

**RELATORS
PEOPLE NOT
POLITICIANS, Et Al.
PETITION FOR
PROHIBITION
EXHIBIT 16**

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

PEOPLE NOT POLITICIANS, *et al.*,)
)
 Plaintiff,)
)
 v.) Case No. 25AC-CC07128
)
 MISSOURI SECRETARY OF STATE,)
)
 Defendants.)

**INTERVENORS' MOTION TO COMPEL RESPONSES OR, IN THE
 ALTERNATIVE, FOR SANCTIONS**

Intervenor, Put Missouri First (“PMF” or “Intervenor”), by and through counsel, and for their Motion to Compel Responses, or in the alternative, Motion for Sanctions, state as follows:

Introduction

On November 13, 2025, Intervenor served Plaintiffs with their First Interrogatories and First Requests for Production, consisting of seventeen interrogatories and ten targeted document requests. Plaintiffs objected to fifteen of the seventeen interrogatories—including the most basic threshold interrogatory asking them to identify who supplied the information used to answer the discovery. The only two interrogatories they purported to answer were met with the identical, one-word response: “None.”

Plaintiffs’ approach to the Requests for Production was even more obstructive. Despite ten separate requests seeking discrete categories of documents directly tied to Plaintiffs’ own allegations and stipulations, Plaintiffs produced no documents whatsoever. Not a single page.

This wholesale refusal to participate in discovery is not a good-faith dispute over scope or burden; it is a calculated effort to thwart Intervenor’s

ability to obtain the very facts Plaintiffs placed at issue in their pleadings. Plaintiffs' conduct demonstrates an active disregard for their obligations under Rule 56.01 and Rule 58.01 and seeks to deprive Intervenor of a fair opportunity to test Plaintiffs' claims. The Court should not permit Plaintiffs to shield their allegations from scrutiny by stonewalling the discovery process to this degree.

Statement of Facts

1. On November 13, 2025, Intervenor served their First Interrogatories and First Requests for Production to Plaintiff. Exhibit A (First Interrogatories); Exhibit B (First Request for Production).

2. On November 21, 2025, Plaintiff answered Intervenor's First Interrogatories and First Request for Production. Attached was verification that Richard von Glahn, the Executive Director of People Not Politicians, was the agent of Plaintiffs for the purposes of answering the interrogatories. Exhibit C (Interrogatory Answer); Exhibit D (Request for Production Answer).

3. As part of his verified responses, Plaintiff claimed that Paragraph 57 of the First Amended Petition "is supported by, the personal knowledge of Richard von Glahn who submitted the sheets." Exhibit C.

4. In his verified responses, Plaintiff claimed that the factual support for Paragraph 29 of the Joint Stipulation of Facts and Exhibits—filed in this case on October 28, 2025—was that Plaintiff's counsel had "worked with their clients to provide good-faith figures to satisfy the Secretary's request based on information known to Richard von Glahn." Exhibit C.

5. In his verified responses, Plaintiff claimed that the factual support for Paragraph 32 of the Joint Stipulation of Facts and Exhibits—filed in this case on October 28, 2025—was incorporated "by reference their answer and objections to Interrogatory Number 11 as fully set forth herein." Exhibit C.

6. In his verified responses, when asked if 2026-R001 was circulating, Plaintiff claimed that “Plaintiffs are circulating the sample sheet included in Exhibit A to their Amended Petition.” Yet, when asked for the number of signatures obtained Plaintiffs claimed, “Because the Secretary agrees that all 4 sample sheets are identical, this Interrogatory is ambiguous as to what is meant by 2026-R001.” Exhibit C.

7. In his verified responses, when asked if 2026-R002 was circulating and if so how many signatures where obtained, Plaintiffs claimed to “incorporate by reference their objections and answer to Interrogatory Number 14 as fully set forth herein.” Exhibit C.

8. In his verified responses, when asked if 2026-R003 was circulating and if so how many signatures where obtained, Plaintiffs claimed to “incorporate by reference their objections and answer to Interrogatory Number 14 as fully set forth herein.” Exhibit C.

9. In his verified responses, when asked if 2026-R004 was circulating and if so how many signatures where obtained, Plaintiffs claimed to “incorporate by reference their objections and answer to Interrogatory Number 14 as fully set forth herein.” Exhibit C.

10. As the agent for Plaintiffs, von Glahn signed the verification document, stating that the answers to said interrogatories were true and correct to the best of his knowledge, information, and belief. Exhibit C.

11. In response to the Request for Production, Plaintiffs objected to and/or refused to produce responsive materials for Requests Numbers 1, 2, 5, 7, 8, 9, and 10. Exhibit D.

12. Plaintiffs objected to Request for Production Number 1, and choose

to stand on their objections, on the basis that (1) “it seeks documents which are irrelevant to the narrow legal issues” (2) “This request also seeks personally identifying voter information and signatures,” (3) “this request seeks documents equally available (if filed)” (4) “this request is ambiguous as to what is meant by ‘signed petition pages for the referendum referred to as Exhibit A to the Plaintiffs’ First Amended Petition...” Exhibit D.

13. Plaintiffs objected to Request for Production Number 2, and choose to stand on their objections, on the basis that “Plaintiffs incorporate by reference all objections to Request for Production 1 as if fully set forth herein.” Exhibit D.

14. Plaintiffs objected to Request for Production Number 5, and choose to stand on their objections, on the basis that “this request seeks documents which are irrelevant to any of the issues in this case and improperly invades and chills core political speech.” Exhibit D.

15. Plaintiff further refused to produce responsive materials for Request for Production Number 5 saying instead “This request is therefore for all signatures gathered, which Plaintiff will produce to the Secretary of State, in accordance with all statutory requirements, when the referendum petition is turned in.” Exhibit D.

