

**IN THE MISSOURI SUPREME COURT**

**NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF  
COLORED PEOPLE  
MISSOURI STATE CONFERENCE,**

**PATRICIA A. JONES**

**TRACI L. WILSON-KLEEKAMP**

**Relator,**

**v.**

**Case No.**

**HONORABLE CHRISTOPHER  
LIMBAUGH, CIRCUIT JUDGE**

**Respondent**

**PETITION IN MANDAMUS**

COME NOW Relators Relators National Association for the Advancement of Colored People Missouri State Conference, Traci L. Wilson-Kleekamp, and Patricia A. Jones (“Relators”), by and through counsel, and pursuant to Supreme Court Rules 84.22, 84.23, 84.24, and 94, and make the following Petition in Mandamus against Respondent Honorable Christopher Limbaugh, Circuit Judge (“Respondent”). Relators further state the following pursuant to Rule 94.03:

**I. Relief Sought by Relators**

1. On September 4, 2025, Relators filed a motion for a Temporary Restraining Order (Docket entry on that date, **EXHIBIT B**) requesting the Court grant the Temporary Restraining Order and schedule a hearing on a preliminary injunction.

2. On September 8, 2025, Relators filed a motion for a change of judge (Docket entry on that date, **EXHIBIT B**) in part because of the lack decision on their previous motion for a temporary restraining order.

3. On September 8, 2025, the Honorable Brian K. Stumpe granted to motion for a Change of Judge (Docket entry on that date, **EXHIBIT B**).

4. On September 9, 2025, Presiding Judge Dan Green assigned the case to Respondent (Docket entry on that date, **EXHIBIT B**).

5. On September 10, 2025 Relators contacted the Respondent's clerk to determine availability for a hearing on the Temporary Restraining Order and Preliminary Injunction.

6. Relators also, on September 10, 2025 contacted Defendants in the underlying action and were told Defendants would not be able to agree to any dates for a hearing on the Temporary Restraining Order and Preliminary Injunction.

7. In the interest of expediency and justice, Relators then filed a Notice of Hearing on September 9, 2025 (Docket entry on that date, **EXHIBIT B**) requesting the earliest special setting provided to them by the Court Clerk, September 11, 2025 at 1:30 p.m.

8. Respondent then scheduled the hearing for September 12, 2025 at 10:00 a.m. (Docket entry on that date, **EXHIBIT B**), before calling a phone conference with the parties.

9. On September 10, 2025, after the phone conference at which Relators objected to the delay of the hearing based on the timing of the legislative session at issue,

Respondent continued the hearing until September 15, 2025 and has not made a ruling on the still pending motion for a Temporary Restraining Order.

10. Relators seek an immediate issuance of writ of mandamus, pursuant to Rule 84.24(e), compelling Respondent to grant Relators' pending motion for Temporary Restraining Order, and hold the hearing on the request for Preliminary Injunction as quickly as possible, and thereafter make a ruling on the Preliminary Injunction without delay after the hearing.

## **II. Statement of Facts**

11. On September 3, 2025 Relators filed their Petition seeking Declaratory Judgment on the question of whether the Governor exceeded his authority under Article IV Section 9 to convene the legislature in session due to an extraordinary occasion.

### **Petition, EXHIBIT A-1.**

12. Defendants have not filed an answer in this case, but have filed a number of suggestions in opposition to Relators' motions. **Defendants' Motions, EXHIBIT A-9, 17, 22.**

13. As described above, Relators have been seeking to expedite a decision on the motion for Temporary Restraining Order and Preliminary Injunction. **Docket Entries, EXHIBIT B.**

14. The General Assembly has been taking action pursuant to the Governor's Proclamation at an expedited pace.

- a. At Noon on Wednesday, September 3, 2025, the Missouri House convened pursuant to the Governor's Proclamation in a "Technical

Session.” Several pieces of legislation were introduced and First Read at that time.

b. At 10 o’clock AM on Thursday, September 4, 2025, the Missouri House again met in a “Technical Session” to Second Read several pieces of legislation.

c. Later that same morning, House Bill 1 (HB1) and House Joint Resolution 3 (HJR3) were referred to their respective legislative committees.

d. The House Special Committee on Redistricting and the House Elections Committee had previously noticed up a hearing on HB1 and HJR3 respectively pending their referral.

e. At Noon on September 4, 2025, the House Special Committee on Redistricting held a hearing on HB1.

f. At 1 o’clock PM on September 4, 2025, the House Elections Committee held a hearing on HJR3.

g. The legislation was voted out of their respective committees immediately following the hearings.

h. The House Rules-Legislative Committee met at 9am on September 5, 2025, with a short recess at 10am for the “Technical Session,” and voted out both HB1 and HJR3.

i. At 10am on September 5, 2025, the House held another “Technical Session” to receive the vote reports from the House Special

Committee on Redistricting and the House Elections Committee, at which time HB1 and HJR3 were referred to the House Rules-Legislative Committee.

j. The House then adjourned for the weekend with another “Technical Session” on Sunday to allow for the legislation to continue to progress while the legislators returned to their homes.

k. At 2 o’clock PM on Monday, September 8, 2025, the House came to order to debate and “Perfect” both pieces of legislation.

