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2 IN THE CIRCUIT COURT OF MISSOURI,

3 19TH JUDICIAL CIRCUIT

4 Honorable Brian K. Stumpe

5 PEOPLE NOT POLITICIANS,)

6 Plaintiffs,)

7 vs.) Case No. 25AC-CC08724

8 DENNY HOSKINS,)

9 Defendants.) February 4, 2026

10) Jefferson City, Missouri

11 CIVIL MOTION HEARING

12

13 On February 4, 2026, the above cause came on for a

14 civil motion hearing before the Honorable Brian K.

15 Stumpe.

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18 JENNY JOHNSON

19 Certified Court Reporter No. 1041

20 19th Judicial Circuit of Missouri

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P R O C E E D I N G S

THE COURT: On the record in 25AC-CC08724, People Not Politicians v Hoskins.

Petitioner appears by Mr. Hatfield.

State appears by Ms. Hunker.

We're here on four motions, motion to shorten time, motion to file an amended answer, motion for partial judgments and a motion to quash. The -- my understanding there's no objection to the shorten of time and the amended answer; is that correct, Mr. Hatfield?

MR. HATFIELD: That is correct, Your Honor.

THE COURT: Those are granted. We have a motion for partial judgment and a motion to quash.

Ms. Hunker, the floor is yours.

MS. HUNKER: Thank you, Your Honor.

To give a brief background. At our last hearing on January 9th, which the Secretary had called, the Secretary had announced that it was changing its position on several key elements of the case.

Specifically upon reflection and reviewing the summary statement, the Secretary had concluded that the ballot title, while defensible was too close to the line of being argumentative and likely to create prejudice. He

1 therefore wanted -- decided he was not going to contest
2 the plaintiffs assertion that the ballot title was
3 unfair on those grounds. We had already informed
4 opposing counsel of this change of position before the
5 hearing and we were working on a joint order. There was
6 every indication at the time of the hearing that the
7 parties were going to come to an agreement. The
8 plaintiffs had sent around cur -- a draft that clarified
9 that the plaintiffs had standing. It also explained why
10 the ballots title was unfair and, shortly thereafter the
11 Secretary had noted through counsel his willingness to
12 agree to the substance of that draft while offering some
13 minor edits in style. Nevertheless, a week later
14 plaintiffs rejected the secretary's offer, stating that
15 they wished to go to trial.
16 This, however, has not amended the Secretary's
17 position which is why we did file a motion to leave to
18 amend. The motion to leave to amend did include change
19 of positions on the standing question, as well as laying
20 out the specific places within the ballot summary
21 statement that the Secretary thought could use
22 clarification to ensure that it was not unfair, Docu
23 specifically by being argumentative or likely to create
24 prejudice. Now, that that motion has been granted and
25 this is the official position of the Secretary, we are

1 moving for partial judgment in favor of plaintiffs on
2 Count 1. Admittedly the motion is unusual. It's not
3 every day that you see the Defense move for relief to
4 the other side. However, the evolution in the
5 Secretary's position that I just described does compel
6 us to secure a fair and sufficient summary statement in
7 due haste so the parties and Missouri voters can have
8 certainty.

9 The Secretary and plaintiffs agree that the
10 summary statement as drafted is invalid. The plaintiffs
11 are therefore entitled to a different summary statement
12 pursuant to section 116.190.3. When this case was first
13 initiated, the process for obtaining that relief was set
14 out in senate bill 22. In the aftermath of the
15 Nicholson v State case which overturned SB 22 just a
16 week ago, the Court is free to determine the course this
17 litigation should take, given the established fact that
18 the summary statement does not meet the requirement
19 under Section 116.334 and 116.190.

20 The Secretary has requested in this motion that
21 the Court take one of two pathways. First the Court
22 issue a partial judgment and order requesting the
23 parties to get -- to submit competing summary statements
24 for the Court's consideration.

25 Second, the Court issue a partial judgment and

1 order requesting that the Secretary provide the Court
2 with a revised summary statement that is fair and
3 sufficient for the Court's consideration.

4 The secretary also request that this Court
5 request briefing on these competing summary statements
6 and have a hearing on the -- to guide the Court's
7 rewrite in order for the parties to have clarity on one
8 of the specific parts of the summary statement that are
9 still in dispute.

10 Plaintiffs suggest in their response that the
11 Secretary's motion is inapt, because it does not
12 expressly invoke the rules of civil procedure. However,
13 that argument does fall flat in Missouri, substance
14 rains over form. The Secretary did not have to cite a
15 specific rule because in substance the Secretary has
16 requested a partial judgment and an order, and that is
17 the proper posture in a ballot title case where the
18 court solicits input from the parties on a new summary
19 statement. The confusion likely comes from the
20 Nicholson case, Your Honor. And switching from a
21 mandatory relief process under Senate Bill 22 into the
22 more open-ended regime that preexisted statute. Now
23 that Senate Bill 22 has been overturned, the Court
24 effectively can choose its own venture. Whether that be
25 requesting competing summary statements, sending it to

1 the Secretary for revisions or drafting a new statement
2 on its own. This was confirmed by the Western District
3 just last week in Omahondro.
4 To that end, I would direct the Court to footnote
5 3 and this a Western District case 88567. The footnote
6 noted that the Court may ask parties to submit proposed
7 revised summary statement language. And this is a
8 quote, whether phrased as a proposed judgment or revised
9 summary statement, the trial court then decides whether
10 or not to certify such language and render its final
11 judgment for the purpose of appeal. End quote. The
12 only requirement is that the Court certify the statement
13 is fair and sufficient. The method of getting there is
14 at the Court's discretion. Plaintiffs suggest that the
15 Secretary's proposal would deny their ability to obtain
16 complete relief but, this is incorrect. Based on
17 plaintiff's complaint, plaintiffs challenge the ballot
18 title in its entirety or all but and request that it be
19 fully rewritten. Having the parties com -- submit
20 competing statements would enable the Court to hone in
21 on exactly what the plaintiffs perceive as a fair and
22 accurate description of the merit -- measure. The Court
23 can then hold a hearing, have the parties explain why
24 each piece should be incorporated into the final
25 product. Far from denying the plaintiffs relief,

1 granting the Secretary's motion accelerates the process
2 for obtaining relief.

3 Unless the Court has other questions, I'll sit
4 down and come back for rebuttal and defer the Court to
5 Mr. Hatfield.

6 THE COURT: No questions.

7 MS. HUNKER: Thank you, Your Honor.

8 MR. HATFIELD: Thank you, Judge.

9 So you didn't actually say I could start so I
10 was --

11 THE COURT: Oh, no. Go ahead. I'm sorry.

12 MR. HATFIELD: I was just so eager.

13 Ms. Hunker: Ms. Hunker started with sort of what
14 happened last time we were here and that's probably a
15 good place to start just to explain what's going on.

