

IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT

*State of Missouri ex rel.* PEOPLE NOT  
POLITICIANS., *et al.*,

Relators,

v.

No. WD88522

HON. CHRISTOPHER K. LIMBAUGH,  
Judge of the Circuit Court  
of Cole County, Missouri,

Respondent.

**SUPPLEMENTAL SUGGESTIONS IN SUPPORT OF WRIT OF PROHIBITION**

Relators offer these supplemental suggestions in support of the writ of prohibition to alert the Court to developments in the underlying case since the writ was filed on December 8.

**I. Supplemental Facts Since the Writ was Filed.**

Relators provided supplemental answers to Intervenor’s interrogatories and supplemental responses to Intervenor’s requests for production on December 8, in advance of the trial. The Supplemental Answers are attached as Exhibit 27. The Supplemental Responses are attached as Exhibit 28. Relators did not produce documents, as they had advised in open court on December 4, it was “impossible” to comply with the burdensome discovery requests in advance of the trial. Ex. 21 at 17:1-12. Intervenor made an oral motion for sanctions for failure to produce documents in advance of the trial, and Respondent advised that he would take the motion for sanctions with the case.

The case was tried and submitted to Respondent on Monday, December 8, with Intervenor Put Missouri First participating in trial, objecting to evidence offered by Plaintiffs, presenting direct testimony from Chrissy Peters, the Director of Elections at the Missouri Secretary of State, and providing argument to the Court on the issue in the case.<sup>1</sup> Respondent ordered the parties to provide proposed judgments by 5:00 PM on December 10, 2025. On the morning of December 9, 2025, Intervenor Put Missouri First filed a motion for sanctions asking Respondent to “strike the pleadings of Plaintiffs for failing to comply with this Court’s Order compelling discovery.” Ex. 29 (attached hereto) at 2.

Beginning at 8:00 AM on December 9, Relators delivered to the Defendant Secretary of State 691 boxes containing signed referendum petition pages. This process was complete by 10:00 AM, and the Secretary of State provided Relator Richard von Glahn with a box receipt reflecting delivery of 691 boxes of referendum petition pages. A copy of this box receipt is attached hereto as Ex. 30.

## **II. Supplemental Argument in Support of the Writ**

Intervenor’s unwarranted participation in the matter and Respondent’s abusive decision to compel broad, irrelevant discovery continues to create prejudice that should be corrected by issuance of a writ. First, the progress of the hearing revealed once again that there was no difference between the defenses of the Secretary of State and Intervenor. The only live witness was an employee of the Secretary of State, and she had been prepared for her testimony by Intervenor. As emphasized in the suggestions in support of the writ,

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<sup>1</sup> Relators have requested an expedited transcript of the trial but it has not yet been received. Relators will supplement the record again when the trial transcript is received.

intervention is not proper when the Intervenor “merely reasserted the State’s defenses.” *Committee for Educational Equality v. State*, 294 S.W.3d 477, 487 (Mo. banc 2009).

Second, Intervenor now seeks dismissal of the case as a sanction for an alleged failure to comply with the abusive discovery Respondent ordered. Relator provided supplemental answers and responses on the second business day after the Court’s order. *See* Exs. 27, 28. Although the record could not support a finding of “contumacious and deliberate disregard for the authority of the trial court and prejudice to the opposing party” necessary to support a sanction of dismissal, *see Noble v. L.D. Enterprises, Inc.*, 687 S.W.3d 11, 18-19 (Mo. App. 2024), Relators must now incur costs to respond and defend against Intervenor’s baseless motion for sanctions.

Third, Relators delivery of signed referendum petition pages to the Secretary of State further justifies a writ of prohibition against requiring any additional discovery. To the extent that Intervenor was seeking filed referendum petition pages, those filed pages are now in the custody of the Secretary of State and are a matter of public record. While Relators do not concede the referendum signature pages were relevant or proportionate discovery, Intervenor can now review all filed pages. The discovery Respondent compelled for production, however, is significantly broader than what was filed with the Secretary of State. It would include signatures that were not turned in, as well as contracts with signature gatherers and internal “validity” reports. None of these additional materials are or should become public records, and none should be subject to discovery. This additional discovery is the exact type of condemned fishing expedition that “distort[s] and improperly expand[s]

the court's role beyond its limited function....” *State ex rel. Kander v. Green*, 462 S.W.3d 844, 852 (Mo. App. 2015).

In sum, although the trial has now been completed, Intervenor’s participation and continued demands for needless, irrelevant, disproportionate discovery into the protected First Amendment activity of a political opponent warrants a writ of prohibition directing Respondent to vacate his order permitting Put Missouri First to intervene and compelling Relators to comply with Intervenor’s discovery. “Judicial intervention is not an appropriate substitute for the give and take of the political process.” *State ex rel. Humane Soc’y of Mo. v. Beetem*, 317 S.W.3d 669, 674 (Mo. App. 2010).

For the reasons set forth above and those in Relator’s Writ of Prohibition and Suggestions in Support of the Writ of Prohibition, this Court should issue a writ of prohibition.

Respectfully Submitted,

**STINSON LLP**

/s/ Charles W. Hatfield

Charles W. Hatfield, MOBAR 40363

Jeremy A. Root, MOBAR 59451

Alexander C. Barrett, MOBAR 68695

Alixandra Cossette, MOBAR 68114

Greta Bax, MOBAR 73354

230 West McCarty Street

573-636-6263 (phone)

573-636-6231 (fax)

chuck.hatfield@stinson.com

jeremy.root@stinson.com

alexander.barrett@stinson.com

alixandra.cossette@stinson.com

greta.bax@stinson.com