

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MISSOURI GENERAL ASSEMBLY, ET AL.,

Plaintiffs,

v.

Case No. 4:25-cv-01535-ZMB

RICHARD VON GLAHN, ET AL.,

Defendants.

**STATE OF MISSOURI'S
MOTION FOR SANCTIONS AGAINST DEFENDANTS' COUNSEL**

Plaintiffs, the Missouri General Assembly, Denny Hoskins in his official capacity as Missouri Secretary of State, and the State of Missouri, respectfully move this Court to sanction Defendants' counsel—Ms. Amunson and Mr. Hatfield—for breaching their duty of candor to this Court pursuant to its inherent authority. For the reasons explained in the accompanying memorandum in support of this motion, Missouri respectfully requests this Court impose appropriate sanctions on Defendants' counsel, including admonishing Defendants' counsel, vacating the Court's dismissal order, reopening the case, striking Defendants' motion to dismiss, and any other sanction this Court deems warranted in its sound discretion.

Dated: December 12, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2025 the foregoing was filed electronically through the Court's electronic filing system to be served electronically on counsel for all parties.

s/ Louis J. Capozzi III

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MISSOURI GENERAL ASSEMBLY, *et al.*

Plaintiffs,

v.

Case No. 4:25-cv-01535-ZMB

RICHARD VON GLAHN, *et al.*

Defendants.

**MEMORANDUM IN SUPPORT OF THE STATE OF MISSOURI'S
MOTION FOR SANCTIONS AGAINST DEFENDANTS' COUNSEL**

INTRODUCTION

Missouri moves for this Court, pursuant to its inherent authority, to sanction Defendants' Counsel for intentionally misrepresenting their clients' position during questioning by the Court. During a hearing on Defendants' motion to dismiss, Defendants' Counsel expressly conceded that H.B. 1 goes into effect unless and until the Secretary of State certifies the referendum *or* a state court orders the Secretary to certify. *E.g.*, Tr. 52:13–20. In other words, Defendants' Counsel admitted that the mere submission of referendum signatures does not freeze a duly enacted state law. Defendants' Counsel strongly resisted making that concession, but they did so under pointed questioning from the Court. *See* Tr. 43:3–49:4. Indeed, this Court suggested Defendants needed to make that concession in order to prevail on their motion to dismiss. Tr. 44:23–45:1, 45:13–24, 46:4–14, 47:13–19, 48:9–19.

The Court accepted Defendants' concession on that point, and the Court even noted the concession in its opinion granting Defendants' motion to dismiss. *See* slip op. at 1, 4, 7 n.4. Yet during the following days, Defendants and Mr. Hatfield personally have aggressively and repeatedly communicated the opposite position to the media, stating unambiguously that their mere act of submitting referendum signatures immediately froze H.B. 1 and prevented it from going into effect.¹ When

¹ *See* Rudi Keller & Jason Hancock, *Missouri Set to Enact Gerrymandered Map Despite 300K Signatures for Repeal Referendum*, Missouri Independent (Dec. 9, 2025), <https://missouriindependent.com/2025/12/09/missouri-gerrymander-congressional-map-referendum/>; Alisa Nelson, *When Does Missouri's New Congressional Map Take Effect? That Depends on Who You Ask*, Missouri.net (Dec. 10, 2025), <https://www.missourinet.com/2025/12/10/when-does-missouris-new-congressional-map-take-effect-that-depends-on-who-you-ask/> (quoting People Not

the State warned Defendants' Counsel that it might pursue sanctions (and gave them the option to retreat), Defendants doubled down and repeated their contradictory new position.² All of these public statements fully contradict the representations Defendants' Counsel made to this Court.

Lawyers barred (or admitted *pro hac vice*) in this Court should not be permitted to make concessions to help obtain a legal victory, and then immediately turn around and contradict those concessions in public. *See Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245–46 (1944). Such conduct is dishonorable and unethical. *See id.* Missouri respectfully requests this Court impose appropriate sanctions on Defendants' Counsel, including admonishing Defendants' Counsel, vacating the Court's dismissal order, reopening the case, striking Defendants' motion to dismiss, and any other sanction this Court deems warranted in its sound discretion.

BACKGROUND

After Missouri filed this lawsuit seeking preliminary relief and Defendants filed their motion to dismiss, this Court held a hearing on both motions on November 25, 2025. In that hearing, the Court honed in on one of Plaintiffs' primary alleged harms—that the congressional map enacted in House Bill 1 could be frozen due to

Politicians press release); Jason Rosenbaum, *Missouri Redistricting Foes May Have Dealt Big Blow to Trump-Backed Congressional Map*, St. Louis Public Radio (Dec. 9, 2025), <https://www.stlpr.org/government-politics-issues/2025-12-09/missouri-redistricting-foes-may-have-dealt-big-blow-to-trump-backed-congressional-map>.

² *See* Alix Breeden, How Missourians Rose Up Against Gerrymandering: GOP Is 'Terrified', *Daily Kos* (Dec. 11, 2025), <https://www.dailykos.com/stories/2025/12/11/2357923/-How-Missourians-rose-up-against-gerrymandering-GOP-is-terrified>.

Defendants' actions. Compl. ¶ 48; PI Br. at 11. That discussion focused on the meaning of the Missouri Constitution, which states that, as part of the referendum process, "[a]ny measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise." Mo. Const. art. III, § 52(b).

During the hearing, the Court focused on what the Missouri Constitution means when it says that a "measure referred to the people" is frozen pending a public vote. After Plaintiffs' Counsel noted concerns about the map being frozen, the Court asked if "the map would be frozen post certification"—implying the map would go into effect *pre*-certification. Tr. 36:1–2. In response, Plaintiffs' Counsel agreed that was the State's "understanding," but also candidly acknowledged "uncertainty as to whether mere submission of the signatures freezes the map or whether it is post certification." Tr. 36:3–12. That is why Plaintiffs' Counsel stated he would be "curious to hear [Defendants'] position on that question." Tr. 36:9–12. Fittingly, the Court said it "would be eager to hear that as well." Tr. 36:13.