16 The record reflects, I think that the last time we were
17 here the Secretary of State told you that they thought

18 the language was close enough I think was the word or
19 close enough to the line. You'll recall that I didn't
20 like that. I felt like that did not do the trick. We

21 did work on some stipulations and, there's several
22 things that happened after that and this is in the

23 briefing. After that -- or after that hearing, the

24 press wrote some stories that had headlines to the

25 effect of Secretary admits language is unfair. The

1 Secretary of State Denny Hoskins then made social media
2 posts calling that fake news. My client also learned
3 that the Secretary of State's communications director,
4 had called the reporters and told them that that
5 headline was wrong and incorrect. And frankly, it made
6 my client think they're up to shenanigans on this. Do
7 they agree that it's unfair or do they not agree it's
8 not unfair. And I'm still not real clear on it. The
9 presentation you just heard said that they agree that,
10 quote, needs clarification. Well, the Court the doesn't
11 have authority to clarify. But the next thing that
12 happened was we could not agree on what it was that was
13 wrong with the statement. And I'm gonna come to why
14 that's important. But the -- and then the third thing
15 that happened was the Nicholson case, that counsel
16 mentioned that throughout Senate Bill 22. So there are
17 not more automatic do overs. We're back to presenting
18 to the Court, the Court makes a decision on what you're
19 going to rewrite.

20 So let me -- Judge, if it alright, I've got a
21 really really brief sort of handout that sort of walks
22 you through our view of the case. Not an Official Court Document

23 May I approach?

24 THE COURT: Yeah.

25 MR. HATFIELD: I think there's only like four

1 pages here.

2 So I think the Secretary, you know, there's a
3 process here that kind of goes A to Z. And the
4 Secretary is skipping all the way to Z and that's what
5 they're asking you to do.

6 But on that first slide, you know, here's the
7 statute. The second bullet there, the petition shall
8 state the reasons why the summary statement is
9 insufficient or unfair and request a different title.

10 We have an obligation as the plaintiff to come forward
11 with what's wrong with the statement, which we did.

12 The Court shall consider the petition, hear the
13 arguments and in its decision certify the summary
14 statement. That is always read the case law, that's
15 always meant we have some sort of hearing at the end.

16 On the next page we've got two cases for you that
17 we think are relevant to what you're role is. Cures

18 Without Cloning versus Pund, which is a 2008 case.

19 Talks about that there is no provision that allows a
20 remand to the Secretary of State. That was what they
21 tried to do in Senate Bill 22 to fix that, but now it's

22 all up to you.

23 Pund is also the case Judge Joyce rewrote the
24 entire statement. And the Court of Appeals reversed
25 her, and said you can't rewrite the whole thing. You've

1 got to identify which phrases are insufficient or unfair
2 and those are the only -- the ones that you must and the
3 only ones that you shall rewrite. So I think saying
4 well, Judge, we just agree it's unfair, just rewrite the
5 whole thing is inviting error and I don't want to do
6 this twice. I think you're going to have to make a
7 finding as to which portions are insufficient and unfair
8 and then there would be a rewrite on those.

9 If you see down there in Fitz-James, which is a
10 recent case. The Court talked about Pund again, was not
11 authorized to rewrite an entire statement because one
12 word was found to not to be insufficient and unfair, but
13 you do have to correct the language that is insufficient
14 and unfair.

15 So where are we? On the next page we've color
16 coated out the valid summary. And on the left in yellow
17 we've highlighted the phrases that we have objected to
18 and that our petition specifically says are insufficient
19 and unfair. So you'll see that we said the word
20 gerrymandered, the phrase that protects incumbent
21 politicians, which talks about what the existing map
22 does, what today's congressional map does. We said
23 those were unfair. But then the secretary also has this
24 section that says, what would be replaced if the people
25 vote yes on House Bill 1. And we also objected that

1 they characterized the replacement as keeping more
2 cities and counties intact, more compact and better
3 reflected statewide voting patterns.

4 On the right side we show you in green that the
5 secretary has admitted through their amended answer,
6 which is now operative. That the word gerrymandered is
7 argumentative and likely to great prejudice. You're
8 going to I think under the law you need to fix that.
9 And they have admitted that protects incumbent
10 politicians was argumentative and likely to create
11 prejudice and you need to fix that. They have denied in
12 the amended answer that you just accepted that the
13 phrases that keep more cities and counties intact are
14 more compact and better reflects statewide voter
15 patterns, that those are unfair and insufficient. So
16 they continue to say that part is okay. And we have a
17 right to challenge that.

18 So you have this motion for judgment for the
19 plaintiffs, I -- I'm not really familiar with this
20 process. I haven't really had a case where the
21 defendant asked for judgment in the plaintiff's favor.
22 But I was trying to think about what this is like and I
23 have a comparison. You know, Judge, there is a process
24 under the Missouri law to make an offer of judgment. So
25 I think what we've got here is like if I sued the

1 plaintiff or the defendants for fraud and said I want
2 \$100,000. And they said, yeah, we agree it was fraud.
3 You can have \$25,000. Well, I could accept that
4 judgment, that's my right. But I'm also entitled to
5 present my case and ask for full judgment and relief.
6 And that's what's going on here. I'm entitled to
7 present my case and ask for full judgment and relief on
8 all of these issues. And the problem is, if you don't
9 allow us to go to trial and present it, we will not have
10 a record for the Court of Appeals about what is wrong
11 with those last few phrases. And so by not allowing us
12 to put a record on, I think we're causing a problem on
13 appeal. So I think that -- I mean, I don't have a
14 problem entering judgment in favor of the plaintiffs, if
15 it was judgments on all of the issues that we have
16 raised in our petition, but it's not. It doesn't
17 resolve all of the claims for relief. I don't even know
18 that it technically be a final judgment, if you've
19 entered it the way that I believe that they've proposed
20 it. And so, you know, I think the real issue here is do
21 we go to trial or not on this or do you go ahead and
22 bifurcate the trial now today. And I think we're
23 entitled to a trial.