16. Plaintiffs refused to produce responsive materials for Request for Production Number 7 saying instead “Plaintiffs answer that Exhibit A contains the referendum petition signature page Plaintiffs are circulating.” Exhibit D.

17. Plaintiffs objected to Request for Production Number 8, and choose to stand on their objections, on the basis that (1) “this request seeks documents which are irrelevant to the claims and defenses in this litigation” (2) and “this request seeks documents protected by attorney-client privilege, work product

doctrine, and/or the First Amendment associational privilege.” Exhibit D.

18. Plaintiffs refused to produce responsive materials for Request for Production Number 8 saying instead “to the extent this request seeks ‘copies of any contracts for collection of signatures . . . that are being circulated by Plaintiffs’ no contracts are being circulated.” Exhibit D.

19. Plaintiffs objected to Request for Production Number 9, and choose to stand on their objections, on the basis that (1) “this request seeks documents which are irrelevant to the claims and defenses in this litigation” (2) and “this request is overbroad, ambiguous, and vague.” Exhibit D.

20. Plaintiffs refused to produce responsive materials for Request for Production Number 9 saying instead “To the extent the request seeks ‘any validity report regarding the signatures collected . . . that are being circulated by Plaintiffs’ no such documents are being circulated.” Exhibit D.

21. Plaintiffs objected to Request for Production Number 10, and choose to stand on their objection, on the basis that “this request is overbroad and duplicative of the Interrogatory requests.” Exhibit D.

I. Plaintiffs should be required to answer Interrogatories Number 10, 11, 12, 14, 15, and 16 or be sanctioned by this Court.

“Interrogatories may relate to any matter that can be inquired into under Rule 56.01.” Mo. Sup. Court Rule 57.01(a).

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter, provided the discovery is proportional to the needs of the case considering the totality of the

circumstances, including but not limited to, the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expenses of the proposed discovery outweighs its likely benefit.

Mo. Sup. Court Rule 56.01(b).

A. Plaintiffs' objections to Interrogatories Number 10, 11, and 12 should be overruled and they should be compelled to answer said Interrogatories.

Intervenor's Interrogatories No. 10, 11, and 12 all requested that Plaintiffs "identify all facts supporting [their] claims" in either the First Amended Petition or the Joint Stipulation of Facts and Exhibits. Exhibit A. This is a standard contention interrogatory expressly permitted under Missouri discovery rules. *See State ex rel. Plank v. Koehr*, 831 S.W.2d 926, 927 (Mo. 1992) ("the rules relating to discovery were designed to eliminate, as far as possible, concealment and surprise in the trial of lawsuits"); *See also* Mo. Sup. Court Rule 57.01(a). Plaintiffs' objections and their resulting answer fall well short of what the Rules require.

1. Intervenor's Request are Properly Tailored

Plaintiffs' vagueness and overbreadth objections are meritless. An interrogatory seeking the facts supporting a pleaded or stipulated allegation is neither vague nor overbroad. This is because evidence proving or disproving facts in contention is reasonably calculated to lead to the discovery of admissible evidence. *State ex rel. BNSF Ry. Co. v. Neill*, 356 S.W.3d 169, 172 (Mo. 2011) (quoting *State ex rel. Plank v. Koehr*, 831 S.W.2d 926, 927 (Mo. banc 1992)); *see also* Mo. Sup. Court Rule 56.01(b)(1). Plaintiffs do not identify any ambiguity in the request, nor do they explain how the phrase "all facts supporting" renders the interrogatory unintelligible.

Further, the disputed factual stipulations and allegation—who's basis is

sought—center on the precise number of signatures Plaintiffs claim to have garnered on their referendum petitions. That allegation references a specific, quantifiable figure. *See Joint Stipulation of Facts and Exhibits*, ¶ 29 & 32; *See also Petition*, ¶ 57. Rule 56.01(b)(1) sets the general scope of discovery and says:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party

Mo. Sup. Court Rule 56.01(b)(a). Under this rule, Intervenor is entitled to obtain the underlying facts directly bearing on that claim, which substantiate Plaintiffs' own representation. This request is not overbroad: it identifies a discrete, readily identifiable number of signatures which Plaintiffs claim to have. Accordingly, Plaintiffs general, boilerplate objection should be overruled.

2. Attorney Client Privilege and Work Product Doctrine do not Apply.

Plaintiffs further improperly invoke attorney–client privilege and the work-product doctrine as a basis for withholding the facts underlying their own claims. Missouri law is clear: privilege protects communications, not underlying facts. *State ex rel. Great Am. Ins. Co. v. Smith*, 574 S.W.2d 379, 385 (Mo. 1978). The work-product doctrine likewise does not shield facts supporting a party's theory; it only protects documents and mental impressions. *State ex rel. Ford Motor Co. v. Westbrooke*, 151 S.W.3d 364, 367 (Mo. 2004). Plaintiffs have identified no privileged communication, no document, and no mental impression that the interrogatory calls for. *See gen. Exhibit C*. Furthermore, Plaintiffs boilerplate assertion of privilege and work product doctrine fail to meet the standard required for invocation of such a protection. *See Mo. Sup. Court Rule 57.01(c)(3)* (“If a privilege or the work product doctrine is asserted . . . the objecting party shall state information that

will permit others to assess the applicability of the privilege or work product doctrine.”)