Unsurprisingly, the Court then questioned Ms. Amunson precisely on that issue. The Court put the point directly and unambiguously: "I think necessary to [your] argument as to why the State isn't facing harm . . . implicit in that is that the freeze wouldn't occur on the new maps *until after the certification*. Is that right?" Tr. 44:23–45:1 (emphasis added).

Ms. Amunson obviously did not want to agree with the Court's suggestion. At first, she echoed the public position taken by her clients, suggesting that merely

“turning in the signatures ensures that the law will not otherwise go into effect” until a vote happens. Tr. 45:7–8.

In response, the Court strongly pushed backed, suggesting Ms. Amunson needed to retreat from that position if there was to be “any chance of [her argument] prevailing.” Tr. 45:13–19. Yet Ms. Amunson did not immediately agree with the Court, but repeated her position that “once the referenda process starts, it cannot go [into effect].” Tr. 46:15–21.

The Court, however, suggested it read the Missouri Constitution as the State did, and that the reference to a referred law being frozen “presupposed certification” by the Secretary following a review of the signatures being submitted. Tr. 47:1–6. Once again, Ms. Amunson resisted that interpretation and suggested that “[i]t is the submission” of signatures that freezes a law. Tr. 47:7–8.

The Court then gave Ms. Amunson yet another chance. It noted that her resistance to the Court’s “reading” was “punching a hole into some of [her] arguments for dismissal.” Tr. 47:13–18. And the Court suggested—quite correctly—that the State would be harmed if Defendants’ submission of signatures froze H.B. 1. Tr. 47:17–18. But once again, Ms. Amunson rejected the Court’s suggestion, reasoning that a law cannot go into effect when referendum signatures are submitted. Tr. 48:3–5.

The Court then gave Ms. Amunson a *fifth* chance to agree. Lest the point was not already obvious to Ms. Amunson, the Court stated she “need[ed] to be arguing . . . for [her] dismissal arguments” the following position:

[T]he law would go into effect, and then you would seek to challenge the law based on the Secretary's actions and say what the Secretary did was impermissible and then file whatever emergency relief that you wanted to do, and that very well could preclude the map from going forward.

Tr. 48:9–15. And the Court said, once again, that, “for [Defendants'] harm arguments to bear out, that needs to be your position.” Tr. 48:16–19.

Finally, faced with a situation where any competent advocate would fear losing the case, Ms. Amunson gave up the concession and agreed “that is [Defendants'] position.” Tr. 48:20. In response, the Court asked for confirmation that “in the interim, things would move forward *unless and until* you sought emergency relief and filed a lawsuit and everything.” Tr. 49:1–3 (emphasis added). Ms. Amunson agreed that was “correct.” Tr. 49:4.

The Court subsequently had a similar (albeit much briefer) exchange with Mr. Hatfield. The Court repeated its position that the Missouri Constitution's reference to a law being frozen by the referendum process “presupposes the certification or a successful challenge to decertification.” Tr. 49:25–50:2. Mr. Hatfield expressly agreed with the Court's position. Tr. 50:3–8. That repeat of Ms. Amunson's concession led the Court to conclude that “we're all on the same page at this point.” Tr. 50:9–10.

Plaintiffs' Counsel was skeptical of Defendants' concession even then, expressly noting uncertainty about what the “status of the map will be once [Defendants] submit their signatures.” Tr. 52:13–18. Plaintiffs' Counsel, however, acknowledged that “eventually, my friend conceded, that the map stays in effect unless and until they can win a state court challenge.” Tr. 52:15–16.

The Court expressly agreed with that characterization of the concession, and it even noted on the record that “Mr. Hatfield [was] nodding his head yes.” Tr. 52:19–20. And once again, the Court stated its view that this concession was “very important,” and that the “arguments for dismissal [would] be very flat if that weren’t the case.” Tr. 52:21–23. Indeed, the Court noted that it was “abundantly clear” that Defendants’ Counsel had conceded the point. Tr. 52:24.

On December 8, the Court issued its ruling dismissing Missouri’s claim because their injuries were not ripe for adjudication. *See* slip op. 5–8.³ The Court expressly noted Defendants’ concession, acknowledged the skepticism of Plaintiffs’ Counsel, and even referenced the “ethical ramifications of counsel breaching their duty of candor to this tribunal.” Slip op. 7 n.4.

Despite the Court’s warning and their representation being “abundantly clear,” Defendants changed their story just *one day* after this Court’s ruling. Defendant Richard von Glahn has stated that his submission of his referendum petition “suspend[s]” House Bill 1.⁴ Defendant, People Not Politicians, also unequivocally stated, “Under the Missouri Constitution, any law sent to voters cannot take effect unless approved by a majority vote. Once signatures are submitted, HB1 must be paused until Missourians vote on it at the ballot box.”⁵

³ The Court alternatively held that *Pullman* abstention warrants dismissal. *See* slip op. at 9–11.

⁴ Keller, *supra* note 1.

⁵ Nelson, *supra* note 1.

Mr. Hatfield has stated similarly. Responding to the Attorney General's statement that House Bill 1 will not be frozen unless and until the Secretary of State certifies the referendum, Mr. Hatfield stated that Missouri had "made up another incorrect reason to try and stop the will of the people on this. But they're wrong."⁶ Troublingly, when presented with the opportunity to clarify and align his position with his representation to this Court, Mr. Hatfield appears to have suggested that he never agreed that the map would remain in effect.⁷

On December 10, Missouri informed Defendants of their intent to seek sanctions and gave them an opportunity to correct their public statements inconsistent with their representations made before this Court. *See* Ex. B. They have not done so and have instead doubled-down.⁸ They have even threatened suit against the State if the Secretary "attempts to put HB1 into effect prematurely."⁹

ARGUMENT

The Court should enter sanctions. Defendants and their Counsel have repeatedly and expressly contradicted their "abundantly clear" representation to this Court. Tr. 52:24. Under the extreme facts in this case, it is clear that Defendants' Counsel deceived the Court.