24 All I've got said on that motion. It's kind of
25 related to the other motion, but I'll wait for

1 Ms. Hunker's explanation of the motion to quash.

2 THE COURT: You want to reply to that, Ms.
3 Hunker?

4 MS. HUNKER: Yeah, Your Honor. If I could first
5 start with Mr. Hatfield's description of the events
6 leading to this particular motion. He had emphasized a
7 couple of news articles. And specifically the retweet
8 by the Secretary of State. The tweet was actually
9 quoted in page 10 of Mr. Hatfield's suggestions in
10 opposition to defendant's motion. And the tweet says as
11 follows, an attorney with the Missouri Secretary of
12 State admitted in court that her client drafted
13 misleading ballot language for a criticize referendum
14 aimed at blocking the GOP's new gerrymander
15 congressional map. This is far more detailed oriented
16 then what concessions or admission or presentation was
17 offered at the January 9th hearing. The article in
18 particular implied intent by the Secretary as opposed to
19 just realizing in hindsight that the language had come
20 close to the line. This was not any type of indication
21 that the Secretary was going to back on its presentation
22 in court or its change of position. That's the Docu
23 contrary. The Secretary has come to the Court because
24 it's trying to serve voters by ensuring a fair and
25 accurate summary statement. We should be encouraging

1 the government when they believe that something is close
2 to what is legally permissible, to come forward, to
3 admit error and then make the correction. This is not a
4 trial on the intent of the Secretary but, rather what
5 does the plain language and how can it be interpreted to
6 voters?

7 Moving on to the actual substance of Mr.
8 Hatfield's argument. He cites Cures Without Cloning v
9 Pund. There's a very clear distinction that can be done
10 here. And this is actually marked in our reply brief
11 that was submitted earlier this morning, footnote 1.
12 Cures Without Cloning v. Pund, when -- in that case it
13 was given back to the Secretary but there was no
14 certification -- let me get back, Your Honor.

15 The point was whether or not the Court had to
16 certify the language or could it be done by the
17 Secretary. What they meant is, the Secretary could have
18 the option rewriting but, the usual certification, the
19 decision of whether or not it is fair and sufficient has
20 to be done by the Court. It is an alternative process
21 of having two competing statements before. And this is
22 again laid out more fully in footnote 1 of our reply.

23 THE COURT: On page 4.

24 MS. HUNKER: This is on page 3, Your Honor.

25 And so the Court may request that the Secretary

1 provide revisions, but it's not required to accept those
2 revisions. And this is also why we have proposed two
3 possible methods of relief where the plaintiffs are
4 submitting a proposed summary statement and the
5 Secretary is permitting -- is submitting a proposed
6 summary statement because that would hone in on the
7 actual dispute of the parties. We all agree that the
8 plaintiffs are entitled to a different summary statement
9 of what was originally certified. The question is a
10 matter of degree. We're proposing a specific avenue by
11 which the Court can arrive at that decision. This way
12 we would allow the plaintiffs to obtain full relief to
13 the extent they are entitled to it.

14 I should note, Your Honor, that when we
15 originally made the offer back in early January this was
16 well before SB-22 was overturned. That would have been
17 complete relief under the statute at the time. We are
18 still trying to put our hand out to work with plaintiffs
19 to arrive at this type of negotiation and position
20 without wasting the Court's resources, which is what our
21 motion is driven by. We are not asking for final
22 judgment. We are asking for a partial judgment. And
23 again this is the typical process of when a Court finds
24 that the language is unfair and sufficient. It has to
25 be a partial judgment unless on the Court on its own

1 rewrites the language on its own. And this is because
2 you're issuing an order determining that the statement
3 doesn't meet the legal requirement but the parties are
4 providing some form of input and it is after that input
5 is received the briefing is done and hearing upon that
6 in which the Court would enter a final judgment.

7 Otherwise, Your Honor, we would rest on the
8 papers. But if you have any questions, of course, I'm
9 happy to answer them.

10 THE COURT: Thank you. No questions.
11 any replies, Mr. Hatfield?

12 MR. HATFIELD: Just two things, Judge. One,
13 you're not require to take any input from the parties at
14 all about how to rewrite the ballot title. The process
15 prior to Senate Bill 22 has always been that when the
16 Court decides what it wants to do, it issues a final
17 judgment that rules on insufficiency and unfairness and
18 certifies language. Now, of course, you can take
19 proposed judgments. I mean, we do that all the time and
20 I think that's a great idea to take proposed judgments
21 but you're not required to do that or refer to that. So
22 just wanted to clarify that. I think you should just
23 take this motion with the case. I think the safe thing
24 to do here is to allow us to present our case so we have
25 a good record for the Court of Appeals. This is a Judge

1 tried case. And I think under the rule even if there's
2 evidence that you find not admissible, we should allow
3 us to make a record on all of that anyway. So I mean, I
4 -- again, I don't wanna do this twice and the Court
5 already has time set aside for us to argue this case. I
6 don't think it will take very long. And I think you
7 should take this motion with the case.

8 Thank you.

9 THE COURT: Anything before the next motion?

10 MS. HUNKER: I don't believe so, Your Honor. We
11 agree with Mr. Hatfield in the sense that the Court is
12 not required to take input. It is a permissive standard
13 now post SB-22 whereas before making it mandatory.

14 THE COURT: Motion to quash.

15 MS. HUNKER: Thank you, Your Honor.

16 This Court should quash the depositions of the
17 Secretary of State's cooperate representative and
18 Chrissy Peters the director of elections, two separate
19 notices. In Missouri it is well established that the
20 scope of discovery includes relevant evidence that is
21 proportional to the needs of the case. Well that's a
22 broad standard. The extent of discovery does depend on
23 the specific claim at issue. Or put another way the
24 evidence that is relevant and discoverable in one
25 context may not be relevant and discoverable in a

1 different context. The question is very much dependent
2 on the facts and circumstances and the legal standards that
3 underlie the claim itself.

4 Here the plaintiffs have challenged the summary
5 statement for referendum petition 2026-R004, which seeks
6 public approval of the new congressional redistricting
7 map enacted by the Missouri General Assembly last year.
8 This is a legal claim focused on whether the text of the
9 summary statement is insufficient and unfair. And that
10 is presentation of insufficient, unfair of the
11 underlining petition to voters.

12 The question before the Court is a narrow one, as
13 is the evidence that is relevant to the Court's
14 analysis. Missouri courts have clarified this in the
15 past that the analysis involves a review of the language
16 of the ballot summary and a comparison of the language
17 of the provisions of the initiative.

18 On occasion the analysis may encompass probable
19 affects of the underlining legislation. But even then
20 the focus is on how the final product, IE, the summary
21 statement compares. Because of this, discovery is
22 rarely, if ever, appropriate in a ballot titled case and
23 depositions are all but unheard of. My team surveyed
24 the Attorney General's Office and the Secretary of State
25 and neither could think of a single instance in which a

1 deposition was taken as part of the challenge to a
2 ballot title.

3 What's more in the opposition to the Secretary's
4 motion to quash, plaintiff could identify one either.

5 Instead plaintiffs wrapped their argument around the
6 fact that the Court in State ex rel Kander did the
7 completely foreclose the possibility that in some cases

8 discovery might be appropriate. But nowhere in their
9 motions do they cite any legal authority that the
10 evidence they seek fits within this narrow hypothetical
11 exception, nor can they for at least three reasons.