3. Plaintiffs’ Answers are Non-Responsive and Incomplete

Plaintiffs’ responses are additionally non-responsive and incomplete. In Interrogatory No. 10, they assert only that Paragraph 57 “is supported by the personal knowledge of Richard von Glahn who submitted the sheets” and then direct Intervenor to Paragraphs 29 and 32 of the Joint Stipulation of Facts. Likewise, in responding to Interrogatory No. 11 (and thus No. 12 as well), Plaintiffs state merely that Mr. Seidleck sought to stipulate to the number of signatures and that counsel worked “to provide good-faith figures to satisfy the Secretary’s request.” These statements are not sufficient.

Intervenor’s Interrogatories ask Plaintiffs to “identify all facts supporting” Paragraphs 29 and 32 of the Joint Stipulation of Facts and Exhibits and Paragraph 52 of the First Amended Petition. Exhibit A. Accordingly, a party may not answer this interrogatory by invoking a witness’s generalized “personal knowledge,” by pointing vaguely to stipulations, or by describing an effort to generate “good-faith figures.” *Hilmer v. Hezel*, 492 S.W.2d 395, 396 (Mo. App. 1973) (“Defendant’s strained interpretation of the interrogatory is an attempt at gamesmanship, contrary to the principle that the purpose of our rules of discovery is to minimize concealment and surprise in litigation.”).

Rule 57.01(c) requires parties to furnish such information as is available to them. Mo. Sup. Court Rule 57.01(c). When being asked for the basis of these facts, this would include the basis of von Glahn’s knowledge and the precise factual basis for the signature numbers within the cited stipulation that Plaintiffs contend supports their claims. Anything less is evasive and violates

Missouri's requirement that interrogatories be answered fully and directly. Mo. Sup. Court Rule 61.01 (a).

Moreover, Plaintiffs' reference to a stipulation between themselves and Defendants does not discharge their obligation to identify the facts supporting their own allegation. Intervenor was not a party to that stipulation, and Plaintiffs cannot evade their discovery obligations by pointing vaguely at a filing and claiming it contains the entirety of their factual basis when in the same sentence Plaintiffs claimed they themselves came up with that number on a good faith basis. Exhibit C; Mo. Sup. Court Rule 57.01(c).

Because Plaintiffs have refused to provide the facts supporting their claim in Petition Paragraph 57, and their Stipulated Facts in Paragraph 29 and 32 of said stipulation the Court should compel a full and complete response identifying with specificity each fact Plaintiffs rely on for these contentions.

B. Plaintiffs' objections to Interrogatories Number 14, 15, 16, and 17 should be overruled and they should be compelled to answer said Interrogatories.

Intervenor's Interrogatories No. 14, 15, 16, and 17 all seek the signature counts for Intervenor's filed referendum petitions as stipulated by Plaintiffs. *See Joint Stipulation of Facts and Exhibits*, ¶ 4, 10, 11, 12, 17, 18, 27, 28; *See also Joint Stipulation of Facts and Exhibits*, Exhibits 4, 5, 8, 12. Despite these referendum petitions being stipulated to as the basis of the litigation and referred to by their corresponding referendum petitions numbers within Intervenor's First Set of Interrogatories, Plaintiffs claim "this Interrogatory is ambiguous as to what is meant by 2026-R001." Exhibit C. This claim is meritless.

Plaintiffs clearly knew what 2026-R001 was when they stipulated that Richard von Glahn was the proponent of it. *Joint Stipulation of Facts and*

Exhibits, ¶ 4. Had they not, then Plaintiffs certainly would have known what 2026-R001 was when they stipulated that Exhibit 4 of the Joint Exhibits was a true and accurate copy of it. *Joint Stipulation of Facts and Exhibits*, ¶ 11. Yet, instead of simply answering the Interrogatory, that uses the exact same referendum number Plaintiffs have already chosen to stipulate to numerous times, Plaintiffs instead claims that it is ambiguous what is meant by the use of said referendum number.

1. Plaintiffs' Objections to Interrogatories Nos. 14-17 are Specious or Should be Overruled

Plaintiffs themselves placed the signature count at issue by alleging in their Petition and in the Joint Stipulation that a specific number of signatures were collected. Under Rule 56.01(b)(1), discovery plainly encompasses any nonprivileged matter relevant to a claim or defense, including facts a party has chosen to make part of its own pleading.

2. Intervenor's Interrogatories Nos. 14-17 are Relevant or Designed to Lead to Relevant Evidence.

Plaintiffs' objection that Interrogatory Nos. 14–17 are “irrelevant to the claims or defenses in this litigation” are incompatible with the very allegations they advance in Count II, Exhibit C. Plaintiffs expressly contend that the Constitution requires only that referendum petitions be filed within ninety days of adjournment and that neither the Constitution nor §116.332 prohibits gathering signatures before form approval. Petition ¶ 80–86.

Plaintiffs also allege that they complied with all constitutional prerequisites for circulating and filing their petitions. Petition ¶ 84. Whether Plaintiffs in fact collected the constitutionally required number of valid signatures for each petition is therefore central to determining whether their

asserted compliance is accurate and whether their requested declaratory relief can be granted. See Mo. Const. art. III, §52(a).

Because a referendum petition cannot be certified unless it contains the requisite number of valid signatures, the quantity and timing of the signatures actually gathered on 2026-R001, 2026-R002, 2026-R003, and 2026-R004 are directly relevant¹—indeed essential—to assessing the merits and viability of Plaintiffs’ claims and sought relief. Plaintiffs cannot simultaneously insist that their signatures were lawfully obtained and constitutionally sufficient while withholding the very documents necessary to verify such claims. *Koehr*, 831 S.W.2d at 927.

