

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
TENTH JUDICIAL DISTRICT
CIVIL DEPARTMENT

CHARLES G. KOCH and)
DAVID H. KOCH,)
Plaintiffs,)
v.)
CATO INSTITUTE,)
JOHN C. MALONE,)
LEWIS E. RANDALL,)
DONALD G. SMITH, and)
WILLIAM A. DUNN,)
Defendants.)

'12 C V 0 2 8 3 0

Case No. _____
K.S.A. Chapter 60

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**PLAINTIFFS' MOTION FOR AN ORDER MAINTAINING THE STATUS QUO
OR, IN THE ALTERNATIVE, FOR A TEMPORARY INJUNCTION**

Plaintiffs Charles and David Koch move the Court to enter an Order maintaining the *status quo*, pursuant to K.S.A. 17-6515, or, in the alternative, for a temporary injunction, pursuant to K.S.A. 60-902.

In this K.S.A. 17-6515 action, Charles and David Koch, shareholders of the Cato Institute (Cato), ask the Court to invalidate the results of an improper election to fill newly created positions on Cato's Board of Directors and to enjoin the Board from filling the newly created directorships until Cato's shareholders have had an opportunity to exercise their right to fill the positions. In this Motion, Plaintiffs request that the Court first freeze the *status quo* in place for the duration of the litigation to prevent the improperly constituted Board from frustrating this Court's ability to provide Charles and David Koch with the complete relief they seek.

For the reasons in the Memorandum in Support of Plaintiffs' Motion, Plaintiffs respectfully request the Court issue a *status quo* order (or, in the alternative, a temporary injunction) requiring that, pending entry of final judgment in this matter, Cato and its Board shall take no actions which are outside the routine, day-to-day operations of Cato conducted in the

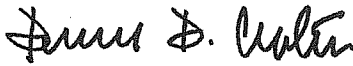
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CLERK OF DISTRICT COURT
JOHNSON COUNTY, KS
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ordinary course of its business.

Respectfully submitted,

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