

IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

State of Missouri ex rel. PEOPLE NOT)
POLITICIANS, et al.,)
Relators,)
v.)
HON. CHRISTOPHER K. LIMBAUGH,)
Judge of the Circuit Court)
of Cole County, Missouri,)
Respondent.)

Case No. WD88821

**SUGGESTIONS IN OPPOSITION OF PETITION FOR A WRIT OF
PROHIBITION**

Relators, People Not Politicians and Richard Von Glahn (collectively “Relators”), improperly seek to have this Court use the extreme remedy of a Writ of Prohibition to prevent the Honorable Christopher Limbaugh from holding the underlying case, *People Not Politicians v. Denny Hoskins* Case No. 25AC-CC07128, in abeyance pending the Secretary of State’s decision regarding the sufficiency of their Initiative Petition R-004. In response, Intervenor in the underlying case, Put Missouri First (“Intervenor”), in defense of the Honorable Christopher Limbaugh’s order, respectfully asks this Court to deny the Writ of Prohibition for the reasons set forth herein.

STANDARD OF REVIEW

The writ of prohibition, an extraordinary remedy, is to be used with great caution and forbearance and only in cases of extreme necessity. *Derfelt v. Yocom*, 692 S.W.2d 300, 301 (Mo. banc 1985). The essential function of prohibition is to correct or prevent inferior courts and agencies from acting without or in excess of their jurisdiction. *State ex rel. McDonnell Douglas Corp. v. Gaertner*, 601 S.W.2d 295, 296 (Mo.App.1980).

State ex rel. Douglas Toyota III, Inc. v. Keeter, 804 S.W.2d 750, 752 (Mo. 1991).

“The extraordinary remedy of a writ of prohibition is available: (1) to prevent the usurpation of judicial power when the trial court lacks authority or jurisdiction; (2) to remedy an excess of authority, jurisdiction or abuse of discretion where the lower court lacks the power to act as intended; or (3) where a party may suffer irreparable harm if relief is not granted.” *State ex rel. Norfolk S. Ry. Co. v. Dolan*, 512 S.W.3d 41, 45 (Mo. banc 2017), quoting, *State ex rel. Mo. Pub. Def. Comm'n v. Waters*, 370 S.W.3d 592, 603 (Mo. banc 2012).^{1]}

State ex rel. Bayer Corp. v. Moriarty, 536 S.W.3d 227, 230 (Mo. banc 2017).

“Mere error or irregularity or mistake is not a ground for prohibition.”

State ex rel. Mo. Pac. R. Co. v. Moss, 531 S.W.2d 82, 85 (Mo. App. 1975) (internal citations omitted). “[T]he party seeking the writ shoulders the burden of proving that the circuit court has abused its discretion.” *State ex rel. Am. Standard Ins. Co. of Wisconsin v. Clark*, 243 S.W.3d 526, 529 (Mo. App. W.D. 2008) (citing *State ex rel. Ford Motor Co. v. Messina*, 71 S.W.3d 602, 606 (Mo.

¹ Relator contends that a fourth reason for the usage of prohibition exists to “preserve the orderly and economical administration of justice.” *Suggs. In Support*, p. 2 (citing *State ex rel. Delmar Gardens N. Operation, LLC v. Gaertner*, 239 S.W.3d 608, 610 (Mo. banc 2007). However, *Delmar Gardens* did not analyze this factor at all; instead, it pulled it directly from another case. *See Id.*; *See also State ex rel. Noranda Aluminum, Inc. v. Rains*, 706 S.W.2d 861, 863 (Mo. 1986). Yet, the Court in *Noranda* created no such requirement. Instead, the Court determined that the third situation for a writ is when “there is an issue which might otherwise escape this Court's attention for some time and which in the meantime is being decided by administrative bodies or trial courts whose opinions may be reason of inertia or other cause become precedent; and, the issue is being decided wrongly and is not a mere misapplication of law; and, where the aggrieved party may suffer considerable hardship and expense as a consequence of such action[.]” *Id.* Following these requirements, the Court said the case falls into this new three pronged test, “and we believe that the orderly and economical administration of justice justifies issuance of the writ in such a case.” *Id.* Relators have not explained how they meet the other factors of this test and therefore have not carried their burden.

banc 2002)).

