

IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI

JAKE MAGGARD, et al., )  
)  
Plaintiffs, )  
)  
v. ) Case No. 25AC-CC09120  
)  
STATE OF MISSOURI, et al., )  
)  
Defendants. )

**STATE DEFENDANTS' REPLY SUPPORTING MOTION TO DISMISS**

State Defendants' opening brief noted that there are two ways to interpret the injury alleged in Plaintiffs' Petition. *See* State's SIS MTD at 1–3; Pet. ¶¶ 6, 9. "First, Plaintiffs could be understood to claim that the State is threatening their 'constitutional right to approve or reject legislation through referendum.'" State's SIS MTD at 1–2 (quoting Pet. ¶¶ 6, 9). This injury is unripe because the Secretary has not decided whether to certify PNP's referendum challenging HB1 for a vote. *See* §§ 116.120–116.150, 116.200, RSMo. "Second, Plaintiffs could be understood to assert a generalized interest in the 2026 election not being conducted under HB1." State's SIS MTD at 2–3. The latter injury is an impermissible generalized grievance.

Plaintiffs' opposition brief pivots firmly toward the second reading. They admit that the first reading of their injury is unripe because the Secretary has not yet issued a certification decision. Plfs.' SIO MTD at 7–9 & n.3. But Plaintiffs now allege that "the People" and "Plaintiffs are being harmed *right now*" because "HB1 is in effect *right now*." Plfs.' SIO MTD at 4–5, 9–10 (emphasis in original). In other words,

Plaintiffs believe they suffer a cognizable injury because HB1's "current effectiveness" is illegal. *Id.* at 9.

That is an archetypal generalized grievance. To have standing, Plaintiffs must "demonstrate a personal stake in the outcome of the litigation, meaning 'a pecuniary or personal interest directly at issue and subject to immediate or prospective consequential relief.'" *Mo. Coal. for Env't v. State*, 579 S.W.3d 924, 926 (Mo. banc 2019) (quoting *Schweich v. Nixon*, 408 S.W.3d 769, 775 (Mo. banc 2013)). Plaintiffs must allege how HB1's "current effectiveness" causes *them* a particularized injury. Plfs.' SIO MTD at 9. Plaintiffs fail in this endeavor. Like the challenger in *Missouri Coalition*, Plaintiffs here invoke "every Missouri citizen[']s" interest in a referendum process "that observes the state Constitution." 579 S.W.3d at 927. But Missouri Supreme Court precedent bars such a claim. *Id.* That is because "[t]he generalized interest of all citizens in constitutional governance does not invoke standing." *Id.* (internal quotation omitted).

Because Plaintiffs allege only a generalized grievance, this Court should grant the Motion to Dismiss.<sup>1</sup>

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<sup>1</sup> In a footnote, Plaintiffs explicitly state that "[t]his lawsuit is not directed or funded by, and Plaintiffs were not recruited by and are not proxies for or coordinating with, People Not Politicians or its counsel." Plfs.' SIO MTD at 3 n.1. They also attach discovery responses that they served *after* the State filed its January 16 Opposition to Plaintiffs' Motion for Consolidation and Plaintiffs' Proposed Preliminary Injunction Schedule. In any event, their discovery responses raise more questions than answers. Consider, for example, the disparity between Lombardi's and Maggard's responses to the State's third interrogatory. Lombardi states that he "has not been contacted about this lawsuit, been offered assistance regarding this lawsuit by, or discussed the filing of this lawsuit with People Not Politicians..." See Ex. G, Lombardi Interrogatory Resp. at 3. Maggard, however, makes no similar representation. See Ex. H, Maggard Interrogatory Resp. at 4. The State also needs to understand—through third-party discovery—whether PNP or its agents coordinated with Plaintiffs' lawyers. Further discovery is necessary if this case proceeds past the motion to dismiss stage.