3. Intervenor’s Interrogatories Nos. 14-17 are Properly Tailored and Proportional

Plaintiffs next claim that Interrogatories No. 14-17 are “overbroad, seek sensitive campaign information, and is not proportional to the needs of this case.” Exhibit C. Plaintiffs proportionality argument is absurd. First, as explained in the preceding section, the number of signatures each petition has gathered is extremely relevant. Second, the burden of obtaining the number of signatures collected requires a cursory counting of the sheets they admit to having circulated. This process, as Plaintiffs acknowledge in their Response to Intervenor’s First Request for Production,² must be done for certification, and the information to ascertain how many signatures have been collected is in the sole possession of Plaintiffs. Accordingly, a counting of signatures is clearly a proportional request.

¹ Plaintiffs claim that since all petitions are identical, how many signatures each petition has is irrelevant. Exhibit C. However, since only one referendum petition was certified for circulation, the number of signatures which were acquired on non-certified petitions is extremely relevant. Article III, §52(a) requires each petition to receive a specified number of signatures. If all signatures collected are on an uncertified petition, then that becomes highly relevant to validity of Plaintiffs sought after relief in Count II.

² See Exhibit D; Response 5.

4. Sensitive Campaign Information is not a Proper Objection as Plaintiffs have put the Issue at Question

Plaintiffs challenge that giving a count of signatures obtained on a ballot constitutes “sensitive campaign information.” Exhibit C. This claim strains credulity. Intervenor asked for a number of signatures. The interrogatory does not request donor lists, strategic communications, or confidential polling. It asks only for the facts Plaintiffs’ own claims and stipulated facts reference regarding the number of signatures collected for each referendum petition. Missouri law does not protect such basic facts from discovery merely because they arise in an electoral context. *State ex rel. Humane Soc’y of Missouri v. Beetem*, 317 S.W.3d 669, 672 (Mo.App. W.D. 2010) (“Under the current discovery rules, ‘the purposes of discovery are to eliminate concealment and surprise, to assist litigants in determining facts prior to trial’”) (quoting *State ex rel. Woytus v. Ryan*, 776 S.W.2d 389, 391 (Mo. banc 1989)). If Plaintiffs did not want these documents to be susceptible to discovery, then they should not have utilized them to make their allegations and stipulations

Accordingly, because Plaintiffs have refused to provide basic facts about their own referendum petitions which comprise the central issue of this litigation, the Court should compel a full and complete response to Intervenor’s Interrogatories No. 14-17.

II. Plaintiffs should be required to produce responsive materials for Request for Production Numbers 1, 2, 5, 7, 8, 9, and 10 or be sanctioned by this Court.

(a) Scope. Any party may serve on any other party a request to:

(1) Produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party’s possession, custody, or control:

(A) Any designated documents or electronically stored information including writings, drawings, graphs, charts, photographs, sound recordings, images, electronic records,

and other data or compilations from which information can be obtained either directly or indirectly or, if necessary, after translation by the responding party into reasonably usable form; or
 (B) Any designated tangible things; or

Mo. Sup. Court Rule 58.01.

A. Plaintiffs' objections to Request for Productions Number 1 and 2 should be overruled and they should be compelled to produce responsive materials.

Plaintiffs' objections to producing the signed petition pages dated before September 28, 2025, are meritless because Plaintiffs' own pleading makes those documents central to their claims. Count II asserts that signatures gathered before the Secretary approved the sample sheet "as to form" remain valid as a matter of constitutional and statutory law and asks for declaratory relief to this end. Plaintiffs affirmatively allege that both the Constitution and Chapter 116 do not require approval as to form before signatures may be collected. *See* Petition ¶ 80–83. They further allege that they "submitted sample sheets prior to gathering signatures on the referendum on HB 1," and that they "complied with all requirements." Petition ¶ 84. These allegations make the timing of Plaintiffs' signature-gathering efforts—and specifically, whether signatures were collected before the statutory steps were satisfied—an expressly pleaded and disputed factual issue. *Stevinson v. Deffenbaugh Indus., Inc.*, 870 S.W.2d 851, 860 (Mo.App. W.D. 1993) ("Evidence is relevant if it tends to prove or disprove a fact in issue[.]").

The signature pages signed before September 28, 2025, are therefore not merely relevant under Rule 56.01(b)(1); they are the evidence Plaintiffs rely upon to support the central contention in Count II—namely, that signatures gathered before form approval are constitutionally valid and must be counted. Plaintiffs cannot assert that these pre-approval signatures were lawfully

obtained, rely on those signatures as the basis for the Secretary's alleged future legal error, and then refuse to produce the very pages that contain those signatures.³ See Petition ¶ 82–86; *State ex rel. Anheuser v. Nolan*, 692 S.W.2d 325, 328 (Mo.App. E.D. 1985) (“The purposes of discovery are to . . . provide the litigants with access to proper information with which to develop their respective contentions and to present their respective sides of the issues framed by the pleadings.”).

The documents go directly to whether Plaintiffs actually gathered signatures before approval, how many such signatures exist, on which petitions, and whether those signatures meet the constitutional threshold. Because Plaintiffs seek a declaratory judgment that such signatures are valid,⁴ the underlying documents are undeniably within the scope of discoverable material.

1. Intervenor's Request for Production Number 1 and 2 are Narrowly Limited and Proportionate.

Plaintiffs' objections that “this request is overbroad, unduly burdensome, and not proportional to the needs of this litigation” are unfounded Exhibit D. The request is narrowly limited: it seeks only the petition pages Plaintiffs themselves assert were gathered before form approval—a discrete set of documents directly tied to Count II. Plaintiffs alone possess these pages, and producing them imposes virtually no burden. Given that these signatures form the factual foundation of Plaintiffs' argument that the Secretary's future rejection will be unlawful, the request is precisely proportional to the needs of this case.