⁶ Rosenbaum, *supra* note 1.

⁷ *See id.* ("Hatfield said People Not Politicians agreed that Hoskins had the ability to potentially block the referendum – not that the map wasn't frozen as soon as signatures were turned in.").

⁸ *See* Nelson, *supra* note 1 (recounting statements made after Defendants were alerted to their statements contradicting their representations to this Court).

⁹ *Id.*

This Court is vested with the inherent authority “to manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases.” *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 107 (2017) (quoting *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962)). This authority is “a broad and powerful tool,” *Sentis Grp., Inc. v. Shell Oil Co.*, 559 F.3d 888, 900 (8th Cir. 2009), and allows the Court “to fashion an appropriate sanction for conduct which abuses the judicial process,” *Goodyear*, 581 U.S. at 107 (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–45 (1991)). This includes the power “to discipline attorneys who appear before it” as well as the power ““set aside fraudulently begotten judgments.”” *Chambers*, 501 U.S. at 44 (quoting *Hazel-Atlas*, 322 U.S. at 245).

It goes without saying, our judicial system requires truth. *See id.* (recognizing necessity of “the integrity of the courts”). This requirement for integrity is even more true for lawyers. *See* Model Rules of Pro. Conduct r. 3.3(a) (imposing an additional duty of candor for lawyers); Mo. Sup. Ct. R. 4-3.3(a) (same). If a lawyer could make a representation before a court to win a case and then turn around and contradict this representation, “the very temple of justice [would be] defiled.” *Universal Oil Prods. Co. v. Root Refining Co.*, 328 U.S. 575, 580 (1946). “No fraud is more odious than an attempt to subvert the administration of justice,” *Hazel-Atlas*, 322 U.S. at 251 (Roberts, J., dissenting), and indeed, it’s hard to fathom a greater “abuse[]” of “judicial process,” *Chambers*, 501 U.S. at 45. But this is exactly what happened here.

At this Court’s November 25 hearing, the Court gave Ms. Amunson *five* separate opportunities to concede that H.B. 1 is not frozen by the mere submission of

signatures—but only if (1) the Secretary certifies the referendum or (2) a court orders the Secretary to do so. *See* Tr. 44:23–45:1, 45:13–24, 46:4–14, 47:13–18, 48:9–19. And Ms. Amunson ultimately made that concession after this Court repeatedly warned that her failure to make that concession could cost her the case. Tr. 48:20. Mr. Hatfield made the same concession. Tr. 50:3–8, 52:20. And this Court agreed with Plaintiffs’ Counsel’s characterization of the concession. Tr. 52:19. The concession was “abundantly clear.” Tr. 52:24.

Defendants did not need to make that concession. They could have stood their ground as they did after the Court’s first four concession invitations, and they could have accepted the possibility of losing the case. But they did not. If Defendants’ Counsel had buyer’s remorse after the hearing, they could have filed a statement with the Court correcting their representations. *See, e.g., In re Cummings*, 381 B.R. 810, 837 (S.D. Fla. Bankr. 2007) (lawyer “should not improperly permit the lawyer’s silence or inaction to mislead anyone”). But they did not. Instead, Defendants are trying to benefit from their concession while not honoring it. Not only are Defendants threatening litigation against the State in contradiction of their concession, but their public remarks are obviously designed to encourage third parties (who would not be bound by the concession) to sue the State to immediately freeze the map. When the State presented Defendants’ Counsel with evidence of their misconduct, they could have retreated and avoided this motion. But they did not.

Defendants’ misrepresentations significantly influenced this Court’s decision to grant their motion to dismiss. They were “critical[]” for this Court’s finding that

the State did not imminently face the harm of having its duly enacted law frozen. Slip op. at 1; *see also* Tr. 48:17–19 (The Court: “I think for [Defendants’] harm arguments to bear out, that needs to be [Defendants’] position.”); *supra* 4–7. The Court’s alternative *Pullman* abstention holding is similarly undergirded by Defendants’ concessions. *See id.* at 9–10 (abstaining because, at least in part, “the State may protect its own interests through” refusing to certify).¹⁰

Defendants cannot wiggle out of their earlier representations now that the Court has ruled in their favor. *See, e.g., In re Hentges*, 352 B.R. 487, 498 (N.D. Okla. Bkr. 2006) (prohibiting “misrepresentation” during oral argument); *cf. Hazel-Atlas*, 322 U.S. at 245 (setting aside fraudulently begotten judgment based on “nothing but [Defendant’s] sworn admissions”). Even if the Court’s decision did not rest on Defendants’ representations, this cannot excuse Defendants’ counsel’s lack of candor to this tribunal—a point that this Court itself emphasized in assuring the State that Defendants could not “backslide on [their] repeated representations.” Slip op. at 7 n.4 (explaining that Defendants would be precluded from contrary arguments “in

¹⁰ The Court used the phrase “decertification” in its opinion. Slip op. at 7 n.4. The State understands the Court to be using that phrase synonymously with the Secretary merely refusing to certify the referendum—as the Court did during the hearing. *See, e.g.,* Tr. 49:21–50:2. It is probably more accurate to characterize the Secretary’s initial certification decision as either certification or non-certification. Indeed, the term “decertification” could—without the clear context provided during the hearing—be understood to suggest that the mere submission of signatures certified the referendum. But only the Secretary can certify a referendum in the first instance; he does so by issuing a certificate. Mo. Rev. Stat. § 116.150. That statutory language confirms the trueness of Defendants’ concession: A referendum is not certified *until* the Secretary issues the certificate. Tr. 48:10–20, 52:15–20.

future litigation (to say nothing of the ethical ramifications of counsel breaching their duty of candor to this tribunal”).