12 First, the Secretary does not have any
13 specialized knowledge about the underlying measure or
14 the probable effects. The redistricting map addressed
15 in the referendum and discussed in the ballot title were
16 drawn by the Governor's office not the Secretary. The
17 map was then considered by the General Assembly and
18 signed into the law by the Governor. It'll be
19 implemented by the local election authorities who will
20 assign voters to their respective congressional district
21 based on the shape files hosted by The Office of
22 Administration. The Secretary's role in contrast is
23 very narrow. His office certifies the ballot title and
24 verifies signatures for referendum. It plays little to
25 no part in the creation and implementation of the map.

1 Second, the information in the summary statement
2 reflect information that can be ascertained and tested
3 from public sources. In his objection and responses to
4 plaintiff's interrogatories, the Secretary provided
5 plaintiffs with the precise factual underpinnings they
6 seek through deposition. The Secretary identified the
7 2022 map, House Bill 1, and the map formed by House
8 Bill 1, in other words the 2025 congressional map, as
9 sources that -- of information that support the ballot
10 title. The Secretary went so far as to enter a
11 stipulation that these documents would form the basis of
12 his defense of the summary statement.

13 The stipulation should have you ended plaintiff's
14 inquiry. However, to the extent plaintiffs are insecure
15 about their claim, there are other avenues and sources
16 of publicly available information that they can consult
17 about the map. A great example of this, Your Honor, is
18 The Office of Administration's GIS program that allows
19 the public to review the 2025 map. And the --

20 THE COURT: You said GIS?

21 MS. HUNKER: That's right, Your Honor, GIS.

22 It allows the public to review the 2025 map and
23 the 2022 map side by side in greater detail. The
24 program effectively allows users to operate an
25 interactive map that showcases which counties and

1 municipalities have split, where they were split, the
2 matter in which they were split and how many were split
3 along to two maps. Another example is the colored maps
4 that are published by General Assembly along with the
5 bills text. This is on the General Assembly website and
6 was published along with the bill itself. These maps
7 also allow the voter or any viewer to visibly compare
8 the 2022 map with the 2025 map and draw conclusions
9 about the shape and size of the districts.

10 And if I may, Your Honor, I will request that the
11 Court take judicial notice of the Office of
12 Administrations GIS website that contains these
13 depictions. It is well established that Missouri Courts
14 may take notice of a wide variety of public records
15 including the records of administrative agencies. The
16 GIS program certainly qualifies. Not only is it run by
17 the Office Administration but, the data is what all
18 local election authority use when implementing the map.
19 It is credible.

20 THE COURT: Any objection I take notice of the
21 GIS maps?

22 MS. HUNKER: Just that the information is out
23 there, Your Honor.

24 MR. HATFIELD: I guess not. I'd like to
25 cross-examine somebody about it but, sure.

1 THE COURT: All right. The court will take
2 notice.

3 MR. HATFIELD: I guess -- Ms. Hunker is
4 testifying -- well, okay. Yeah, just take notice.

5 MS. HUNKER: All I'm saying, Your Honor, is that
6 information about the visual inspection of the maps is
7 public. This is publicly sourced information.

8 MR. HATFIELD: So I ask this question in an
9 interrogatory and they refused -- or request for
10 production. They refused to identify any documents --

11 THE COURT: I'll get to that when you give your
12 response.

13 MR. HATFIELD: All right. But this is pretty
14 rich, that now she's in here telling you GIS when she
15 said it in answers to production that they were not
16 relevant and didn't exist.

17 THE COURT: I'll let you during your part.

18 MS. HUNKER: Your Honor --

19 THE COURT: Go ahead.

20 MS. HUNKER: I'm going to clarify that --

21 MR. HATFIELD: Yeah.

22 MS. HUNKER: -- Your Honor. The Secretary stated
23 the specific things that it was relying on -- or the
24 specific things that it was going to be citing in
25 defense of the map. I am citing the GIS program as

1 indication that -- to the extent that plaintiffs wish to
2 find more information, they have publicly sourced
3 available information that they can look at. That is
4 all. This is vision depiction of the map itself.

5 THE COURT: Go ahead.

6 MR. HATFIELD: No objection of you taking
7 judicial notice.

8 MS. HUNKER: Third, because of the foregoing, the
9 information plaintiff seek is irrelevant as a matter of
10 law. Plaintiff couch their deposition notices as an
11 attempt to ascertain the factual underpinnings of the
12 summary statement but, that does to hold up under
13 scrutiny. Again, the Secretary provided the factual
14 underpinnings of the summary statement in his
15 interrogatories responses, the 2022 map, House Bill 1
16 and the 2025 map. In other words the exact documents
17 his office was supposed to examine, namely the
18 underlining measure. This aligns with prior instruction
19 from Missouri Courts, that whether a statement is unfair
20 or insufficient involves a review of the language of the
21 ballot summary and a comparison of the summary's
22 language to the underlying measure.

23 What plaintiffs seek is the Secretary's
24 subjective beliefs and understanding about the map.
25 That is exactly the type of evidence the Missouri Courts

1 have deemed irrelevant as a matter of law. According to
2 the Western District in State ex rel Kander, and this is
3 462 S.W.3d 844. The question of fairness and
4 sufficiency is an objective analysis that turns on the
5 summary statement language. Neither the subjective
6 intent nor the subjective understanding of anyone
7 involved in the drafting process or in the Secretary of
8 State's Office generally, plays apart. The same is true
9 of the methodologies and preparation. And one may not
10 go any further than the plaintiff's list and the notices
11 to the corporate representative to understand that the
12 target of the plaintiff's deposition is actual the
13 understanding of the Secretary.

14 And I'm going specifically, Your Honor, turn to
15 the last -- the last subject, No. 7, all public
16 statements by the Secretary or any agent or
17 representative of the Secretary of State about House
18 Bill 1 or the referendum seeking to refer to House
19 Bill 1. The public statements by the Secretary are not
20 relevant to whether the language actually is fair or
21 sufficient. Because to the extent the Secretary is
22 commenting publicly, that would be about his understanding
23 of the legislation and his subjective information. It's
24 not a objective comparison side by side.

25 We also have, Your Honor, emails from the

1 plaintiffs that indicated that they wanted to know what
2 the underlying motive was for the Secretary. Talking
3 about his communications and what they understand the
4 map to be. This is exactly what Kander says is not
5 relevant to the proceedings.