ARGUMENT

I. Respondent did not abuse his discretion in holding the underlying case in Abeyance.

“A ruling constitutes an abuse of discretion when it is ‘clearly against the logic of the circumstances then before the court and is so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration.’” *State v. Emery*, 701 S.W.3d 585, 598–99 (Mo. 2024) (quoting *State v. Taylor*, 134 S.W.3d 21, 26 (Mo. banc 2004)). “If reasonable persons can differ as to the propriety of the trial court's action, then it cannot be said that the trial court abused its discretion.” *State v. Taylor*, 134 S.W.3d 21, 26 (Mo. 2004) (quoting *In re Care and Treatment of Spencer*, 123 S.W.3d 166, 167–69 (Mo. banc 2003)).

A. Relators fail to explain how abeyance is “clearly against the logic of the circumstances.”

Relators’ contention that the abeyance is “clearly against the logic of the circumstances” is unsupported by the record and mischaracterizes both the nature of the abeyance and the procedural posture of this case. “The term ‘abeyance’ means certain rights or conditions are ‘in expectancy.’ It clearly implies that the situation is not yet fully completed. When a matter is held in abeyance it is in a condition of being undetermined.” *Savannah Place, Ltd. v. Heidelberg*, 164 S.W.3d 64, 66 (Mo. App. S.D. 2005) (citing *Bernyce Belitz v. City of Omaha, Nebraska*, 172 Neb. 36, 108 N.W.2d 421, 425 (1961)). Further, it has been long held that trial courts must be able to control and move their dockets. *Shirrell v. Mo. Edison Co.*, 535 S.W.2d 446, 450 (Mo. 1976).²

² Accordingly, Relators’ contentions that an abeyance is in excess of the trial court’s authority would have this Court rule that trial courts have no ability to

An abeyance pending a final administrative determination is a well-recognized, reasonable, and permissible exercise of a court's discretion. See *Knapp v. Mo. Local Gov't Employees Ret. Sys.*, 738 S.W.2d 903, 910 (Mo. App. W.D. 1987). In *Knapp*, a lineman sought judicial review of the denial of his disability benefits request. *Id.* at 905. However, his petition was premature, as the City's Board of Trustees had already decided to grant him an evidentiary hearing. *Id.* at 909. Accordingly, the parties stipulated to an abeyance until the decision of the evidentiary hearing was released. *Id.* In the Court's review of when the Petition should be considered filed, it took no objection to the abeyance pending the agency's administrative review. *Id.* Further, the Court held that this abeyance was sufficient to waive the defendants' right to a motion to dismiss. *Id.* Accordingly, an abeyance in anticipation of an administrative decision is a perfectly valid usage. *Id.*

Relators seek to distinguish *Knapp* by contending that the usage of a stipulation somehow negates the entirety of the case. See *Sugg. In Support*, p. 7. However, *Knapp* does not hinge on the mere fact that the abeyance was stipulated; it confirms the broader principle that abeyances pending administrative action are a permissible procedural tool. While the parties in *Knapp* agreed to hold the petition in abeyance, the court's acceptance of that posture—and its refusal to disturb it—reflects that such an approach is entirely consistent with proper docket management. Thus, Relators' reliance on the stipulated nature of the abeyance in *Knapp* misses the point. The case does not suggest that an abeyance is **only** appropriate where the parties

control and move their dockets but instead that Parties in a case have possess such extraordinary power. Further, Article I, Section 14 has no bearing on the present issues. The case is only held in abeyance pending certification from the Secretary of State's Office. Accordingly, whether there is a dispute or not is the yet to be revealed.

consent, but rather that awaiting the outcome of a controlling administrative process is itself a reasonable and accepted basis for holding a matter in abeyance.