³ If they did not circulate 2026-R001;-R002;-R003;-R004; then they have no claim ripe for adjudication. If they have circulated one or more of those petitions, then those signature pages are relevant to establish their claims and must be produced.

⁴ If Plaintiffs are seeking a declaration that the signatures are valid, they are seeking to evade the verification process.

2. Plaintiffs' reliance on privacy and associational concerns is misplaced.

Petition signatures are collected for the express purpose of submission to state officials and public review in an electoral process governed by Chapter 116. Plaintiffs cannot invoke privacy concerns because these signature pages by their very nature are public documents. Whereas *NAACP v. Alabama* is wholly inapposite. That case concerned a state's attempt to compel disclosure of an advocacy organization's internal membership list—information that lay at the core of the group's private associational life and whose disclosure threatened to chill political participation and expose members to retaliation. *Nat'l Ass'n for Advancement of Colored People v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462, 78 S. Ct. 1163, 1171, 2 L. Ed. 2d 1488 (1958).

A referendum petition bears no resemblance whatsoever to the protected membership list at issue in *NAACP v. Alabama*. Petition signature pages are not confidential, internal organizational documents. Quite the opposite, they are public files and, once filed, open to any Missouri resident at any time upon request.

Further, they are intentionally circulated in public, solicited from voters in public, and submitted to the government for the express purpose of triggering a constitutional and statutory referendum process. They are part of a public electoral mechanism established by Article III, § 50–53 of the Missouri Constitution and Chapter 116, RSMo. They become open records upon submission.

Unlike a private membership list, a petition signature page is collected precisely so that state officials may inspect, verify, and count the signatures in determining whether statutory thresholds have been met. *See* § 116.120. It is a public-facing instrument of direct democracy, not evidence of membership in a private association.

Because referendum petitions serve a public electoral purpose, are voluntarily disclosed to the State, and are already subject to public inspection and verification under Missouri law, they do not implicate the First Amendment concerns addressed in *NAACP v. Alabama*. Plaintiffs cannot use that case to shield from discovery the very documents they placed at issue by alleging that signatures collected before September 28, 2025, must be deemed valid under Count II of their own Petition.

Nor can Plaintiffs avoid production by claiming the documents are “equally available” from the Secretary of State. Exhibit D. Because Plaintiffs have refused to file these documents with the Secretary, the Secretary does not possess them. Only Plaintiffs have the petition pages in their current, signed form. Plaintiffs’ objection is thus factually incorrect and legally insufficient.

3. Intervenor’s Request is Clear and Precise

The claim that the request is ambiguous fails. Plaintiffs themselves attached Exhibit A, referenced the petitions in their pleading and stipulations, and expressly alleged that signatures were gathered before approval. Petition ¶ 84. Plaintiffs cannot now feign confusion about which documents their own Exhibit A describes. Nor can they feign confusion about documents which they have stipulated to. *Keller v. Keklikian*, 362 Mo. 919, 926, 244 S.W.2d 1001, 1004 (1951) (“until attacked or set aside the stipulation is binding upon the parties with whatever force and effect ‘a proceeding in court’ may have”).

Because the pre-approval petition pages are uniquely relevant to the allegations in Count II, essential for evaluating Plaintiffs’ theory of constitutional compliance, and solely within Plaintiffs’ possession, the Court should compel their immediate production.

B. Plaintiffs' objections to Request for Production Numbers 3 and 4 should be overruled, and they should be compelled to produce responsive materials.

Plaintiffs' objections to Request for Production No. 3 are meritless and should be rejected. Plaintiffs themselves represented in Paragraph 32 of the Joint Stipulation of Facts that they had "approximately 70,200 signatures of support of the referendum petition" by certain dates. Joint Stipulation of Facts and Exhibits, ¶ 32. Plaintiffs likewise themselves represented in Paragraph 29 of the Joint Stipulation of Facts that they had "approximately 32,600 signatures of support of the referendum petition" by certain dates. Joint Stipulation of Facts and Exhibits, ¶ 29.

Plaintiffs placed this figure into the record as a factual representation supporting their claims—including their contention in Count II that the Secretary intends to unlawfully rejected signatures gathered before approval as to form. Because Plaintiffs affirmatively rely on this number to demonstrate compliance with constitutional and statutory requirements, Intervenor is entitled under Rule 56.01(b)(1) to the underlying signature pages that substantiate—or contradict—that allegation. The request is therefore directly relevant to the claims and defenses in this litigation.

1. Intervenor's Request is Properly Tailored

Plaintiffs' overbreadth and burden objections fail for the same reason. The requests seek one clearly defined category of documents: the signatures that Plaintiffs themselves claim constitute the "approximately 70,200" and "approximately 32,600" supporters referenced in their stipulation. These documents are uniquely within Plaintiffs' possession, readily identifiable, and straightforward to produce.⁵ Plaintiffs cannot offer a specific numerical

⁵ Plaintiffs claim "there is no way to recreate a copy of those signatures" yet, assuming they are granted the relief sought would be required to submit these signatures for their referendum to reach the ballot.

representation in a Joint Stipulation and then declare it “unduly burdensome” to produce the documents that form the factual basis for that number. Rule 56.01 requires parties to provide discovery that goes to the heart of their own allegations, and Plaintiffs cannot evade that obligation merely because the evidence is voluminous. Mo. Sup. Court Rule 56.01.

Plaintiffs’ reliance on *NAACP v. Alabama* is equally misplaced for the same reasons articulated with respect to Plaintiffs’ objections to Request for Production Number 1 and 2.