## ARGUMENT

### I. **Plaintiffs concede that the first reading of their injury—the harm of not having a referendum vote on the HB1 map—is not ripe.**

Plaintiffs' Petition alleges that "Maggard" and "Lombardi" "*would* be injured *if* HB1's new map is used in the 2026 congressional elections because it would deny [them their] constitutional right to approve or reject legislation through referendum." Pet. ¶¶ 6, 9 (emphasis added). Read literally, this injury is unripe because no one knows whether HB1 will govern the 2026 elections. The Secretary must first decide whether to certify People Not Politicians's ("PNP") referendum petition challenging HB1. §§ 116.120–116.150, RSMo; State's SIS MTD at 13–14. And until the Secretary makes his certification decision, Plaintiffs' "claim is not ripe for adjudication" because Plaintiffs' alleged injury "rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all." *Geier v. Missouri Ethics Comm'n*, 474 S.W.3d 560, 569 (Mo. banc 2015) (internal quotation omitted); *Schweich*, 408 S.W.3d at 777–79 (The State Auditor's claim was unripe "[u]ntil FY 2012 *ended* without payment of the \$300,000 at issue." (emphasis added)).<sup>2</sup>

Plaintiffs' response does not meaningfully contest these authorities. Rather, Plaintiffs run from the injury alleged in their Petition—that Plaintiffs "*would* be

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<sup>2</sup> *Accord S.C. v. Juv. Officer*, 474 S.W.3d 160, 163 (Mo. banc 2015) ("Ripeness does not exist when the question rests solely on a probability that an event will occur." (internal quotation omitted)); *Farm Bureau Town & Country Ins. Of Missouri v. Angoff*, 909 S.W.2d 348, 353 (Mo. banc 1995) ("Until an agency has made a final determination that finds facts, applies the law to those facts, and construes the applicable statutes, it is impossible to know if a subsisting justiciable controversy exists between the agency and the party seeking declaratory relief."); *Calzone v. Ashcroft*, 559 S.W.3d 32, 38 (Mo. App. W.D. 2018) ("[B]ecause H.B. 1460 may never be enacted by voters, Appellants' claims are not ripe."); *Progress Missouri, Inc. v. Missouri Senate*, 494 S.W.3d 1, 5 (Mo. App. W.D. 2016) ("[A]n expression by

injured *if* HB1's new map is used in the 2026 congressional elections ...” Pet. ¶¶ 6, 9 (emphasis added). Plaintiffs’ opposition brief now alleges that “the People” and “Plaintiffs are being harmed *right now*” because “HB1 is in effect *right now*.” Plfs.’ SIO MTD at 5 (emphasis in original).

Plaintiffs also backtrack from the relief demanded in their Petition. Their Petition seeks a declaration “suspend[ing]” HB1 “*until voters* approve or reject the legislation.” Pet. ¶ 1 (emphasis added). It also demands an injunction prohibiting “use of HB1’s congressional map for any primary or general election before th[e] referendum vote.” *Id.* ¶ 2; *see also id.* at 9. But this relief—read literally—is improper before the Secretary makes his certification decision. Indeed, the relief that the Petition plainly demands would bypass the certification process completely. *See* §§ 116.120–116.150, 116.200, RSMo.

Plaintiffs do not dispute the State’s substantive point. Rather, despite the Petition’s plain text, Plaintiffs’ claim that the State “misconstrued” their prayer for relief. Plfs.’ SIO MTD at 7–9. In a footnote, they explain that they are actually seeking a judgment declaring H.B.1 suspended until the Secretary makes his certification decision. *See id.* at 8 n.3. Plaintiffs think they have standing to seek this relief because “Plaintiffs” and “the People” of Missouri are allegedly injured “*right now*” by HB1’s “current effectiveness notwithstanding the submission of the signed petitions.” *Id.* at 4–5, 7–9 (emphasis in original). In other words, Plaintiffs believe that they—and all Missourians—are injured simply because HB1 is illegal.

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the Senate that it ‘may’ take measures at some future point in time does not present a ripe controversy.”).

*Id.* That is a textbook generalized grievance. As the next section explains, in pivoting positions, Plaintiffs have traded one fatal problem for another.

**II. Plaintiffs doom their Petition by characterizing their injury as HB1’s “current effectiveness notwithstanding the submission of signed petitions.” That is an archetypal generalized grievance.**

Plaintiffs’ opposition brief now alleges that “the People” and “Plaintiffs are being harmed *right now*” because “HB1 is in effect *right now*.” Plfs.’ SIO MTD at 4–5, 7–9 (emphasis in original). But Plaintiffs fail to allege why this injury is particularized to them. Nor can they.

