation, et al.,

Defendants.

Case No. 22-cv-1274-EFM-RES

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A REPLY TO DEFENDANTS'
RESPONSE TO THE STATEMENT OF INTEREST BY THE UNITED STATES**

Plaintiffs respectfully move for leave to file a reply to Defendants' Response to the United States' Statement of Interest (Doc. 59). A true and correct copy of Plaintiffs' reply is attached to this motion. In support of their motion, Plaintiffs state as follows:

1. As the court is aware, on February 10, 2023, the United States filed a Statement of Interest setting forth its position that Section 2 of the Voting Rights Act provides for a private right of action and that Plaintiffs have adequately pled their vote dilution claim under that statute. Doc. 54.

2. On February 24, 2023, Defendants filed a Motion for Leave to file a Reply to the Statement of Interest by the United States, which the Court granted. Docs. 59–60. Prior to Defendants' filing of their Motion, Plaintiffs informed Defendants' counsel that Plaintiffs would seek an opportunity to respond if Defendants' Motion were granted.

3. Defendants' Response to the Statement of Interest raises a number of new arguments and new assertions that they did not include in their original Motion to Dismiss of

January 11, 2023 (Dkt. 38), or in their Reply in Support of Their Motion to Dismiss dated February 15, 2023 (Dkt. 56).

4. As a matter of fairness, Plaintiffs therefore respectfully request the opportunity to file the attached two-page reply to address such new arguments and assertions.

5. Defendants have indicated that they do not object to this motion.

Dated: February 27, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February 2023, a true and correct copy of the foregoing was served via the United State District Court's CM/ECF system on all parties or persons requiring notice, including upon attorneys for defendants:

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