Yet Defendants *and* Mr. Hatfield have made statements following the decision in this case directly conflicting their prior representations. Defendants’ experienced Counsel should know this is unacceptable. As Judge Schelp recently noted when issuing a show-cause order as to why Mr. Hatfield should not be sanctioned, Mr. Hatfield should understand his ethical obligations because he is a “talented litigator in the area of governmental policy and regulation.” *City of St. Louis v. Missouri*, 4:25-cv-00498, ECF No. 6 at 2 n.1 (E.D. Mo. Apr. 16, 2025). In response to a warning from the State, Ms. Amunson has taken no action to remedy her misrepresentations to the Court.¹¹ As deeply experienced lawyer, Ms. Amunson should also have known better.

¹¹ Ms. Amunson and Mr. Hatfield sent the State a letter on December 12, 2025, doubling down on their clients’ public media statements and insisting that H.B. 1 is frozen unless the Secretary affirmatively “decertif[ies]” the referendum. Ex. A at 4–6. With respect, that is simply not a plausible interpretation of the hearing transcript. *See, e.g.*, Tr. 52:13–53:1. And Defendants’ Counsel never advanced that interpretation during the hearing. Indeed, Defendants’ Counsel never even used the word “decertify” during the hearing.

If the Court somehow agrees with Defendants’ novel interpretation, the State would likely move for reconsideration and/or appeal, because H.B. 1 being frozen by the mere submission of potentially insufficient or invalid signatures surely constitutes a serious irreparable harm. *See Abbott v. Perez*, 585 U.S. 579, 602 (2018) (explaining that “barring the State from conducting this year’s elections pursuant to a statute enacted by the Legislature . . . would seriously and irreparably harm the State” (footnote omitted)); *see also Ariz. State Leg. v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 801 (2015) (explaining that the legislature’s having its singular control over the redistricting process divested is not “too ‘conjectural’ or ‘hypothetical’ to establish standing,” nor need the legislature show that the Secretary of State would disregard his obligations under state law). And it is not an adequate remedy to say the Secretary can avoid that harm by rushing to reject the referendum under the U.S. Constitution’s Elections Clause—before signatures are even verified.

Allowing Defendants' counsel to represent one thing to this Court but say and do another would undermine this Court's rulings and public confidence in the judicial system. This "tampering with the administration of justice . . . involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society." *Hazel-Atlas*, 322 U.S. at 246. This Court should not tolerate this affront on "the integrity of the judicial process."

*Id.*¹²

Despite the Court's assurances, it is *far* from clear the State has the authority to reject a referendum based on substantive federal-constitutional concerns. *See, e.g., Mo. Elec. Coop. v. Kander*, 497 S.W.3d 905, 920 (Mo. Ct. App. 2016) (expressly disagreeing with this Court's interpretation and stating that the legal "sufficiency determination the Secretary of State is required to conduct plainly does not include whether an initiative petition complies with the **Federal** Constitution" (emphasis in original)). And of course, the Court's assurance would likely not stop a third party not bound by Defendants' now-revised concession from arguing that point. *See Feinstein v. Edward Livingston & Sons, Inc.*, 457 S.W.2d 789, 794 (Mo. banc 1970).

In any event, skipping signature verification is not prudent. It is far from clear whether Defendants have submitted enough signatures for each of the congressional districts from which they must submit signatures. The legal status of a significant percentage of those signatures is unclear. *See Order, People Not Politicians v. Hoskins*, 25AC-CC07128 (Mo. 19th Cir. Ct. Dec. 12, 2025) (holding in abeyance case addressing whether Secretary Hoskins can reject signatures gathered prior to referendum petition approval pending the Secretary's determination on sufficiency of signatures). And it makes little sense for the Secretary to rush into the adjudication of a difficult and serious federal-constitutional question in state court before determining whether Defendants have submitted enough signatures. *Cf. NLRB v. Catholic Bishop of Chi.*, 440 U.S. 490, 501 (1979). That rash course of action cannot fully remedy the State's sovereign harms because it merely inflicts new ones—chiefly, by interfering with the Secretary's statutory discretion to process the referendum as he deems prudent.

¹² In their letter to the State, Defendants' Counsel also suggested that the State is obligated to give them 21 days to respond to a draft sanctions motion under Federal

CONCLUSION

The State does not lightly move for sanctions. Litigation can be difficult work, and the State recognizes that mistakes happen. But that is not what happened here. Defendants made a concession to this Court to help secure a win; as soon as they got that win, they exposed their concession as a deception. The reality is “abundantly clear.” Tr. 52:24.

For the foregoing reasons, the Court should grant Missouri’s motion to sanction Defendants’ counsel.

Rule of Civil Procedure 11(c). Ex. A at 1. By its plain text, that rule does not apply because Defendants’ misrepresentation was made during oral argument—and not a paper filed with the Court. See Fed. R. Civ. P. 11(b) (requiring “a pleading, written motion, or other paper”). Under this Court’s inherent authority, there is no 21-day requirement. See *Anderson v. CitiMortgage, Inc.*, 519 F. App’x 415, 417–18 (8th Cir. 2013). In any event, Defendants’ letter and continued statements to the media confirm that giving them more time to retract would be futile. Finally, giving Defendants that much time would potentially prejudice the State’s ability to move this Court for reconsideration within the prescribed time.

Dated: December 12, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2025 the foregoing was filed electronically through the Court's electronic filing system to be served electronically on counsel for all parties.

s/ Louis J. Capozzi III

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December 12, 2025

Louis J. Capozzi III

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Re: Your Demand for a Public Statement Regarding the Status of House Bill 1

Dear Mr. Capozzi:

We write in response to your December 10 letter demanding that we immediately issue a public statement confirming a purported “concession to the Court that HB 1 is in effect unless and until the Secretary certifies the referendum” and threatening to seek sanctions if we do not send a copy of that statement to all media outlets with whom we or our clients have communicated by 12:00 p.m. on Friday, December 12.