2. Intervenor’s Request is Not Vague

The custodial source is obvious: Plaintiffs, who collected the signatures. The date range is identified in the Joint Stipulation itself. Plaintiffs’ claim that these signatures “were not specifically identified at the time” and therefore “there is no way to recreate a copy” only underscores why production is necessary. If Plaintiffs represented a signature count that cannot be tied to any identifiable set of signatures, that raises serious concerns about the accuracy of the factual assertions underlying their claims. Plaintiffs cannot rely on a “good faith estimate” to support Paragraph 29 and 32 while refusing to produce the documents that would confirm or refute that estimate. *Koehr*, 831 S.W.2d at 927.

Because Plaintiffs chose to place both the “approximately 32,600” signatures and the “approximately 70,200” signatures into the Joint Stipulation and rely on those figures to advance their claims, Intervenor is entitled to the underlying petition pages. Plaintiffs’ refusal to produce them is improper, unsupported by law, and directly obstructs discovery into a dispositive factual issue. The Court should compel production.

Accordingly, if Plaintiffs do not have these signatures and no way to recreate a copy Count II of their Petition is Moot and should be dismissed.

C. Plaintiffs' objections to Request for Production Number 5 should be overruled and they should be compelled to produce responsive materials.

Plaintiffs' objection to producing the "more than 20,000 signatures" referenced in Paragraph 57 of their First Amended Petition is untenable. Exhibit D. Plaintiffs have placed these signatures squarely at issue by alleging—not vaguely, but affirmatively—that they have gathered "more than 20,000 signatures of Missouri voters supporting the referendum on House Bill 1." Petition ¶ 57. Because Plaintiffs chose to make this factual assertion a component of their case, Intervenor is entitled under Rule 56.01(b)(1) to discover the documents that substantiate it. A party cannot inject a numerical claim of this magnitude into its pleadings and then refuse to produce the very documents that would confirm or disprove it. *See State ex rel. Plank v. Koehr*, 831 S.W.2d 926, 927 (Mo. 1992) ("the rules relating to discovery were designed to eliminate, as far as possible, concealment and surprise in the trial of lawsuits").

The signatures are also directly relevant to the claims as framed in Count II. Plaintiffs argue that signatures gathered before the Secretary of State's approval as to form cannot be rejected as invalid. Petition ¶ 80–86. They contend that they submitted sample sheets prior to gathering signatures and that they "complied with all requirements." Petition ¶ 84. Whether any of the alleged 20,000 signatures were collected before statutory prerequisites were satisfied—and critically, how many—is essential to assessing the merits of Plaintiffs' own theory of compliance and the validity of their request for declaratory judgment on these signatures' validity. The signature pages requested are the only documents that can show when signatures were gathered, whether the gathered signatures are valid, whether the statutory timing rules under § 116.332.1 and 116.150 were met, and whether Plaintiffs' claims are factually supportable. Under the plain text of Rule 56.01(b)(1), such

documents are unquestionably relevant because they bear directly on Plaintiffs' asserted entitlement to declaratory relief.

Nor can Plaintiffs avoid production by asserting that they will eventually provide all signatures to the Secretary of State "when the referendum petition is turned in." Exhibit D. The question in discovery is not whether Plaintiffs will someday produce documents to a third party—it is whether they must produce documents now, during litigation, when they themselves have put the purported existence of more than 20,000 signatures at issue. Rule 56.01 does not permit a party to delay or condition production simply because the documents might later be filed elsewhere. Request for Production No. 5 seeks the signatures Plaintiffs presently claim to possess and on which their lawsuit relies; those documents are solely within Plaintiffs' control and plainly discoverable.

Finally, Plaintiffs' suggestion that the request "invades and chills core political speech" is unsupported. Producing copies of petition pages does not restrain, penalize, or chill political advocacy—it merely requires Plaintiffs to disclose the factual basis of their pleaded claims. Signatures gathered for a statewide referendum are not private political opinions; they are public acts designed to trigger constitutional consequences. A litigant who invokes those signatures in court cannot simultaneously conceal them while claiming political-speech immunity. *Nolan*, 692 S.W.2d at 328. Plaintiffs brought this action and now seek to avoid pre-trial discovery entirely. This should not be countenanced by this court.

For these reasons, Plaintiffs' objections should be overruled, and they should be compelled to produce all signature pages referenced in Paragraph 57 of their First Amended Petition.

D. Plaintiffs should be compelled to produce responsive materials to
Request for Production Number 7.

Plaintiffs' objection to Request No. 7 is unsupported by the record and should be overruled. The request seeks copies of "the referendum petition or petitions that are being circulated by Plaintiffs or on Plaintiffs' behalf." Exhibit B. Plaintiffs respond that they are "not aware of who may be circulating referendum petitions" and object on the ground that the request calls for documents outside their control. Exhibit D. But the Joint Stipulated Facts demonstrate unequivocally that Plaintiffs know exactly which petitions were submitted, approved in sample form, and circulated. Plaintiffs cannot disclaim knowledge of documents that they themselves created, submitted to the Secretary of State, and then used during their own signature-gathering efforts.

The stipulated record establishes that Richard von Glahn submitted sample sheets for 2026-R001 and 2026-R002 on September 12, 2025, and the Secretary of State responded to those submissions on September 12 and 14. Joint Stipulation of Facts and Exhibits, ¶ 10-16. It further establishes that Plaintiffs submitted a third sample sheet, 2026-R003, on September 15, 2025, and that the Secretary of State addressed that sheet the same day. Joint Stipulation of Facts and Exhibits, ¶ 17-19. Plaintiffs' own counsel also sent a letter addressing these specific petition sheets on September 15. Joint Stipulation of Facts and Exhibits, ¶ 21-22. Most critically, the parties stipulated that "Richard von Glahn and People Not Politicians began gathering signatures in support of the referendum petition on September 15, 2025." Joint Stipulation of Facts and Exhibits, ¶ 23. This fact alone contradicts Plaintiffs' assertion that they are unaware of who is circulating petitions or what petitions they are circulating. Either they are circulating as alleged or they are not, and Plaintiffs have perpetrated a ruse on this court.