6 Moreover, there is a high risk in this case that
7 once the plaintiffs have, either Ms. Peters or the
8 corporate representative before them, the questions will
9 not stick to the topics of this case. But rather branch
10 out into subject matter that is about the overall
11 referendum but, related to other litigation in this
12 case. Specifically, the Maggard case as well as the
13 other People Not Politicians v Hoskins, which has to do
14 with the verification of signatures and the ballot to --
15 the ballot referendum itself.

16 This -- any questions about these subjects are
17 not relevant to the very limited claim before this
18 Court, which is, is the ballot summary, fair and
19 sufficient, when compared to the maps themselves.

20 There's additional reason why Chrissy Peters, her
21 specific deposition should be quashed. Ms. Peters is
22 the director of elections. Typically when the Secretary
23 of State is the party in election case, Ms. Peters does
24 have relevant information. But the election's division
25 does not actually develop the summary statements. She

1 has no personal knowledge as a -- in her capacity as the
2 director of elections on any of the topics that were
3 listed either in the corporate representative notice or
4 that have been addressed in the plaintiffs motion. She
5 was the person who signed the interrogatories when we
6 responded to plaintiff's requests. However, in that
7 case she was acting as the corporate rep and, was
8 relying on the information that was within the agency
9 itself as opposed to her own personal knowledge. And so
10 we think there's a very clear divide here between a
11 corporate rep and Ms. Peters. So that even if the
12 corporate representative deposition goes through,
13 Ms. Peters' deposition should be quashed. We did submit
14 an affidavit where she attested to the fact that she did
15 not have any responsive information based on our
16 understanding of what the topics would be.

17 Moving on, Your Honor, in the event that the
18 Court does not grant our motion to quash, we would
19 request a protective order. The standard for that, is
20 if there is good cause and there is here. You have,
21 first off two particular subsets of information that
22 would not be relevant to the proceedings and specific
23 claim at issue. First, this would be the preoperation
24 communication, methodologies subjective understanding of
25 the Secretary. The Court, again, in Kander was very

1 clear that this is not relevant and would not aid the
2 court's analysis of whether or not the summary statement
3 was, in fact, fair or sufficient.

4 And then second, you have a set of information
5 that would be relevant to other cases involving
6 redistricting or the referendum generally, that would
7 not apply here for the ballot title. And this is
8 specifically, the Secretary's position on the
9 referendum, the signature verification or counting. The
10 question of which map is in effect, or other related
11 topics. The reason we particularly emphasize that here
12 today is because in their opposition to our motion,
13 plaintiffs did spend several paragraphs addressing
14 whether or not the map was in effect. This is a
15 question that is related to a case before this court of
16 Maggard but it is not relevant here. And to the extent
17 that this is an attempt to collaterally attack the
18 Secretary or the State's position in that case, we would
19 ask for a protective order to ensure that any discovery
20 is done with the proper proceedings with the proper
21 parties as opposed to here today.

22 Finally, to the extent, again, that the
23 depositions go forward, we would request that any
24 information that came out during the depositions would
25 be free of the stipulation, that evidence was not going

1 to be part of the record before the se -- the Secretary
2 entered into it. That if Mr. Hatfield is going to be
3 deposing the Secretary's witnesses, that evidence should
4 be fair game before the Court since the parties would
5 have notice in advance of trial.

6 Thank you.

7 THE COURT: Thank you.

8 Mr. Hatfield?

9 MR. HATFIELD: Thank you, Your Honor.

10 The presentation started with whether there have
11 been depositions and survey at the Attorney Generals
12 office. I realize that I'm a little longer in the tooth
13 than a lot of the folks at the Attorney Generals Office
14 but I have taken depositions in these cases. And just a
15 little bit I -- I have the luxury of having been
16 involved in the case that I'm gonna cite to you, but
17 just a be little bit of research will tell you that in
18 *Missourians Against Human Cloning versus Carnahan*, this
19 was back in what I call the clone wars. There were two
20 rounds. This was round one. The parties presented
21 experts and in that case 190 S.W.3d 451 --

22 THE COURT: 190 S.W.3d.

23 MR. HATFIELD: 451, page 460. There's a
24 discussion of the text -- expert -- the testimony of
25 expert Dr. Melton who's an biner intervener Danforth and

1 how the term cloning is used and what it means. There's
2 also on at that page discussions of how the Stowers
3 Institute presented testimony from a Dr. Neaves. And I
4 read the case fairly quickly this morning, I don't
5 remember if it reflects this but --

6 THE COURT: How do you spell Neaves?

7 MR. HATFIELD: N-e-a-v-e-s.

8 THE COURT: Thank you.

9 THE COURT REPORTER: Thank you.

10 MR. HATFIELD: Well, what I was going to tell you
11 is, I don't know if this is in the case but, the if case
12 reflects that I was counsel of record, the Archbishop of
13 Kansas City testified on the stand in that case in front
14 of Judge Kinder, because as the case reflects there was
15 a dispute about whether one ever the terms in the ballot
16 title was accurate or not. And we're trying to

17 understand in that case what the term human cloning
18 really meant. And Judge Kinder accepted testimony from
19 experts in science and religion about that. And the
20 Court of Appeals wrote quite favorably about that
21 testimony. So sometimes you need testimony. Now,
22 lately we haven't needed a lot of testimony, because
23 most of the cases lately have been simple. You just
24 look at the bill. And then you figure out whether the
25 summary that the Secretary did, really reflects what's

1 on the bill. Well, here's the problem in this case,
2 Judge, it's admittedly different. Exhibit E to the
3 parties stipulations contains the bill. And, Judge, I'm
4 just gonna hold up the page. If you flip through this
5 is what the bill looks like. It's simply a list of
6 voting districts and blocks. These are in congressional
7 district 1, these are in congressional district 2, these
8 are in congressional district 3. I mean that's the
9 whole bill. There's no words in there. There's some in
10 the introduction. But it's basically just showing which
11 blocks go in which congressional district. So. Look at
12 the ballot summary that we gave you and the
13 highlighting. Do the people of the State of Missouri
14 approved the act of the General Assembly entitled House
15 Bill No. 1, that's this. Which appeals Missouri
16 existing, that's true. It says that at the beginning.
17 This is gerrymandered congressional plan. Secretary has
18 now admitted that that language he drafted is unfair and
19 insufficient. By the way, one of the phrases in the
20 statute is intentionally argumentative. I notice
21 they've admitted it's argumentative, which I think is
22 enough but it does say intentionally. At any rate,
23 they've admitted that. They've admitted that it's
24 unfair and insufficient to say that it protects
25 incumbent politicians. There's no way you could get

1 that out of this bill. It's just a series of districts.
2 But they don't admit that the next section is also
3 unfair. Replaces it, so that's what all of this is.
4 With new congressional boundaries that keep more cities
5 and counties intact. There's no way. I mean you can
6 read the bill. There's no way in reading through this
7 bill to determine which cities are intact. Counties is
8 a little closer. You might be able to do it, but I
9 don't think you can. But they clearly compared the two
10 bills, figured out how many cities this bill divides and
11 how many counties it divides, and looked at the other
12 one and can -- and figured out how that works.