l. At 9 o’clock AM on Tuesday, September 9, 2025, the same day the Notice of Hearing was filed, the House “Third Read” both pieces of legislation and prepared to send them to the Senate for their consideration.

m. At or around 2 o’clock PM on Wednesday, September 10, 2025, the Senate convened for the extraordinary session and read in HB1 and HJR3. They also changed several rules to make the conduct of business on these two pieces of legislation faster.

n. At or around 9 o’clock AM on Thursday, September 11, 2025, the Senate met again to refer the pieces of legislation to the previously posted Senate Local Government, Elections and Pensions Committee.

o. At or around 10 o’clock AM on Thursday, September 11, 2025, the Senate Local Government, Elections and Pensions Committee met and heard both pieces of legislation.

p. The legislation was voted out of committee without changes immediately following the public hearing.

q. The legislation was reported in to the Senate later that same day.

r. On Friday, September 13, 2025, the Senate convened beginning around 10 o'clock AM. By 3 o'clock PM, both pieces of legislation had been Truly Agreed and Finally Passed and Sent to the Governor and the Secretary of State respectively.

**HB1 Actions, EXHIBIT D. HJR3 Actions, EXHIBIT E.**

15. In their reply to Defendants' opposition to their Request for Notice of Hearing, Relators included a recitation of the progress made by the General Assembly under the Proclamation and explained the necessity for expedited action. **Relators' Reply,**

**EXHIBIT A-18.**

16. As shown, Relators are now in a position where the original irreparable harm they were attempting to enjoin has occurred, and they have accordingly amended their pleadings accordingly. **First Amended Petition, EXHIBIT A-20.**

**III. Statement of the Reasons Why the Writ Should Issue**

**A. The Writ Should Issue Because Relators were entitled to a quick decision on their motion for a temporary restraining order and the failure of the Court to provide it has materially harmed their claims, caused unnecessary expense, threatened their fundamental rights and resulted in a failure of judicial efficiency**

17. The Supreme Court and Court of Appeals have jurisdiction to "determine original remedial writs." MO. CONST. art. V, §4.1.

18. A writ in “mandamus is an appropriate remedy when alternative remedies waste judicial resources or result in a burdensome delay, creating irreparable harm to the parties.” *State ex rel. Hewitt v. Kerr*, 461 S.W.3d 798, 806 (Mo. 2015). If this Court does not expeditiously act, then not issuing a writ of mandamus will cause Relators to incur unnecessary expense and “result in a failure of judicial efficiency.” *See id.*

19. As discussed in *State ex rel. Schnuck Markets, Inc. v. Koehr*, 859 S.W.2d 696, 698 (Mo. 1993)

A writ of mandamus will issue where a court has exceeded its jurisdiction or authority. *State ex rel. Keystone Laundry & Dry Cleaners, Inc. v. McDonnell*, 426 S.W.2d 11, 14 (Mo.1968). The writ may lie both to compel a court to do that which it is obligated by law to do and to undo that which the court was by law prohibited from doing. *Id.* at 15. The writ is the appropriate remedy where, as here, there exists no adequate remedy by appeal.

20. Mandamus will lie to control the abuse of discretion by a trial court. *See State ex rel. Johnston v. Luckenbill*, 975 S.W.2d 253, 256 (Mo. App. W.D. 1998). (“Acting without authority is an abuse of discretion.”) “Mandamus is a proper remedy to rectify a clear abuse of discretion by an inferior tribunal where that discretionary power is exercised with manifest injustice.” *State ex rel. Peavey Co. v. Corcoran*, 714 S.W.2d 943, 945 (Mo. App. 1986).

21. Mandamus is an appropriate remedy to compel a lower court to act. “It has long been established that mandamus will lie to compel a judge to exercise his discretion but that it will not lie to control the manner in which such discretion is exercised.” *State ex rel. House v. White*, 429 S.W.2d 277 (Mo. App. 1968), 280

22. Here, Respondent has failed to make a timely ruling on the motion for a Temporary Restraining Order and preliminary hearing. This is a failure to exercise his discretion and is a proper subject for a writ of mandamus.

23. Respondents' failure to make a ruling has put Relators in a position of being unable to have their claims heard in a timely manner, prejudicing Relators and threatening their fundamental rights.

24. Respondents' failure to make a ruling has required additional filings and argument by Relators that would not have been required had a ruling been made quickly after the filing of the Motion.

25. Continued refusal on the part of Respondent to make any ruling in this case has left Relators with no option other than to seek mandamus in this Court and request the Court to assume original jurisdiction so that their claims may be adjudicated.

**WHEREFORE,** Relators respectfully request the Missouri Supreme Court to assume original jurisdiction, deny Defendant's Motion to Dismiss, and issue Temporary Restraining Order and Preliminary Injunction, granting Relators' request, permanently enjoining the implementation of HB1 and HJR3 as passed pursuant to the Governor's Proclamation.

Respectfully submitted,

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#### **ATTORNEYS FOR RELATORS**

**CERTIFICATE OF SERVICE**

I hereby affirm on this 8th day of October 2025, I filed true and accurate copies of the foregoing document, along with all the exhibits filed with this document, with the Missouri Court's Electronic Filing System. I also served true and accurate copies of the foregoing document, and the exhibits filed with it, to all counsel of record, as well as the Respondent, by electronic mail to:

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/s/ Nimrod Chapel, Jr.