We never made any such “concession” and will not be issuing or circulating the public statement that you requested. Our position has always been—and remains—that People Not Politicians’ (“PNP”) submission of signatures on December 9 prevents H.B. 1 from going into effect on December 11 unless the Secretary of State issues a formal determination that the petition is insufficient. Indeed, we specifically stated at the hearing on November 25 that “it is turning in the signatures [that] ensures that the law will not otherwise go into effect on the 90th day.” ECF No. 38, at 45 (“Tr”). That is likewise the position that your witness, the Director of Elections, took in a sworn declaration to the Court in this case, stating under oath that “if the defendants succeed in collecting the necessary signatures, the Missouri Constitution will prevent the new map from taking effect until a referendum occurs.” ECF No. 3-1 ¶ 20 (“Director of Elections Decl.”).

To the extent you nevertheless intend to seek sanctions, we refer you to Federal Rule of Civil Procedure 11, which requires, among other things, that you first serve upon us, but not file, a draft motion seeking sanctions and provide us with at least 21 days to respond. *See* Fed. R. Civ. P. 11(c)(2). Your letter is no substitute for a draft motion. Moreover, we are aware of no authority that a lawyer has an ethical duty under Rule 11 to make public statements to the media supporting the opposing party’s position. To better inform your thinking on whether to seek sanctions, we set forth below an accurate recounting of the proceedings before the Court and the Court’s opinion.

I. Background

As you are aware, on Monday, December 8, 2025, the Court issued an opinion granting our motion to dismiss the case on two separate grounds, while denying the State’s motion for a

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preliminary injunction. ECF No. 39, at 1 (“Opinion”). That opinion was issued by December 8 specifically because the State had represented to the Court that a decision was necessary prior to our client turning in signatures given that, if our client “gain[ed] enough signatures to qualify for a vote before the people,” that would mean “the challenged law is frozen pending the public vote.” ECF No. 1 ¶ 48 (“Compl.”); *see* ECF No. 3, at 11 (“State PI Br.”) (“[I]f Defendants succeed in obtaining the requisite signatures, the new duly enacted congressional map is placed on hold and cannot take effect until after referendum.”); Director of Elections Decl. ¶ 20 (“[I]f the defendants succeed in collecting the necessary signatures, the Missouri Constitution will prevent the new map from taking effect until a referendum occurs.”). The State repeatedly argued to the Court that simply submitting the petition would cause injury *because the challenged law would remain frozen* “pending th[e] public vote.” Compl. ¶ 48; *see* State PI Br. at 11 (H.B. 1 “cannot take effect until after referendum” if petition is submitted with sufficient signatures); Director of Elections Decl. ¶ 20 (H.B. 1 is ineffective “until [the] referendum occurs”).

The State’s position throughout its briefing is blackletter law in Missouri. As the Missouri Court of Appeals has explained: “[O]nce a referendum petition has received sufficient signatures to be placed on the general election ballot, the referred measure is placed before the people for their consideration as an original proposition; the prior action by the General Assembly and the Governor on the referred measure is ‘suspend[ed] or annul[led],’ and has no further legal effect or consequence.” *Stickler v. Ashcroft*, 539 S.W.3d 702, 713 n.9 (Mo. Ct. App. 2017) (alterations in original). This is also consistent with how the State has handled referendum petitions in the past. Indeed, the last time Missourians voted on a referendum, which was during the tenure of then-Attorney General Josh Hawley, the Office of then-Secretary of State Jay Ashcroft stated that the challenged act was suspended once a referendum petition that appeared to have sufficient signatures had been submitted.¹

The morning after the Court’s decision, on Tuesday, December 9—the date that PNP told the Court that it would turn in the referendum petition with signatures—our client submitted the referendum petition to the Secretary of State with over 300,000 signatures, well more than the number of signatures required by the Missouri Constitution.² *See* Mo. Const. art. III, § 52(a). After PNP submitted the signatures, the Secretary could have issued a certificate of insufficiency, stating the petition was (in his view) unconstitutional—the “unique self-help remedy” that the Court found the Secretary possessed. Opinion at 7; *see id.* at 3 n.2. Had the Secretary done so, that would have avoided all the harms that he complained of in Court, including the freezing of H.B. 1 and the administrative burdens of processing the petition that he allegedly sought to minimize by bringing this lawsuit in the first place. *See* ECF No. 29, at 13–16 (“State Reply Br.”); Compl. ¶¶ 43–50. As the Court noted, “there is no apparent reason why [the Secretary] would

¹ Jo Mannies & Marshall Griffin, *Missouri’s Right-to-Work Law Suspended After Unions Turn In 300K Signatures for Statewide Vote*, St. Louis Pub. Radio (Aug. 18, 2017), <https://www.ksmu.org/2017-08-21/missouris-right-to-work-law-suspended-after-unions-turn-in-300k-signatures-for-statewide-vote>.

² Sam Levine, *Organizers Submit Enough Signatures to Block Gerrymandered Missouri Map*, Guardian (Dec. 9, 2025), <https://www.theguardian.com/us-news/2025/dec/09/missouri-map-gerrymandering>.

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incur the significant cost of signature verification given his stated belief that the petition is constitutionally deficient.” Opinion at 3 n.2.