13 Now, I think that opposing counsel admits that
14 the GIS system is now relevant. When we ask the
15 discovery questions, production of No. 7, all documents,
16 data, analysis refer relating to the ballot titles
17 assertions, I think this is a different one, yes,
18 several on that. This one has to do with --

19 Well, at any rate they said that they objected
20 documents, data and communications are irrelevant. The
21 relevant inquiries within the plain language is unfair
22 and insufficient. They objected. They objected. They
23 objected. And they refused to produce any documents.
24 They produced I believe two documents. Well, no there
25 were more, but two that they've talked about today,

1 which were two maps. They never said GIS data. I think
2 it might be relevant. And I -- I think I'm entitled to
3 some discovery.

4 THE COURT: So are we arguing to compel for
5 discovery today or are you arguing a motion to quash
6 right now.

7 MR. HATFIELD: Quash.

8 THE COURT: Okay.

9 MR. HATFIELD: Because they are saying that I'm
10 not entitled to discover, yet now they're telling you --

11 THE COURT: Take notice.

12 MR. HATFIELD: Take notice of some data that I'd
13 like to cross-examine a witness about if that's their
14 position. Because I think their position is
15 inconsistent in this case. And I think I'm entitled to
16 present evidence about that to you. The -- at one point
17 they say it doesn't matter, at another point they say it
18 does matter. Did they use it? Did they not use it? I
19 -- I don't know.

20 THE COURT: Mr. Hatfield, so just talking about
21 the cloning wars and the Carnahan case.

22 MR. HATFIELD: Yup.

23 THE COURT: And there they were trying to define
24 the word clone or cloning or some --

25 MR. HATFIELD: Something.

1 THE COURT: -- thing thereof. Right?

2 MR. HATFIELD: Right.

3 THE COURT: And so is it a term of art? Is it a
4 term of science? Is it a term of religion. There's a
5 lot of discussion on that.

6 MR. HATFIELD: Yup.

7 THE COURT: And you want to depose here in this
8 case to determine the definition of what word?

9 MR. HATFIELD: Well, to determine how they came
10 up with -- okay, definition of the words, keep cities
11 and counties intact. What do they mean by that? What
12 do those words mean? How did they come with up?

13 THE COURT: And how does -- how does -- how they
14 developed that term, how does that fit into whether or
15 not sufficient and fair.

16 MR. HATFIELD: I'm not sure I care exactly how
17 they developed it. But I do need to understand why they
18 think it's true. Is it accurate? I mean, I have a
19 witness who's going to say that's just not accurate,
20 that's not true. And that's one of the criteria you're
21 supposed to consider, is whether this stuff is true. So
22 I'm going to come in and tell you, particularly with
23 regard to more compact, which is next one, that it's not
24 true at all. And if the Secretary has evidence that it
25 is true, they need to say that. Now, they might say

1 they don't have any evidence, they don't know. Be a
2 really short deposition. That'd be fine with me. But I
3 think I'm entitled to know why they think it's more
4 compact. What did they rely on to come to that. Not
5 how did they develop it. But are they -- what are they
6 looking at that got them that answer, otherwise they're
7 just making it up. But the burdens on me to prove this.
8 So, you know, that's what we're trying to do.

9 THE COURT: It's not a definitional issue.

10 MR. HATFIELD: Well --

11 THE COURT: Because you speak of the Carnahan and
12 cloning thing as we're trying to hone on a definition.
13 It's allowed there and Kinder took the evidence and had
14 the Archbishop in here to figure you out what the word
15 means and this -- or not figure out what a word means,
16 you're trying figure out what their mindset is to make
17 these word?

18 MR. HATFIELD: No.

19 THE COURT: I'm trying to understand your
20 argument is.

21 MR. HATFIELD: My argument is, is that accurate?
22 Is it true? So we're going to have witness that says
23 it's not true. And if they don't have any evidence to
24 contrary, okay. I think you're going be compelled to
25 enter judgment in our favor on that sentence, if all the

1 evidence is simply not true. But if it is relevant,
2 whether it's true and the Court of Appeals says accuracy
3 is one of the things that makes something unfair, then
4 somebody's gonna present evidence on that.

5 So, Judge, let me back up. I -- I brought up
6 Cures Without Cloning because -- or not Cures Without --
7 yeah, Missourians Against Human Cloning I think it was.

8 Because the Courts have taken evidence many times on
9 these kind of cases. That's the example I can find in
10 the Court of Appeals.

11 I actually, what does a word mean. Seems to me
12 the parties might rely on the dictionary, and that might
13 be enough. And that's what we do a lot of times in
14 these cases. But, arguably, the dictionary is evidence
15 too. In this case it's a little bit different. It is
16 about the accuracy of the words. So is it what the
17 words mean? I -- I suppose it is. Does it mean
18 literally that they keep more cities and counties intact
19 as it implies, or is it just something that is I guess
20 an opinion of someone with no basis in fact at all.
21 That's what I'm trying to figure out. That's what my
22 discovery was about.

23 So the Secretary has said in the reply and again
24 today that there is relevant information out there.
25 They've told you that the GIS is relevant. They want

1 you to take judicial notice, although, I'm not sure what
2 you're taking notice of exactly other than the fact that
3 the data exists, that's true. They've also told us that
4 we should go read the statements of the Governor in his
5 press releases and that somehow those are relevant to
6 this. Well, what about those statements is relevant to
7 the accuracy of this information? I think I'm -- I
8 didn't know that they were relying on statements of the
9 Governor. They didn't tell me that in any of the
10 previous discovery. Now I know. I think I'm entitled
11 to know, is it the statements of the Governor that they
12 relied on in coming up with this? Is it statements of
13 someone else that they relied on? They also say that
14 the colored maps are relevant and they said they did say
15 that in discovery, that the maps that were prepared are
16 relevant. They're not in the bill. That's something
17 outside of the Four Corners of this bill. And I'd like
18 to understand whether they had those maps when they
19 drafted this or not and whether their contention is that
20 they --

21 THE COURT: Drafted what, the language or the
22 bill?

23 MR. HATFIELD: The language. The language. No,
24 they didn't draft the bill. I agree with that. But
25 when they drafted this language, what is it they're

1 saying makes this accurate, because I'm going to prove
2 it's not. But if they've got evidence to the contrary,
3 I'm entitled to know that they've got evidence to the
4 contrary. I don't see anything in the maps that would
5 show that this is accurate, but maybe they have
6 something.