Further, a Court's dismissal for lack of subject matter, as opposed to an abeyance to figure out the justiciability of a question, was ruled to be an abuse of discretion. *Logan v. Sho-Me Power Elec. Co-op.*, 122 S.W.3d 670, 683 (Mo. App. S.D. 2003).³ In *Logan*, a worker was fatally electrocuted by a high-voltage optic cable. *Id.* at 673. In the Plaintiffs' complaint, they alleged that the contractor and his employee, intentionally exposed Plaintiff to the hazard of electrocution. *Id.* After such, Plaintiffs asked the Division of Workers Compensation to find that the facts were, in fact, intentional and created a *Killian* cause of action to proceed directly against the employer (the contractor) in the Circuit Court of Camden County. *Id.* Plaintiffs then brought an action for wrongful death against the contractor and its employee. *Id.* Both moved to dismiss on the ground that the trial court lacked subject matter jurisdiction because the Workers' Compensation Act provided the exclusive remedy available for the death. *Id.* The trial court sustained the motions leading to the appeal. *Id.*

On appeal, Plaintiffs acknowledged that the question of whether an employer's acts were intentional or accidental lay solely with the Division of Workers' Compensation. *Id.* at 681. However, they contended that the administrative action and the wrongful death suit could be pending simultaneously. *Id.* They argued that the trial court abused its discretion in granting the motions, as it should instead have held the wrongful death suit in abeyance until the Commission resolved the question of whether the death was accidental or intentional. *Id.* The Court agreed with the Plaintiffs and held

³ Abrogated on other grounds by *Burns v. Smith*, 214 S.W.3d 335 (Mo. 2007).

“the trial court abused its discretion by dismissing Plaintiffs’ suit against [the contractor] and refusing to stay or hold in abeyance that count of Plaintiffs’ petition until the Commission resolved the ‘accident versus intentional act’ issue. *Id.* at 683.

Relators likewise seek to distinguish *Logan*. Relators contend the abeyance in *Logan* “protected the Plaintiff’s right to sue,” but that in Relators’ case it “threatens the very rights that Relator seeks to protect.” *Suggs. In Support*, p. 8. Relators’ attempt to distinguish *Logan* is unavailing because it reframes the case at a level of abstraction that ignores its operative holding. *Logan* did not turn on which party’s “rights” were favored by an abeyance; it turned on the procedural reality that a controlling administrative determination had to be made before the court could properly assess the viability of the claim. *Logan*, 122 S.W.3d at 683. That principle applies with equal force here. Whether Relators characterize the abeyance as “protective” or “threatening” is beside the point; the relevant inquiry is whether the trial court acted logically in awaiting an administrative decision that may resolve or moot the dispute. As in *Logan*, here the justiciability of the claims depends on an antecedent administrative finding by the Secretary of State. Relators’ attempt to recast the effect of the abeyance does nothing to undermine the controlling principle that, where such a determination is pending, holding the case in abeyance is not only permissible—it is the course required to avoid premature adjudication.

Both *Logan* and *Knapp* control the question of whether the abeyance here is “clearly against the logic of the circumstances.” As in those cases, the present dispute turns on the outcome of a pending administrative determination—namely, the Secretary of State’s certification of petition signatures. Until that determination is made, the Court cannot assess whether

a live controversy exists. Relators' request for prohibition, therefore, asks this Court to intervene in ordinary docket management based on contingencies that may soon be resolved, or eliminated entirely, by administrative procedure and the operation of law.

That is not a basis for an extraordinary writ. Relators have not shown that Respondent acted without authority, in excess of jurisdiction, or in a manner "clearly against the logic of the circumstances." To the contrary, the abeyance reflects the same reasoning endorsed in *Logan*: avoiding premature adjudication of claims whose viability depends on an antecedent administrative decision. Ending the abeyance now would force the trial court to address issues that may imminently become moot, risking an advisory ruling—the very outcome Missouri law counsels against. *Int'l Tel. & Tel. Corp. v. Smith*, 687 S.W.2d 194, 195 (Mo. 1985) ("we deem it unwise to abandon our long-established practice of refusing to render advisory opinions upon the request of party litigants."). Because reasonable jurists could, and indeed should, conclude that awaiting the Secretary of State's determination is the proper course, Relators cannot meet their burden to demonstrate an abuse of discretion. Their disagreement with the timing of proceedings does not transform a routine, permissible exercise of docket control into the kind of extraordinary error required to justify prohibition.

B. The complained of abeyance does not shock the sense of justice but requires the Relators to follow statutorily mandated timelines.

Relators frame their argument as a perilous choice between the "Scylla and Charybdis" of §§ 116.200.1 and 115.125.3, but that framing is irrelevant to the abeyance and the current writ to force its end. The narrow window is not a product of the abeyance—it is the product of the statutes themselves. Missouri law deliberately imposes a compressed timeline for challenging a

sufficiency determination. That constraint exists whether this case proceeds now or later.⁴ Relators cannot transform a statutory requirement into a judicial error simply by labeling it a dilemma.