The stipulated facts further confirm that the Secretary of State rejected sample sheets 2026-R001, 2026-R002, and 2026-R003 on September 26 and that Plaintiffs then submitted a fourth petition sheet—2026-R004—on September 29, 2025. Joint Stipulation of Facts and Exhibits, ¶ 24-25, 27-28. Each of these sample sheets is specifically identified, dated, and attached as exhibits to the stipulation. Plaintiffs are fully aware of the petitions they have circulated and the documents that constitute those petitions. Their objection claiming lack of knowledge is contradicted by their own agreements in the record.

Plaintiffs' remaining objection—that the request seeks materials outside of their “control”—likewise fails. Plaintiffs prepared each sample sheet. Plaintiffs submitted each sheet to the Secretary of State. Plaintiffs began circulating petitions derived from those sample sheets on September 15. Joint Stipulation of Facts and Exhibits, ¶ 23. Plaintiffs will have to turn in these signed sheets for their referendum to be certified on the ballot. §116.150. Accordingly, Plaintiffs have the ability to obtain these signature sheets from whatever entity is circulating them, as they must have said ability to fulfill the requirements of the referendum process. *Hancock v. Shook*, 100 S.W.3d 786, 797 (Mo. 2003) (“Control’ does not require that the party have legal ownership or actual physical possession of the documents at issue; rather, documents are considered to be under a party's control when that party has the right, authority, or practical ability, to obtain the documents from a non-party to the action.”). Finally, Plaintiffs attached one of these petition sheets as a central exhibit supporting their own First Amended Petition. Having relied on these very petition documents as the foundation for their claim that the Secretary intends to reject said signatures, Plaintiffs cannot now refuse to produce them. Petition ¶ 79-86; *Nolan*, 692 S.W.2d at 328.

The request is not overbroad or irrelevant. Count II asserts that signatures gathered before form approval remain valid and that Plaintiffs “complied with all requirements” by submitting sample sheets before circulation. Petition ¶ 84. Whether the petitions Plaintiffs actually circulated match the sample sheets they submitted—and whether signatures were gathered on those petitions before the Governor signed HB 1 into law—is central to the merits of Count II. The documents sought are therefore directly relevant under Rule 56.01 because they bear on whether Plaintiffs are correct that the Constitution “does not authorize the Secretary of State to reject signatures because they were gathered before ... approval as to form” and whether Plaintiffs in fact gathered signatures on petitions submitted “in the form in which [they would] be circulated” as required by §116.332.1. Petition ¶ 81-82.

In short, the stipulated facts demonstrate that Plaintiffs know exactly which petitions they have circulated; Plaintiffs’ pleading places the content and timing of those petitions at the center of Count II; and the documents requested are directly relevant, uniquely within Plaintiffs’ possession, and easily produced. Plaintiffs’ objections should therefore be overruled, and the Court should compel production of the referendum petitions Plaintiffs circulated.

E. Plaintiffs’ objections to Request for Production Numbers 8 and 9 should be overruled and they should be compelled to produce responsive materials.

Plaintiffs’ objections to Requests Nos. 8 and 9 lack merit and should be overruled. The information sought—contracts for signature collection and any validity reports pertaining to signatures gathered on the referendum petitions—is directly relevant to Plaintiffs’ pleaded claims, including those in Count II. Plaintiffs’ own Petition alleges that they complied with all

constitutional and statutory prerequisites for gathering signatures prior to form approval, pointing specifically to their submission of sample sheets before circulation began. *See* Petition ¶ 79–86. Plaintiffs further contend that the Secretary lacked authority to reject any signatures gathered before September 28, 2025, and that such signatures are valid. *See* Petition ¶ 82–86. Because Plaintiffs’ theory hinges not simply on a legal question but on the factual circumstances under which signatures were gathered, Intervenor is entitled under Rule 56.01 to discovery regarding the methods, timing, and processes used to collect those signatures, including any third-party vendors contracted to assist in circulation and any reports evaluating the validity of signatures obtained. Plaintiffs object saying they don’t know what petitions have been or are being circulated; yet such contracts would demonstrate the truth the truth of these assertions.

The Joint Stipulated Facts confirm the relevance of this information. Plaintiffs began gathering signatures on September 15, 2025—thirteen days before House Bill 1 was even signed into law, and before the Secretary approved any petition as to form. *See* Joint Stipulation of Facts and Exhibits ¶ 17, 23, 26–27. Plaintiffs’ position in Count II is that these pre-enactment, pre-approval signatures are valid as a matter of law. Whether they are correct depends, in part, on the factual circumstances of circulation: who collected the signatures, what instructions they followed, what representations were made to voters, what materials were used, and whether Plaintiffs themselves treated these signatures as valid. Any contracts governing circulation would show the date circulation efforts were initiated, the scope of those efforts, whether paid circulators were used, and the instructions governing collection activities. Such contracts would also show Plaintiffs’ control over the signature pages.

Likewise, any validity reports in Plaintiffs' possession would reflect internal assessments of signature sufficiency, collection practices, or compliance with Chapter 116. Those documents bear directly on whether Plaintiffs' factual assertions in Paragraphs 84–86—specifically, that they “complied with all requirements”—are supported by evidence.