7 Again, I don't -- I don't care about suggestive
8 beliefs -- subjective beliefs. I'm not trying to prove
9 that he -- whether he believes these statements or not.
10 I'm trying to prove these statements are true. I mean,
11 you cannot -- the Secretary of State cannot put
12 something on the ballot that is simply wrong and
13 inaccurate and that's what I'm trying to understand.

14 So, you know, we -- opposing counsel picked one
15 of the, I think 12 topics. I can't remember how many
16 topics there were, which was any statements about, you
17 know, made by the Secretary of State looking for
18 admissions about whether it's true or untrue there and
19 whether they've said that. That's it. And there --
20 there -- then their concerns drifted to the protective
21 order. They're concerned about whether I'm going to go
22 beyond the scope of this case. I -- I will tell the
23 Court that I'm planning to take the deposition. The
24 Court may or may not know that I'm gonna have to keep it
25 short because the Secretary -- the Attorney General's

1 Office will be deposing me personally in the afternoon.
2 So I'm gonna have to be done by 1:00 o'clock, so that
3 they can take my deposition in the Maggard case.

4 We didn't ask for a protective order in that case
5 and here's why. The right way to handle a deposition is
6 to appear when one is commanded to do so, answer
7 questions. If the questions go beyond the scope of
8 relevance, if they're harassing, if they're burdensome,
9 if they get into privilege or whatever, the rules say
10 adjourn the deposition, seek a protective order. And
11 that's a great way to do it. It may be that the
12 attorney never asks a question that the deponent is
13 offended by and we don't have to bother Your Honor. But
14 if they do the rules allow you to say, we're gonna
15 suspend the deposition or adjourn the deposition and go
16 ask for a protective order. I don't plan to get into a
17 whole bunch of other cases. I don't -- I'm looking at
18 some very narrow things based on what they said today, I
19 think it's gonna be really on short and that the
20 secretary's gonna say that they don't have any
21 information that supports the accuracy of this summary
22 statement. That's fine.

23 As to Ms. Peters, I -- the reason we noticed
24 Ms. Peters is that she signed interrogatories attesting
25 to the Court that she had knowledge, that the answers

1 were true and accurate to the best of her belief. It --
2 maybe that wasn't right but, I -- normally, when
3 somebody submit interrogatories in a case, I take a
4 deposition of the person who submitted the
5 interrogatories. So that's why she's there. I have
6 offered that we do both of them together, if they wanna
7 make her the corporate designee. I'm not trying to
8 create extra burden here. So anyway. I think the thing
9 to do is let us go and take the deposition. If they
10 think it's out of control and it -- I'm asking things
11 that they don't wanna ask, they can suspend the
12 deposition and we may or may not end up back in front of
13 Your Honor. But I think we're entitled to take a
14 deposition in this case.

15 Thanks.

16 MS. HUNKER: Your Honor, just a couple of quick
17 points?

18 THE COURT: Yes, ma'am.

19 MS. HUNKER: My opposing counsel referenced the
20 Missourians Against Human Cloning. That was not a
21 deposition of the Secretary's office. It's not a
22 deposition seeking the underlining facts in the case.

23 Instead it was looking at expert who going to be
24 testifying in court. And as you already noted, it was
25 about whether or not the meaning of term comports with

1 the plan language and how we understand that term. That
2 is a very different analysis than when you're looking at
3 the accuracy of the summary statement. The accuracy of
4 the summary statement which based on Mr. Hatfield's
5 representations in court, is looking at methodology of
6 what the secretary relied on. All of that under Kander
7 is irrelevant, because what matters is the actual
8 comparison of the final product which is the summary
9 statement to the underlying measure. In this case,
10 that's House Bill 1, and it is also the maps that were
11 published alongside House Bill 1. Mr. Hatfield is
12 specifically pointing out just to the VTDs. The VTDs
13 when combined create districts. Those eight districts
14 together create the congressional map. The two things
15 were published by the Missouri General Assembly
16 together. And it is why in the interrogatories the
17 Secretary referenced specifically the 2022 map, House
18 Bill 1 and the 2025 map. Because those are the three
19 things that we tend to rely on during trial.

20 THE COURT: Suppose there's IP to make
21 unpasteurized milk legal to sell in Missouri. And the
22 language says, that unpasteurized milk is more healthy
23 than pasteurized milk. At that point does the factual
24 claim and how you came to that claim make a difference?

25 MS. HUNKER: No, Your Honor. Because that's

1 getting at the subjective understanding of the Secretary
2 and the underlying methodologies. The behind the scenes
3 part is not --

4 THE COURT: What if it said if you drink
5 unpasteurized milk it will turn your hair blue?

6 MS. HUNKER: Well, Your Honor, you could, of
7 course, argue whether that would be an essentially
8 feature or an essential probable affect --

9 THE COURT: But isn't that -- isn't that an
10 essential feature in your language by saying if we do
11 this, now all of a sudden we have more compact, more
12 consistent voting blocks than otherwise. So isn't this
13 an outcome based statement here versus this milk being
14 more healthier, these affects of milk being an outcome
15 based of what this does.

16 MS. HUNKER: We don't think, Your Honor. I mean,
17 in this case we've already confirmed that we are not
18 bringing any witnesses, whether the Secretary of State
19 or otherwise. We plan on relying specifically on the
20 2022 map, 2025 map and House Bill 1. Along with it's
21 like 2 or 3 other documents that were also I believe
22 were included in the stipulation as well, but those are
23 the three primaries.

24 The objective outcomes does not depend on the
25 knowledge that the Secretary has or specifically the

1 cooperate rep, you'd be looking outside. In this case,
2 it's just, again, that line that is drawn by Kander. We
3 think one is relevant the other is not when you're
4 getting into methodologies, when you're getting into why
5 do you believe this is accurate and when -- that's a
6 different question. That's getting at the subjective
7 side as opposed to objective analysis.

8 We actually had given the factual underpinnings
9 despite the fact that the interrogatories, I'm ripe with
10 Mr. Hatfield's characterization, so give the example of
11 Interrogatory Six, describe the analytical methods used,
12 if any, to determine that the new congressional
13 boundaries enacted by HB-1 keeps cities and counties
14 intact, including the baseline used to comparison, the
15 metrics applied and the results. That's the
16 methodology. That's not even getting at the actual fact
17 itself. That's talking specifically about the
18 information that Kander says is not relevant. Instead
19 you're supposed to be looking at the final product is,
20 the map in this case and the summary statement.

21 As we pointed to -- we pointed to those things
22 specifically inside our answers. So we said subject to
23 without waiving the foregoing objections, defendant
24 states the HB-1, the congressional map formed by HB-1,
25 the 2022 congressional map support the challenged

1 language.