The Missouri Supreme Court rejected a similar theory of injury in *Missouri Coalition for the Environment v. State*. There, the court held that a plaintiff must “demonstrate a personal stake in the outcome of the litigation, meaning ‘a pecuniary or personal interest directly at issue and subject to immediate or prospective consequential relief.’” 579 S.W.3d at 926 (quoting *Schweich*, 408 S.W.3d at 775). After reaffirming this rule, the Court rejected an analogous injury to the one Plaintiffs allege here: “While the [plaintiff] alleges ‘every Missouri citizen has an interest in a legislature that observes the state Constitution,’ the law provides otherwise. ‘[T]he generalized interest of all citizens in constitutional governance’ does not invoke standing.” *Id.* at 927 (internal quotations omitted). The State’s opening brief cited *Missouri Coalition* repeatedly, see State’s SIS MTD at 3, 12, 22–23, 25–26, but Plaintiffs ignore this precedent in their opposition brief. This Court, of course, cannot do that.



The particularized-injury requirement also explains why Plaintiffs' invocation of the candidate-filing period is irrelevant. *Contra* Plfs.' SIO MTD at 6. Neither Plaintiff alleges that they intend to become candidates, so the fact that HB1 might still be in effect on February 24, 2026 imposes no particularized burden on them. That is not to say that *no one* could have a particularized interest in the filing deadlines. As the U.S. Supreme Court explained just a few days ago, *candidates* have particularized interests in the rules governing elections, but such rules are "in no sense 'common to all members of the public.'" *Bost v. Illinois State Board of Elections*, No. 24-568, 2026 WL 96707 (U.S. Jan. 14, 2026) (slip op. at 4) (quoting *Lance v. Coffman*, 549 U.S. 437, 440 (2007)). Thus, voters *cannot* sue to vindicate their "general interest' in an accurate vote tally." *Id.* (quoting *Lance*, 549 U.S. at 440). But comparatively, "a candidate's interest differs in kind," and "[a]n unfair and inaccurate election plainly affects those who compete for the support of the people in a different way than it affects the people who lend their support." *Id.* Because Plaintiffs are not candidates, the opening of the candidate filing period is little more than a generalized grievance, which is insufficient to confer standing. *Id.*

The U.S. Supreme Court made a similar point in *Gill v. Whitford*, 585 U.S. 48 (2018). There, "Wisconsin voters" challenged a statute redistricting the Wisconsin state legislative map. *Id.* at 55. The plaintiffs merely identified themselves as "supporters of the ... Democratic Party," and they substantively challenged the statewide map—claiming that the map "unfairly favor[ed] Republican voters and candidates." *Id.* The Supreme Court held that the plaintiffs lacked standing because

they failed to demonstrate a particularized injury. *Id.* at 65–69. The Court emphasized that a “plaintiff who complains of gerrymandering, but who does not live in a gerrymandered district, ‘assert[s] only a generalized grievance against governmental conduct of which he or she does not approve.’” *Id.* at 66 (citation omitted). And even “Plaintiffs who complain of racial gerrymandering in their State cannot sue to invalidate the *whole* State’s legislative districting map; such complaints must proceed ‘district by district.’” *Id.* (citation omitted) (emphasis added). In *Gill*, “not a single plaintiff sought to prove that he or she lives in a cracked or packed district.” *Id.* at 69. Instead, they rested “on their theory of statewide injury to Wisconsin Democrats,” which was an improperly generalized interest. *Id.* The Court emphasized that it “is not responsible for vindicating generalized partisan preferences. The Court’s constitutionally prescribed role is to vindicate the individual rights of the people appearing before it.” *Id.* at 72. So too here. Because Plaintiffs here allege only a generalized grievance, this Court must dismiss.