1. Intervenor's Request are Narrowly Tailored

Plaintiffs' objections based on overbreadth, ambiguity, and proportionality are unfounded. The requests are narrowly targeted to two categories of documents: contracts for signature collection and any validity reports Plaintiffs possess. These are discrete, easily identifiable documents that are either in Plaintiffs' possession or do not exist. Plaintiffs' assertion that they “have no idea” what is meant by a “validity report” is not credible in the context of a statewide referendum effort involving more than 20,000 signatures. If Plaintiffs have no such reports, they can simply state so. But if they do, those documents are highly relevant because they reflect Plaintiffs' own evaluation of the authenticity, sufficiency, and compliance of signatures they seek to have declared valid by this Court.

Plaintiffs' claims of “competitively sensitive commercial information,” “confidential campaign strategy,” and “First Amendment associational privilege” do not shield these materials from discovery. A contract with a vendor hired to collect signatures is not core strategic material; it is a commercial agreement governing a public-facing signature-gathering process. Moreover, the First Amendment associational privilege laid out within *NAACP v. Alabama*, applies only when the acts of which are complained are actions of the state performed under color of law. *Moore v. City of Pac.*, 534 S.W.2d 486, 497 (Mo. App. 1976). Referendum petitions have no membership as they are not organizations but a function of direct democracy. Further, these requests

do not seek donor lists, volunteer rosters, internal strategy memos, or membership records. They seek contracts governing the mechanics of signature collection and any internal reports assessing whether the gathered signatures meet statutory requirements. This is far removed from the protected associational information in *NAACP v. Alabama*. Petition signature-gathering is a public, regulated process, and documents created to facilitate that process do not implicate associational concerns.

2. Plaintiffs Intentionally Misread Intervenor's Request

Plaintiffs' assertion that "no contracts are being circulated" or that "no validity report is being circulated" misunderstands the request. Intervenor does not seek contracts physically circulated to voters. Intervenor seeks documents in Plaintiffs' possession regarding the circulation process itself. Plaintiffs cannot evade discovery obligations by construing "circulated" as requiring physical dissemination. *Hezel*, 492 S.W.2d at 396. The sent requests plainly seek contracts and validity reports related to circulation, not documents distributed during circulation. If Plaintiffs have such documents, they must produce them. If they do not, they must say so. Standing on objections is improper.

Because the requested documents go to the heart of Plaintiffs' factual claims, are narrowly tailored, and impose minimal burden, Intervenor respectfully requests that the Court compel Plaintiffs to produce all contracts relating to signature collection and any validity reports in their possession or control.

F. Plaintiffs' objections to Request for Production Number 10 should be overruled, and they should be compelled to produce responsive materials.

Plaintiffs' refusal to produce the documents they themselves referenced or relied upon in answering Interrogatories is improper under Rule 56.01. A request for production seeking the materials cited in a party's own interrogatory answers is not overbroad—indeed, it is the heart of discovery. Under the current discovery rules, “the purposes of discovery are to eliminate concealment and surprise, to assist litigants in determining facts prior to trial, and to provide litigants with access to proper information through which to develop their contentions and to present their sides of the issues as framed by the pleadings.” *State ex rel. Humane Soc'y of Missouri v. Beetem*, 317 S.W.3d 669, 672 (Mo.App. W.D. 2010). When a party identifies a document as part of the factual basis for their response, Rule 56.01 requires that the opposing party be given access to that document. Plaintiffs cannot simultaneously use referenced materials to support their contentions while withholding those same materials from review.

Nor is the request “duplicative.” The purpose of an interrogatory is to obtain a narrative answer, not production of the documents themselves. Interrogatory responses may refer to or describe documents, but such references do not satisfy a production obligation. When a party cites, relies upon, or incorporates documents in an interrogatory answer, the opposing party is entitled to request and receive those documents through a request for production. This is not duplication—it is the ordinary two-step structure of civil discovery.

Further, Plaintiffs' objections frustrate the purpose of interrogatories and requests for production of documents and undermine transparent discovery. Plaintiffs repeatedly referenced documents such as the Joint Stipulation of Facts, signature sheets, and communications with the Secretary

of State as the purported factual basis for their answers. But a party cannot shield discoverable documents by invoking them as supporting evidence in one breath while refusing to produce them in the next. Plaintiffs choose to rely on these documents; they must therefore produce them.

Finally, because the referenced documents are defined entirely by Plaintiffs' own answers, the request is inherently narrow and proportional. Intervenor does not seek open-ended categories of materials—only those specific documents Plaintiffs themselves identified. Plaintiffs' refusal to produce them leaves their interrogatory responses unverifiable and prevents Intervenor from evaluating the factual foundation of Plaintiffs' claims.

For these reasons, Plaintiffs' objections should be overruled and they should be compelled to produce all documents referenced or cited in their answers to Intervenor's First Interrogatories.

Conclusion

Plaintiffs have made clear through their blanket objections, evasive answers, and wholesale refusal to produce even a single document that they will not participate in discovery unless compelled to do so. Their approach violates both the letter and spirit of Missouri Supreme Court Rules, frustrates the orderly progress of this litigation, and deprives Intervenor of the ability to test the factual basis of Plaintiffs' claims. Because Plaintiffs have chosen obstruction over compliance, court intervention is now necessary. Intervenor therefore respectfully requests that the Court overrule Plaintiffs' objections in full, compel complete responses to all interrogatories and requests for production, and order Plaintiffs to meaningfully participate in discovery going forward.

WHEREFORE Intervenor prays this Court enters its order compelling Plaintiffs to respond to Interrogatories, produce responsive documents,

overrule Plaintiffs' objections, and for such other relief including sanctions for failing to comply with Rules 56, 57, and 58 and this Court's Order of November 18, 2025, as this Court deems just and reasonable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system on November 26, 2025 on all parties of record.

/s/ Marc H. Ellinger