2 I know we're not talking about the motion to
3 compel but since it's -- there was an implication that
4 we were hiding the ball, the question for discovery is,
5 what is in your care, custody and control. The Office
6 Administration the governors proclamation, the
7 governor's press releases, that is not in the
8 Secretary's care, custody and control. That is all
9 publicly available information that is online. The
10 reason I reference it today is because I am showing that
11 to the extent the plaintiffs have further questions
12 beyond what we believe is relevant to the factual
13 underpinnings, that information is there and available
14 and does not require depositions of the Secretary of
15 State. Specifically this idea that the Secretary is
16 trying to hide the ball, we've entered into a
17 stipulation that ties our hands specifically to our
18 representations into the interrogatories and our fees,
19 is inappropriate and I think untruthful. The Secretary
20 has been pretty clear of what he tends to rely on at
21 trial, that does not include witnesses and it includes
22 the specific documents that were there. To the extent
23 that Mr. Hatfield wants to introduce outside evidence,
24 that is his right. But he does not have the right
25 according to Kander and related cases to inquire into

1 the Secretary's process itself. And not get at the
2 object -- the subjective understanding of what the
3 Secretary believes the map to be and the factual
4 underpinnings.

5 With that, Your Honor, I'll only turn to one last
6 point, which is with respect to the litigation. The
7 reason we brought this up both in the motion to quash as
8 well in our reply is because of the statements
9 Mr. Hatfield made in emails and in the opposition. He
10 is the one who is referencing issues that could be
11 pertaining to other cases, and so we want a clear line
12 drawn because we think we are -- to the extent that we
13 are going to go far outside the usual routine in ballot
14 title cases and deposing the Secretary's corporate rep,
15 and the director of elections, well, it should be really
16 focused on just what this case is about. It shouldn't
17 be focused on things that either the Court has said is
18 irrelevant or is, in fact, inappropriate for
19 Mr. Hatfield to pursue in this case because, again, it's
20 related to other matters.

21 THE COURT: Thank you.

22 MS. HUNKER: Thank you.

23 THE COURT: Anything else, Mr. Hatfield?

24 MR. HATFIELD: I suppose I should say so, I hear
25 what they're saying. This is a little bit useful in

1 terms of what we're going to try. Their position is we
2 need the 2022 map, the 2025 map and House Bill 1.
3 Somebody is going to need to tell you what those maps
4 are and how they reflect, for example, voting patterns
5 which is the last -- so they -- the very last phrase
6 says better reflect statewide voting patterns in the
7 summary statement. So first of all, back to this thing
8 about human cloning, what does that even mean? I don't
9 -- I don't know what that means. But better reflect
10 statewide voting patterns. Someone's gonna have to tell
11 you because the Secretary of State denies that that's
12 unfair to say that. Somebody's gonna have to tell you
13 whether that right or not. And the fact that I've got a
14 witness who's gonna tell you it's absolutely, positively
15 wrong, that doesn't mean that I can't take discovery on
16 the opposing side about their information as to whether
17 that's right. I don't know how were gonna get that from
18 the maps that the Secretary has told you here on the
19 record are the only things relevant. But if they're
20 getting it from the maps, they're gonna need a witness
21 to explain that I think.

22 Your Honor, nailed it. This is just like if
23 somebody said, it's actually worse I think than somebody
24 said pasturized milk is more healthy. It'd be like if
25 somebody said pasturized milk is -- experts say

1 pasturized milk is more healthy. But it's not true.
2 They just made it up. I think I'm entitled to discover
3 why they made that statement, that pasturized milk --
4 that experts say pasturized milk is more healthy.

5 THE COURT: Why are you entitled to know what
6 their mindset is? Why they say this, so -- I understand
7 you're saying you know it's accurate and true, but I
8 think your statement there, you want to know why they
9 said X. And so to me it's the mindset of the person.
10 Why are you entitled to the mindset?

11 MR. HATFIELD: It's an interesting point. So if
12 I've got a fraud case, right, and you said to me, this
13 car only has a hundred thousand miles on it. So I say,
14 I want to understand whether that statement is true. So
15 what do I ask you in deposition? Why did you say it has
16 hundred thousand miles on it? Well because I believe
17 it. Okay, that's not nobody cares. But because I had
18 Carfax that said it had a hundred thousand on it. Okay.
19 That's what I need to know. I assumed when we sent
20 these interrogatories that I would get the information
21 you heard today. We relied on statements to the
22 Governor. We relied on GIS. We relied on these maps.
23 They did give me the maps. But they never said any of
24 those other things in response to the interrogatories.
25 And then we would have been done. But the position

1 keeps changing all the time on exactly what it is that
2 they agree to and what it is that they don't agree to.
3 So I think I'm entitled to pin that down. I don't see
4 the great harm in allowing a deposition here. It --
5 it's likely to lead to the discovery of admissible
6 evidence. Your honor, might decide you don't wanna hear
7 it, you don't wanna accept it. But I think you -- the
8 thing to do is to allow us to make our record on it.
9 I'll keep it short.

10 THE COURT: Really?

11 MR. HATFIELD: Yeah.

12 If, Your Honor, would like to limit it.

13 THE COURT: It was a kind question when I said
14 really, Mr. Hatfield.

15 MS. HUNKER: Your Honor, just a quick
16 housekeeping matter. Because we are coming close to the
17 trial date, assuming you do not grant our motion for
18 partial judgment, we do have the depositions scheduled
19 for tomorrow in the event that you deny the motion to
20 quash. And so we would ask the Court if to issue a
21 ruling at its earliest possibility, just so we could
22 engage in that if necessary.

23 THE COURT: I'll decide this answer.

24 Anything else today?

25 MR. HATFIELD: Not for plaintiffs, Judge.

1 MS. HUNKER: Not for the Secretary, Your Honor.

2 And thank you for your time.

3 THE COURT: I'll have an answer this afternoon.

4 Be off the record.

5 (THE END OF THE PROCEEDINGS.)

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Not an Official Court Document

1 REPORTER'S CERTIFICATE

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5 I, Jenny Johnson, Certified Court Reporter No. 1041,

6 certify that I am the Official Court Reporter for the

7 19th Circuit of Missouri in Jefferson City; that on

8 June 4, 2026, I was present and reported all of the

9 proceedings in PEOPLE NOT POLITICIANS, Plaintiffs, vs.

10 DENNY HOSKINS, Defendants, Case No. 25AC-CC08724. I

11 further certify that the foregoing 52 pages contain a

12 true and accurate transcription of the proceedings.

13

14

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16

17 JENNY JOHNSON

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19 S/S 

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