Despite these authorities, Plaintiffs insist that they are not alleging a generalized grievance because HB1’s “current effectiveness notwithstanding the submission of signed petitions ... directly violates Plaintiffs’ referendum rights” alongside “*the People’s* referendum rights.” SIO MTD at 9–10; *id.* at 4–5 (emphasis added). But again, this just articulates a textbook generalized injury, and the “‘generalized interest of all citizens in constitutional governance’ does not invoke standing.” *Missouri Coalition*, 579 S.W.3d at 927 (citation omitted). Indeed, it is hard to imagine plaintiffs with less particularized interests than Maggard and

Lombardi. With respect to which congressional map is in effect, Maggard and Lombardi have the same interest as literally every other registered voter in Missouri. *Cf. Gill*, 585 U.S. at 65–69.

Plaintiffs grasp for precedent suggesting Missouri does not enforce the rule against generalized grievances, but they come up with nothing. Indeed, the only Missouri case Plaintiffs cite supports the State, not Plaintiffs.<sup>3</sup> Plaintiffs cite *State ex rel. Mink v. Wallace*, 84 S.W.3d 127, 129–30 (Mo. App. E.D. 2002), for the proposition that an “affected party had standing ‘to contest whether [a] [referendum] election ... is being properly conducted in accordance with state law.’” Plfs.’ SIO MTD at 10. But Plaintiffs leave out important context. *Mink* involved a referendum about two city “ordinances authorizing a proposed development.” 84 S.W.3d at 128. In finding standing, the *Mink* court emphasized that one of the relators “own[ed] property in the proposed development area.” *Id.* at 130. The court explained, “This is sufficient to confer standing to contest whether an election which would potentially cause [relator] to lose that property is being properly conducted in accordance with

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<sup>3</sup> To be sure, in the section of Plaintiffs’ brief on ripeness, Plaintiffs also cite *No Bans on Choice v. Ashcroft* for the proposition that “[t]he ‘time-sensitive nature of the referendum process’ further justifies immediate judicial intervention.” Plfs.’ SIO MTD at 5 (quoting 638 S.W.3d 484, 489–90 n.9 (Mo. banc 2022)). But this has nothing to do with generalized grievances. And, in any event, Plaintiffs’ quotation is out of context. The Supreme Court was not discussing ripeness; it was discussing the “capable of repetition, yet evading review” exception to mootness. *No Bans*, 638 S.W.3d 484, 489–90 n.9. Moreover, the reasoning in *No Bans* supports the State’s argument about generalized injuries. In invoking the “capable of repetition” exception, *No Bans* noted that the plaintiffs brought their challenge “at the earliest possible moment,” which was when “time constraints on circulation imposed by sections 116.180 and 116.334.2” first “affect[ed]” plaintiffs Baker and the ACLU. *Id.* And the plaintiffs’ challenge became “moot once the deadline to submit signatures to the Secretary came to pass”—because the challenged statutes no longer regulated the plaintiffs specifically. *Id.* Thus, *No Bans* supports the State’s point about generalized grievances. It does not support Plaintiffs.



state law.” *Id.* In other words, the relator in *Mink* “demonstrate[d] a personal stake in the outcome of the litigation.” *Missouri Coalition*, 579 S.W.3d at 926. In the election context, the equivalent would be someone with a particularized interest in the election—such as “candidates” or election officials. *See Bost*, 2026 WL 96707, at \*4. By contrast, “[v]oters”—such as Plaintiffs—have only a meager “general interest.” *Id.* Plaintiffs allege an injury based on the same “generalized interest of all citizens in constitutional governance,” which “does not invoke standing.” *Missouri Coalition*, 579 S.W.3d at 927 (citation omitted).

Plaintiffs next turn to federal cases. But Plaintiffs omit important details. Plaintiffs first invoke *Baker v. Carr*, 369 U.S. 186 (1962). However, *Baker* was a substantive challenge to a legislative apportionment brought by plaintiffs who lived in the disadvantaged districts. *See id.* at 207–08. Both there and in *Gill v. Whitford*, the U.S. Supreme Court confirmed that a plaintiff who lives in a disadvantaged district (either because it is allegedly gerrymandered or has more population) has a particularized grievance. *See Gill*, 585 U.S. at 64–67 (“[A] plaintiff seeking relief in federal court must first demonstrate that he has standing to do so, including that he has ‘a personal stake in the outcome ...’” (quoting *Baker v. Carr*, 369 U.S. at 204)). Here, by contrast, Plaintiffs allege a “statewide” challenge based on “their theory of statewide injury”—which means they are identically situated to the litigants who lacked standing in *Gill*. *See* 585 U.S. at 64–72. *Gill* also explicitly rejected the exact reading of *Baker v. Carr* that Plaintiffs propose here. *See id.* at 67 (rejecting the

plaintiffs' attempt to compare "their claim of statewide injury [a]s analogous to the claims presented in *Baker*").