Their challenge underscores the point. Relators seek to contest the Secretary's conduct of a sufficiency determination before completion. But § 116.200.1, RSMo, provides review **only** after the Secretary acts. What Relators request is not relief from a procedural trap; it is permission to bypass the exclusive statutory remedy altogether.

Like Orpheus, Relators attempt to force their own path rather than follow the prescribed one. But the statutory scheme is fixed: administrative action must be completed first, then judicial review may be sought. Courts do not issue rulings to govern anticipated decisions; they review completed ones. The abeyance furthers and supports that long-standing judicial doctrine, ensuring that any judicial intervention is grounded in an actual, final determination through the statutorily required process rather than speculation.

Because the abeyance simply holds Relators to the timeline and sequence that Missouri law requires, it is not “clearly against the logic of the circumstances,” nor does it approach the level of arbitrariness necessary for prohibition. Relators’ complaint is not with the Court’s discretion—it is with the statutory framework itself.

Furthermore, Relators’ cited cases buttress this point. *Coleman* concerned a challenge to the ballot language of a referendum and was filed the day the **decision** by the Secretary of State was made. *See Coleman v. Ashcroft*, 696 S.W.3d 347, 356 (Mo. banc 2024). Likewise, in *Teichman*, a challenge was

⁴ Since this case was prematurely filed, an abeyance is the proper action to await the determination of an administrative agency. *See Knapp*, 738 S.W.2d at 910; *See also Logan*, 122 S.W.3d at 683.

filed only when the map would otherwise have been certified to go on the ballot. *State ex rel. Teichman v. Carnahan*, 357 S.W.3d 601 (Mo. banc 2012). Yet, unlike here, the challenged action in *Teichman* was no longer awaiting any administrative action and would have gone on the ballot but for her challenge. Accordingly, these cases cannot lend any credence to Relators' contention that an abeyance set to allow statutorily mandated timelines shocks the sense of justice. Instead, each relies on the fact that administrative agency action was, and must be, completed before a challenge may be brought.

C. Relators have failed to explain how reasonable persons could not differ with Respondent's decision to hold the case in abeyance.

Relators' Writ challenges the continued holding of the underlying case in abeyance. Worth noting is that Relators made two motions in the lower court to end the abeyance. The standard for abuse of discretion is that no reasonable person could differ as to the propriety of the trial court's action. *Taylor*, 134 S.W.3d at 26. "If reasonable persons can differ as to the propriety of the trial court's action, then it cannot be said that the trial court abused its discretion." *Brady v. Ashcroft*, 643 S.W.3d 565, 570 (Mo. Ct. App. 2022) quoting *Hanock v. Shook*, 100 S.W.3d 786, 795 (Mo. banc 2003).

The inquiry therefore must focus on placing oneself in the shoes of Respondent to determine if he a reasonable person could differ as to his action. Relators' newly raised arguments that abeyance is an abuse of discretion because no reasonable person (in this case a reasonable judge) could disagree must fail. In the trial court, Relators provided no evidence, no authority, and no suggestion that an abeyance was clearly against the circumstances and that no reasonable judge could enter or sustain an abeyance. Instead, Relators went so far as to claim **no authority** exists justifying an abeyance. E29:P779. It is this backdrop that the Court must place itself into when considering if an

abuse of discretion ended.

Where one party claims no cases exist to support an abeyance used in the pendency of imminent administrative action which could moot a case (E29:P779), and the other brings forward two illustrative cases to support maintaining the abeyance (E35:P965-6), it is hard to imagine that any jurist in the same or similar circumstances would give Relators a favorable ruling.

Accordingly, this Court should deny Relators' Writ of Prohibition and allow the Court to hold this case in abeyance until the statutorily imposed administrative process of verification is complete.

II. The case in chief presents a point which may likely become mooted thus requiring abeyance.

"This Court is obligated, either upon motion of a party or acting sua sponte, to examine an appeal for mootness because '[m]ootness implicates the justiciability of a controversy and is a threshold issue to appellate review.'" *Mo. Mun. League v. State*, 465 S.W.3d 904, 906 (Mo. 2015) (quoting *LeBeau v. Commissioners of Franklin County*, 459 S.W.3d 436, 438 (Mo. banc 2015)).