Nonetheless, despite the fact that Secretary Hoskins repeatedly told the Court that the referendum was unconstitutional, the Secretary did not, by December 11, issue a certificate of insufficiency. The Secretary instead announced that he would require State and local governments to undertake the counting and verifying of the 300,000-plus submitted signatures in a process that will likely take months—which is the very harm the Secretary repeatedly told the Court he wanted to avoid.³

Later on December 9, the Missouri Attorney General issued “an official statement from The Attorney General’s Office.” That statement claimed that the Court had “held that the State has not yet suffered any injury because House Bill 1 . . . will go into effect on December 11 and not be frozen unless and until the Secretary of State certifies the referendum.”⁴ The Attorney General further asserted that counsel for PNP “agreed in federal court that state law compels this conclusion” and that the Court “based its dismissal ruling on this concession.”⁵

In subsequent statements to the media, both Mr. von Glahn and counsel for PNP have attempted to set the record straight.⁶ Contrary to the Attorney General’s statement, PNP never agreed that “House Bill 1 and the Missouri FIRST Map will go into effect on December 11 and not be frozen unless and until the Secretary of State certifies the referendum.”⁷ PNP agreed only that the Secretary of State could avoid the alleged harm of H.B. 1 not going into effect on December 11 and being frozen by promptly issuing a certificate of insufficiency upon PNP’s submission of signatures, and that certificate would then be quickly challenged in state court. That

³ David A. Lieb & Hannah Schoenbaum, *Opponents of Trump-Backed Redistricting in Missouri Submit a Petition to Force a Public Vote*, PBS News (updated Dec. 10, 2025), <https://www.pbs.org/newshour/politics/opponents-of-trump-backed-redistricting-in-missouri-submit-petition-with-thousands-of-signatures-to-force-a-public-vote>; see also Alisa Nelson, *When Does Missouri’s New Congressional Map Take Effect? That Depends on Who You Ask*, MissouriNet (Dec. 10, 2025), <https://www.missourinet.com/2025/12/10/when-does-missouris-new-congressional-map-take-effect-that-depends-on-who-you-ask/> (“[I]t will take a significant amount of time to certify those results.”).

⁴ Jacob Gardenswartz, *Advocates Say They Have Enough Signatures to Block Missouri Gerrymandering, at Least for Now*, 2 News Okla. (Dec. 9, 2025), <https://www.kjrh.com/politics/elections/advocates-say-they-have-enough-signatures-to-block-missouri-gerrymandering-at-least-for-now>.

⁵ *Id.*

⁶ See, e.g., Rudi Keller & Jason Hancock, *Missouri Set to Enact Gerrymandered Map Despite 300K Signatures for Repeal Referendum*, Mo. Independent (Dec. 9, 2025), <https://missouriindependent.com/2025/12/09/missouri-gerrymander-congressional-map-referendum/>; Jason Rosenbaum, *Missouri Redistricting Foes May Have Dealt Big Blow to Trump-Backed Congressional Map*, St. Louis Pub. Radio (Dec. 9, 2025), <https://www.stlpr.org/government-politics-issues/2025-12-09/missouri-redistricting-foes-may-have-dealt-big-blow-to-trump-backed-congressional-map>.

⁷ Gardenswartz, *supra* n.4.

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H.B. 1 is not *currently* in effect is the result of the Secretary's failure to avail himself of his statutory power to make an insufficiency determination.

II. PNP's Representations at the Hearing as to the Effectiveness of H.B. 1 Are Fully Consistent with PNP's Statements to the Media.

Your letter cites four parts of the transcript from the November 25 hearing that you claim support the view that PNP conceded "that HB 1 is in effect unless and until the Secretary certifies the referendum." None of these cites supports that interpretation. Instead, all support the consistent position that PNP has taken—that H.B. 1 was frozen upon the submission of signatures, but that the Secretary can put H.B. 1 into effect by issuing a certificate of insufficiency, or what the Court called a "decertification" decision.

First, your letter cites Judge Bluestone's question to Ms. Amunson asking: "[T]he freeze wouldn't occur on the new maps until after the certification. Is that right?" Tr. 44–45. But your letter omits Ms. Amunson's answer. Ms. Amunson specifically stated that this was not right, and that the freeze would take place upon the submission of signatures:

MS. AMUNSON: Your Honor, I think state law is a little bit unclear on this. It is the fact that—I think that the turning in of the signatures, once the certification occurs, it sort of is kind of nunc pro tunc to the time of turning in the signatures.

So it is turning in the signatures [that] ensures that the law will not otherwise go into effect on the 90th day. But there is still processes that have to take place to ensure that that—the referendum then ends up on the ballot, which include ensuring there are enough valid signatures and that it complies with the Missouri Constitution.

Tr. 45 (emphasis added); *accord id.* at 47 (PNP counsel) (explaining that "[i]t is the submission—it is that the referendum process has been initiated" that prevents the challenged law from going into effect).

Next, you cite the Court's statement that "the law would go into effect, and then you would seek to challenge the law based on the Secretary's actions." Tr. 48. Ms. Amunson stated: "And that is our position, Your Honor." *Id.* That is true and we stand by that statement. Our position is that the law would go into effect *upon the Secretary's decertification*, and then state-court litigation could be filed to challenge "the Secretary's actions" of decertifying. The Court specifically articulated PNP's position that H.B. 1 would go into effect only upon the Secretary's decision *not* to certify it to the ballot (*i.e.*, the Secretary's decision to issue a certificate of insufficiency):

THE COURT: . . . [Y]ou've argued that the Secretary—there's no harm here. The Secretary can just not certify it based on either of the—you know, maybe there

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aren't enough signatures. Maybe it's unconstitutional under the Missouri Constitution.

And if either of those two things happens, then at that point the new map would go into effect, presumably, and as you said, I think you'd have the ability to then challenge that. I think that needs to be your argument.

Tr. 45 (emphasis added); *see id.* at 46 (the Court) (“So if the Secretary says, no, this isn’t valid, . . . what would hold the map, the new map, from going into effect *at that point*?” (emphasis added)).