Plaintiffs next cite *Spokeo v. Robins*, 578 U.S. 330 (2019), for the proposition that "[t]he fact that an injury may be suffered by a large number of people does not of itself make that injury a nonjusticiable generalized grievance." *Id.* at 339 n.7. But Plaintiffs leave out the next sentence. *Spokeo* continues, "The victims' injuries from a mass tort, for example, are widely shared, to be sure, but each individual suffers a particularized harm." *Id.* Of course, *Spokeo* is correct. But in a mass tort, each Plaintiff suffers a concrete (and often physical) injury to "a pecuniary or personal interest directly at issue." *Missouri Coalition for the Environment*, 579 S.W.3d at 926 (quoting *Schweich*, 408 S.W.3d at 775). That is nothing like the "generalized interest of all citizens in constitutional governance," which Plaintiffs invoke here. *Id.* at 927. And once again, the U.S. Supreme Court has repeatedly rejected the argument that all registered voters automatically have standing to challenge the legislative map and laws that govern elections they will vote in. *See Gill*, 585 U.S. at 64–72; *Bost*, 2026 WL 96707, at \*4.

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One final point: Plaintiffs offer no explanation as for why *they* are bringing the lawsuit that the referendum's organizers would naturally be expected to bring—and which PNP promised would be brought.<sup>4</sup> As the State acknowledged, standing would

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<sup>4</sup> See, e.g., Jason Rosenbaum, *Missouri's stack of redistricting lawsuits expected to grow over whether new map is in effect*, St. Louis Public Radio (Dec. 16, 2025) ("[Von Glahn] said if state officials 'actually take steps to try to implement this law illegally – **yeah, there will be a lawsuit.**' 'The point here is that the secretary of state must act,' von Glahn said. 'He has to

at least be a closer question if PNP or Richard von Glahn were plaintiffs. *See* State's SIS MTD at 23–25.

In the absence of any reasonable explanation, it seems obvious why Plaintiffs are bringing this case—and are forced to assert a textbook generalized grievance about HB1's "current effectiveness." Plfs.' SIO MTD at 9. The referendum's actual organizers would be estopped from challenging HB1's current effectiveness. *See Missouri Gen. Assembly v. Von Glahn*, 2025 WL 3514277, at \*4 n.4 (E.D. Mo. Dec. 8, 2025) ("PNP affirmatively waived these points, precluding any argument to the contrary in future litigation."). This dubious maneuver, however, comes at a legal cost to Plaintiffs. It means that the parties with arguably particularized injuries are absent from the case. *See* State's SIS MTD at 23–25; *Allred v. Carnahan*, 372 S.W.3d 477, 484 (Mo. App. W.D. 2012) (A "political supporter and signer" of an initiative petition does not have a particularized interest, while the "proponent" of the petition has a "greater interest."); *Prentzler v. Carnahan*, 366 S.W.3d 557, 563 (Mo. App. W.D. 2012) (same). This Court should not bend standing rules—and especially not in a case where obvious alternative litigants with more direct interests are conspicuously absent.

### CONCLUSION

This Court should grant the State's motion to dismiss.

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issue a certificate of sufficiency or insufficiency, and until that point, the law is suspended." (emphasis added)), <https://www.stlpr.org/governmentpolitics-issues/2025-12-16/missouris-redistricting-lawsuitswhether-new-map-effect>.

Date: January 19, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2026, a true and accurate copy of the above was electronically filed by using the Court's CM/ECF system to be served via operation of the Court's electronic filing system upon all counsel of record.

J. Michael Patton