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MSS

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CLERK OF DIST. COURT
18TH JUDICIAL DISTRICT
SEDGWICK COUNTY, KS

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

COPY

DELANO ENTERPRISES, INC. d/b/a MORT'S)
CIGAR BAR; PENGUINS, INC. d/b/a WALT'S)
SPORTS BAR; and PHOENICIAN ROOM, INC.)
d/b/a HEAT CIGAR BAR & HOOKAH LOUNGE,)

Case No. 10-CV-2522

Plaintiffs,)

v.)

STEPHEN N. SIX, ATTORNEY GENERAL OF)
THE STATE OF KANSAS; THOMAS W.)
GRONEMAN, DIRECTOR, ALCOHOLIC)
BEVERAGE CONTROL DIVISION OF KANSAS)
DEPARTMENT OF REVENUE; and RODERICK)
L. BREMBY, SECRETARY OF KANSAS)
DEPARTMENT OF HEALTH AND)
ENVIRONMENT,)

Defendants.)

MOTION TO ADD PLAINTIFFS

COME NOW the following parties and move the Court for an order adding each of them as party plaintiffs in the above-entitled action:

1. THE SETTER FOUNDATION

The Setter Foundation, a 501(c)(3) charitable organization with offices at 3205 E. Grand in Wichita, Kansas, was established in 2006 to raise and donate monies to local Wichita

charities. The Setter Foundation holds annual Benefit Dinners in Wichita hosted by its founder, Father H, for fundraising purposes.

2. PAUL WEIGAND d/b/a SHOOTERS

Paul Weigand d/b/a Shooters (“Shooters”) conducts its business operations at 2726 S. Hydraulic in Wichita, Kansas. Shooters holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Shooters also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 5, 2010.

3. CLUB RODEO, LLC

Club Rodeo, LLC (“Club Rodeo”) is a limited liability company organized and existing under the laws of the State of Kansas having its principal place of business at 10001 East Kellogg in Wichita, Kansas. Club Rodeo holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Club Rodeo also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 9, 2010.

4. KATHLEEN C. PARSONS d/b/a NEW CAESARS PALACE

Kathleen C. Parsons d/b/a New Caesars Palace (“Caesars”) conducts its business operations at 4331 W. Central in Wichita, Kansas. Caesars holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Caesars also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 11, 2010.

5. SOUTHROCK BILLIARDS, L.L.C. d/b/a SOUTHROCK BILLIARDS & SPORTS BAR

Southrock Billiards, L.L.C. d/b/a Southrock Billiards & Sports Bar ("Southrock") is a limited liability company organized and existing under the laws of the State of Kansas having its principal place of business at 2020 S. Rock Road, Suite 200, in Wichita, Kansas. Southrock holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Southrock also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 9, 2010.

6. JOOT, INC. d/b/a MULLIGAN'S PUB

JOOT, Inc. d/b/a Mulligan's Pub ("Mulligan's") is a corporation duly organized and existing under the laws of the State of Kansas having its principal place of business at 8343 E. 32nd Street North in Wichita, Kansas. Mulligan's holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Mulligan's also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until December 14, 2010.

7. MUDDY BOOTS, INC. d/b/a PORT OF WICHITA

Muddy Boots, Inc. d/b/a Port of Wichita ("Port") is a corporation duly organized and existing under the laws of the State of Kansas having its principal place of business at 1548 S. Webb Road in Wichita, Kansas. Port holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Port also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 9, 2010.

8. FAT ERNIE'S BAR & GRILL, INC.

Fat Ernie's Bar & Grill, Inc. ("Fat Ernie's") is a corporation duly organized and existing under the laws of the State of Kansas having its principal place of business at 2804 S. Hydraulic in Wichita, Kansas. Fat Ernie's holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Fat Ernie's also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 16, 2010.

9. R&S ENTERPRISE, INC. d/b/a SNUG HARBOR

R&S Enterprise, Inc. d/b/a Snug Harbor ("Snug") is a corporation duly organized and existing under the laws of the State of Kansas having its principal place of business at 845 S. Christine in Wichita, Kansas. Snug holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Snug also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 9, 2010.

10. KAAD, INC. d/b/a HARRY & OLLIE'S

KAAD, Inc. d/b/a Harry & Ollie's ("Harry & Ollie's") is a corporation duly organized and existing under the laws of the State of Kansas having its principal place of business at 4805 E. Harry in Wichita, Kansas. Harry & Ollie's holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Harry & Ollie's also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until September 15, 2010.

11. DG ENTERPRISE, INC. d/b/a TRIANGLE CLUB

DG Enterprise, Inc. d/b/a Triangle Club ("Triangle") is a corporation duly organized and existing under the laws of the State of Kansas having its principal place of business at 2003 S. Washington in Wichita, Kansas. Triangle holds a Drinking Establishment license issued by the Alcoholic Beverage Control Division of the Kansas Department of Revenue. Triangle also holds a Smoking Permit for a Smoker Friendly Establishment issued by the City of Wichita valid until August 12, 2011.

The foregoing parties are united in interest with the plaintiffs that commenced this action and adopt the allegations of plaintiffs' Petition as if fully set forth herein. Each of the moving parties have no adequate remedy at law and will be irreparably harmed if House Bill 2221 becomes effective in the City of Wichita. Further, each of the moving parties requests the Court to declare and find that Wichita City Ordinance No. 47-892 is the controlling law for businesses in the City of Wichita and to permanently enjoin and restrain defendants from enforcing the provisions of House Bill 2221 in the City of Wichita.

WHEREFORE, the moving parties respectfully request that the Court grant this motion and issue an order adding each as a party plaintiff in the above action.

ADAMS JONES LAW FIRM, P.A.

By Harry L. Najim
Harry L. Najim KSC#7605
Attorney for Plaintiffs and Movants

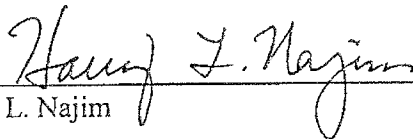
NOTICE OF HEARING

TAKE NOTICE that the above and foregoing Motion will be heard on Thursday, August 19, 2010, at 2:00 p.m. in the Civil Department on the 6th Floor of the Sedgwick County Courthouse, 525 North Main, Wichita, Kansas, or as soon thereafter as said cause can be heard.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2010, a true and correct copy of the above and foregoing Motion to Add Plaintiffs was served via e-mail and U.S. first-class postage prepaid, addressed to:

Tim J. Riemann
Assistant Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612-1597
E-mail: tim.riemann@ksag.org



Harry L. Najim