Next, you cite the transcript where you stated, “I think eventually, my friend conceded, that the map stays in effect unless and until they can win a state court challenge.” Tr. 52. As the Court then observed, Mr. Hatfield nodded yes. The “yes” nod signified no more than PNP’s agreement with the scenario that the Court and counsel had just been discussing: that upon decertification—which is the action that would trigger the state-court challenge—H.B. 1 is in effect unless and until a state-court challenge invalidates or enjoins the decertification. Although PNP initially argued that H.B. 1 would not go into effect until after the Secretary’s decision to issue a certificate of insufficiency survived state-court review, Tr. 45–46, the Court pressed counsel on that argument, and PNP eventually agreed that if the Secretary issues a certificate of insufficiency, H.B. 1 would go into effect unless and until enjoined in a state-court challenge. Tr. 48–49.

Finally, you cite the Court’s statement in its opinion that PNP agreed that “the new map would go into effect barring a successful challenge to decertification.” Opinion at 7 n.4. That statement is fully consistent with PNP’s position that *upon decertification* the new map would go into effect, barring a successful challenge to decertification. The premise of PNP’s agreement that the new map would go into effect is that a challenge could be filed—a challenge to decertification. As the Secretary has not made a decertification decision, H.B. 1 remains suspended under clear Missouri law.

III. The Court’s Opinion Reflects PNP’s View of Missouri Law and of PNP’s Representations in This Litigation.

The Court’s opinion is entirely consistent with PNP’s position as set out at the hearing and, contrary to the Attorney General’s statement, nowhere “held that the State has not yet suffered any injury because House Bill 1 . . . will go into effect on December 11 and not be frozen unless and until the Secretary of State certifies the referendum.”⁸ Indeed, the Court never discussed “certification” of the referendum at all, only decertification.

As the Court described the hearing, the parties “agreed that, *if the Secretary rejected the petition*, the new map would go into effect unless and until a court invalidated the decertification.”

⁸ Gardenswartz, *supra* n.4.

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Opinion at 4 (emphasis added). And a footnote later in the Court's opinion again confirms PNP's representations at the hearing: that Secretary Hoskins "will have the opportunity to review the final petition for constitutionality before conducting signature verification"; that he "could at least defend a finding of unconstitutionality based on the same claims the State advances in this case"; and that if he does so, "the new map would go into effect barring a successful challenge to decertification." Opinion at 7 n.4. This was the basis on which the Court held that the Plaintiffs' asserted injuries were not ripe for adjudication: It is the Secretary's power to make an *insufficiency* determination that drove the outcome of the case.⁹

No less than nine times, the Court stated that it was the self-help remedy of "decertification" (i.e., issuance of a certificate of insufficiency) that the Secretary would need to use to avoid the harms that the Secretary complained of. *See* Opinion at 4 ("[T]he parties agreed that Secretary Hoskins must independently review the constitutionality of the referendum petition and that he could defend a *decertification* decision based on the constitutional claims at issue here. . . . They also agreed that, if the Secretary rejected the petition, *the new map would go into effect unless and until a court invalidated the decertification.*" (emphasis added) (citation omitted)); Opinion at 7 ("Secretary Hoskins has a tool at his disposal that almost no other litigant could boast—the power to declare the petition unconstitutional himself. And at this point, *decertification* would forestall any remaining cognizable harms." (emphasis added)); Opinion at 7 n.4 (PNP agreed that "the new map would go into effect barring a successful challenge to *decertification*" (emphasis added)); Opinion at 7 n.4 ("Given the State's position that [the] referendum violates the Missouri Constitution itself, that finding alone is sufficient for *decertification.*" (emphasis added) (citation omitted)); Opinion at 8 (distinguishing *Calzone v. Ashcroft* on the ground that the "case says nothing about the Secretary's authority to *decertify a petition on constitutional grounds*" (some emphasis added; some emphasis omitted)); Opinion at 9 ("The first factor [for *Pullman* abstention]—'the effect abstention would have on the rights to be protected'—weighs strongly in favor of the PNP, as *the State may protect its own interests through decertification.*" (emphasis added) (citation omitted)); Opinion at 10 (rejecting the State's argument that it would be "unable to raise its Elections Clause claim before the future harms occur" because "Secretary Hoskins has a self-help remedy under state law in the form of *decertification* for unconstitutionality" (emphasis added)); Opinion at 11 ("In addition to the nature of this action and important state interests at play, the Court notes that this case will almost certainly be moot by the time a probabl[e] state court lawsuit is filed because *decertification would leave this Court with no meaningful relief to grant.*" (emphasis added)).

⁹ The Court also explained that because Secretary Hoskins holds the power to cease the displacement of H.B. 1, any alleged injury suffered by the other Plaintiffs was contingent on the Secretary's action and thus could not give rise to Article III standing. *See* Opinion at 8 n.5.

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IV. The State's Representations to the Court Are Inconsistent with the State's New Positions.

The Court's repeated references to the Secretary's "self-help remedy," Opinion at 5, 7, 10, presuppose that H.B. 1 is suspended upon the turning in of signatures unless and until the Secretary issues a certificate of insufficiency. If the State's newfound position on the law were correct, standing in this case would have been lacking for a far more straightforward reason: Submitting the petition on or before December 11 would have no effect whatsoever on H.B. 1's effective date. Indeed, the very reason the State sought to enjoin PNP from turning in signatures, and the reason it requested a ruling from the Court before December 11, was that the submission of the petition itself had some immediate legal effect. It is puzzling that you have now changed your view on this question, particularly given your accusation that it is PNP and its counsel that are backsliding on representations to the Court.

We take our duty of candor to the Court extremely seriously and we hope that you do too. Therefore, we respectfully suggest that you may want to evaluate your own duties in light of your repeated representations to the Court about the harm that Plaintiffs would face from PNP's submission of signatures by December 11, 2025.