A cause of action is moot when the question presented for decision seeks a judgment upon some matter which, if the judgment was rendered, would not have any practical effect upon any then existing controversy. When an event occurs which renders a decision unnecessary, the appeal will be dismissed. And where an enactment supersedes the statute on which the litigants rely to define their rights, the appeal no longer represents an actual controversy, and the case will be dismissed as moot.

Humane Society of United States v. State, 405 S.W.3d 532, 535 (Mo. banc 2013) (quoting *C.C. Dillon Co. v. City of Eureka*, 12 S.W.3d 322, 325 (Mo. banc 2000)).

"[A]n event rendering a decision unnecessary may occur at any point, including on appeal." *Mo. Mun. League*, 465 S.W.3d at 906. "Even a case vital at inception of the appeal may be mooted by an intervenient event which so alters the position of the parties that any judgment rendered [merely becomes]

a hypothetical opinion.” *State ex rel. Reed v. Reardon*, 41 S.W.3d 470, 473 (Mo. banc 2001).

Relators contend that a ruling in their favor would affect a present controversy because the Secretary did not transmit the disputed signature pages to the local election authorities for verification. According to Relators, this alleged omission interferes with their ability to place their referendum before the voters. E2:P18.⁵ That claimed injury, however, is entirely contingent upon the outcome of the ongoing signature verification process.

Whether the disputed pages were transmitted to local election authorities will only have legal significance if the referendum ultimately fails to obtain the requisite number of valid signatures; ironically, an assertion Relators vehemently dispute.⁶ If the petition receives sufficient signatures to qualify for the ballot even without the disputed sheets, then the alleged failure to transmit those pages will have had no effect on the referendum’s certification. In that circumstance, the controversy Relators assert would cease to exist because the referendum would be certified notwithstanding the challenged conduct.

Relators themselves frame the alleged harm as the hindrance of their “right to place a referendum before the voters.” E2:P18. But if the signature verification process ultimately confirms that the referendum petition contains the statutorily required number of signatures, then that right will have been fully realized. At that point, Relators could not plausibly maintain that their right was hindered, because the referendum would appear on the ballot exactly as they sought.

Accordingly, the alleged injury identified by Relators is not presently

⁵ All references to the Writ Exhibits are labeled “E#:P#.”

⁶ Relators have affirmatively stated that the referendum petition does have enough signatures without the signatures in question. E29:P766.

concrete but instead depends entirely upon the yet-to-be-completed administrative determination of whether the petition contains sufficient valid signatures. If that determination confirms that the petition satisfies the statutory requirements, the claimed harm disappears entirely. The dispute, therefore, turns on a contingency that may imminently moot Plaintiffs' claim.

The *Knapp* case reinforces the abeyance due to mootness concerns. In *Knapp*, the initial suit challenged a denial of disability benefits. *Knapp*, 738 S.W.2d at 905. The City then offered the Plaintiff a hearing under its administrative procedure. *Id.* at 909. The case was held in abeyance by the trial court as completion of the hearing was required to exhaust remedies. *Id.* Conversely, it makes sense that the administrative hearing could have been resolved in the Plaintiff's favor, thereby mooting any claim.

Where there is a possibility of a claim being live or moot, under *Knapp*, abeyance is the proper status for a matter. This Court should maintain the holding of this case in abeyance pending the resolution of the signature verification and certification process under Chapter 116, RSMo.

A. Relators' Mootness Exception also must fail.

Missouri recognizes only two narrow exceptions to the mootness doctrine. See *Cross*, 815 S.W.2d at 66. First, if a case becomes moot after argument and submission, then dismissal is within the discretion of the court. *Id.* The second exception to the mootness rule, which the clerk urges here, applies if a case presents an issue that (1) is of general public interest and importance, (2) will recur, and (3) will evade appellate review in future live controversies. *Id.* If the exception applies then dismissal of the case due to mootness is discretionary. *Id.* This second exception "is very narrow ... and if an issue of public importance in a moot case is likely to be present in a future live controversy practically capable of review, the 'public interest' exception does not apply." *In re Southwestern Bell Tel.*, 18 S.W.3d 575, 577 (Mo. App. W.D.2000) (quoting *State ex rel. County of Jackson v. Missouri Pub. Serv. Comm'n*, 985 S.W.2d 400, 403 (Mo. App. W.D.1999)).