Sincerely,



Jessica Ring Amunson, Partner
Jenner & Block LLP



Charles W. Hatfield, Partner
Stinson LLP



ATTORNEY GENERAL OF MISSOURI

CATHERINE L. HANAWAY

December 10, 2025

Jessica Ring Amunson
1099 New York Ave NW # 900
Washington, D.C. 20001

Charles W. Hatfield
230 West McCarty Street
Jefferson City, MO 65101

Re: Mr. von Glahn's and Mr. Hatfield's recent statements regarding the House Bill 1 Referendum Petition

Dear Ms. Amunson and Mr. Hatfield,

I write concerning the statements of your client and Mr. Hatfield that the mere submission of signatures seeking a referendum on HB 1 "suspend[s]" House Bill 1.¹

In response to the Attorney General's statement that "House Bill 1 and the Missouri FIRST Map will go into effect on Dec. 11 and not be frozen unless and until the Secretary of State certifies the referendum," Mr. Hatfield stated that the State "made up another incorrect reason to try and stop the will of the people on this. But they're wrong."² And Mr. Hatfield may have even been more explicit about the legal effects of submitting the referendum petition.³

These statements contradict your representations in federal district court on November 25, 2025. As you know, the Missouri Constitution says that "[a]ny measure

¹ Rudi Keller & Jason Hancock, *Missouri set to enact gerrymandered map despite 300K signatures for repeal referendum*, Missouri Independent (Dec. 9, 2025), <https://missouriindependent.com/2025/12/09/missouri-gerrymander-congressional-map-referendum/>.

² Jason Rosenbaum, *Missouri redistricting foes may have dealt big blow to Trump-backed congressional map*, St. Louis Public Radio (Dec. 9, 2025), <https://www.stlpr.org/government-politics-issues/2025-12-09/missouri-redistricting-foes-may-have-dealt-big-blow-to-trump-backed-congressional-map>.

³ See *id.* ("Hatfield said People Not Politicians agreed that Hoskins had the ability to potentially block the referendum – not that the map wasn't frozen as soon as signatures were turned in.")

referred to the people shall take effect” only “when approved by a majority of the votes cast upon, and not otherwise.”⁴ The State’s position in federal court was that a matter could not be deemed “referred to the people” until the Secretary of State certified a submitted referendum petition or a state court ordered the Secretary to certify.⁵ But the State noted uncertainty on whether you agreed with that position, and the Court said it was “eager to hear” your position on that question.⁶

Subsequently, Judge Bluestone asked Ms. Amunson whether H.B. 1 would take effect notwithstanding submission of the signatures.⁷ In discussing with Ms. Amunson whether the State faced immediate harm from the filing of your client’s petition, Judge Bluestone said, “I think necessary to [your] argument as to why the State isn’t facing harm . . . implicit in that is that the freeze wouldn’t occur on the new maps *until after the certification*. Is that right?”⁸ In further sharpening his point, Judge Bluestone said that for your client to prevail on ripeness grounds, “the law would go into effect, and then you would seek to challenge the law based on the Secretary’s actions.”⁹ Ms. Amunson stated: “And that is our position, your honor.”¹⁰

Lest there was any doubt on what you represented, during an exchange with counsel for the State, the Court subsequently clarified its understanding of your concession, and that the newly enacted map would stay in effect unless and until the Secretary certifies the referendum or Mr. von Glahn successfully challenges a refusal to certify.

Mr. Capozzi: I think eventually, my friend conceded, that the map stays in effect unless and until they can win a state court challenge

The Court: That’s where I think everybody wound up. And Mr. Hatfield is nodding his head yes.¹¹

If you disagreed with that understanding of your concession, you were obligated to inform the Court. Instead, you allowed the Court to issue a ruling based on that concession. Indeed, the Court accepted your representations that House Bill 1 would go into effect until your clients’ referendum petition was certified by the Secretary of State. Footnote 4 of the opinion says:

⁴ Mo. Const. art. III, § 52(b).

⁵ Tr. 36:9–12, *Missouri General Assembly v. von Glahn*, 4:25-cv-1535 (E.D. Mo. Nov. 25, 2025).

⁶ *Id.* at 36:13.

⁷ *Id.* at 44:23–45:1

⁸ *Id.*

⁹ *Id.* at 48:10–12.

¹⁰ *Id.* at 48:20.

¹¹ *Id.* at 52:14–20.

At the hearing, the State expressed concern that PNP would backslide on its repeated representations to this Court that . . . the new map would go into effect barring a successful challenge to decertification. *See* Tr. at 51–52. *But see, e.g.*, Doc. 22 at 1, 8, 11–12, 13–14, 34–35, 38; Doc. 32 at 4, 6; Tr. at 43–44, 48–50. While the State cannot be faulted for failing to anticipate these concessions at the outset of the case, *the Court has expressly found that PNP affirmatively waived these points, see* Tr. at 52, precluding any argument to the contrary in future litigation (*to say nothing of the ethical ramifications of counsel breaching their duty of candor to this tribunal*).¹²

As you know, lawyers have a duty of candor to courts.¹³ They certainly cannot make a representation to a court that helps them win a case and then suddenly turn around and contradict that representation in public.

The State therefore demands that you immediately issue a public statement confirming your concession to the Court that HB 1 is in effect unless and until the Secretary certifies the referendum. The State also demands you send a copy of that statement to all media outlets that you or your client communicated the contrary position to. If you do not do so by 12:00 P.M. on Friday, December 12, the State will ask Judge Bluestone to issue sanctions.

Sincerely,

Louis J. Capozzi III
Solicitor General
Missouri Attorney General's Office
221 West High Street
Jefferson City, MO 65101

¹² *Missouri General Assembly v. von Glahn*, No. 4:25-cv-1535, 2025 WL 3514277, at *4 n.4 (E.D. Mo. Dec. 8, 2025) (emphasis added).

¹³ *See, e.g.*, Model Rules of Pro. Conduct r. 3.3(a); Mo. Sup. Ct. R. 4-3.3(a).