Kinsky v. Steiger, 109 S.W.3d 194, 196 (Mo. App. E.D. 2003).

Relators' case cannot possibly meet this exception and certainly has not shouldered their burden to this end. *Gurley v. Mo. Bd. of Private Investigator Examiners*, 361 S.W.3d 406, 414 (Mo. banc 2012). Relators further cannot show that the issue in this case is capable of evading review. This is a necessary (perhaps the most necessary) component of the public interest exception that Relators assert; however, the claims in this case are absolutely capable of review under the existing statutory structure. If the Secretary determines that the referendum petition is not sufficient, Relators have the absolute right to seek expedited judicial review of that decision pursuant to Section 116.200.1, RSMo:

After the secretary of state certifies a petition as sufficient or insufficient, any citizen may apply to the circuit court of Cole County to compel him to reverse his decision. The action must be brought within ten days after the certification is made. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible.

This express statutory process ensures that the claims brought by Relators in the underlying action are capable of review. This negates entirely the public interest exception to the mootness doctrine. As this Court noted, in *Vernon County Republican Committee by and through Haggard v. Lee*,

This issue is of general public interest and will likely recur, but the question is whether it would evade appellate review. "For a case to evade review in future live controversies, the duration of the controversy must be so limited that it is not possible for a claim to be heard and appeals to be exhausted during its duration." *Bernhardt*, 467 S.W.3d at 351. 692 S.W.3d 439, 443 (Mo. App. 2024). In *Vernon County*, the Committee alleged that it was capable of evading review due to tight timeframes for election matters. *Id.* But this Court plainly and succinctly rejected that argument:

While the duration of a controversy concerning a clerk's ministerial duties with regard to an election is limited, Missouri courts have a long history of resolving cases involving election-related issues on an extremely expedited basis, and it is certainly possible for future claims, if expedited, to be heard and appeals to be exhausted within the statutory time constraints. *See, e.g., State ex rel. Thomas v. Neeley*, 128 S.W.3d 920 (Mo. App. 2004); *Chastain v. Kansas City Mo. City Clerk*, 337 S.W.3d 149 (Mo. App. 2011). Because the issue presented is practically capable of review in a future live controversy, the public interest exception to dismissal of this moot case does not apply. *See City of Manchester v. Ryan*, 180 S.W.3d 19, 22 (Mo. App. 2005).

Id.

Relators here make entirely the same argument and this Court should follow its decision in *Vernon County* and deny Relators Petition.

B. Since Relator's case is Moot what they seek would put Relators in a trap of their own (and this Court's) making.

Relators' petition is premature because it hinges on an administrative determination that has not yet been made. Missouri law accounts for exactly this situation. When a prematurely filed action is held in abeyance pending administrative action, it is treated as filed on the date that decision issues. *Knapp*, 738 S.W.2d at 910. That rule does not prejudice Relators—it protects them. Once the Secretary renders determination of the sufficiency of the referendum petition, the case may proceed immediately to a final judgment, preserving Relators' ability to obtain prompt appellate review without restarting the litigation process.

Far from creating the alleged “Scylla and Charybdis” dilemma, the abeyance avoids it. It aligns the case with the statutory timeline and ensures that review occurs at the moment the law contemplates — after the determination is made, but without unnecessary delay. By contrast, granting the writ would place Relators in a worse position. If the case proceeds now and is dismissed as premature or moot, Relators would be forced to refile, relitigate,

and only then seek appellate review — losing both time and procedural efficiency.

In short, the abeyance is not a trap; it is a safeguard. It preserves Relators' claims, streamlines review, and avoids duplicative litigation. The claimed harm is therefore illusory, and the extraordinary remedy of prohibition is not only unwarranted – but it would also be affirmatively counterproductive.

CONCLUSION

Relators' Petition should be denied and dismissed by this Court and the abeyance entered by Respondent should remain in place until Respondent has enough information to determine whether the case is moot or live and then issue his judgment on the same.

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 April 6, 2026 on all parties of record.

/s/ Marc H. Ellinger