

Stipulated Exhibit 25

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

TERRENCE WISE, et al.,

Plaintiffs,

v.

STATE OF MISSOURI, et al.,

Defendants.

Case No. 2516-CV29597

Division 15

ELIZABETH HEALEY, et al.,

Plaintiffs,

v.

STATE OF MISSOURI, et al.,

Defendants.

Case No. 2516-CV31273

Division 15

**PLAINTIFFS' SUGGESTIONS IN OPPOSITION TO STATE DEFENDANTS' MOTION
TO CONTINUE TRIAL SETTING**

The Wise and Healey Plaintiffs oppose the motion to continue trial setting filed by the State of Missouri and Secretary of State Denny Hoskins ("State Defendants"), filed nearly two weeks after this Court ordered the January 26, 2026 trial date for a four-day trial, and nearly three weeks after State Defendants were provided notice of the January 26 trial date.

In opposition to State Defendants' motion, Plaintiffs state as follows:

1. Time is of the essence in this case. Missouri's candidate filing period for the 2026 primary elections opens on Tuesday, February 24, 2026. See § 115.349, RSMo. Trial in this matter is scheduled to begin less than one month before that deadline. State Defendants now seek a continuance of more than three weeks—one that would push the conclusion of trial to February

20, just four days before candidate filings begin. Granting that request would seriously endanger the opportunity for meaningful relief before the midterm elections.

2. Plaintiffs challenge the constitutionality of House Bill 1 (“HB 1”), a new mid-decade congressional map intended to govern the 2026 general election.

3. The General Assembly adopted HB 1 during a special session in September 2025, in contravention of Article III, Section 45’s prohibition on mid-decade redistricting and the General Assembly’s consistent practice under that provision. Because the legislation was adopted just months before election-related deadlines for the 2026 congressional election, Plaintiffs filed suit immediately and sought expedited relief.

4. The *Wise* Plaintiffs filed their suit on September 12, 2025, the day the General Assembly passed HB 1.

5. The *Wise* Plaintiffs filed a Motion for Scheduling Conference, Preliminary Injunction Hearing, and Order Consolidating Separate Trial on Count I with Preliminary Injunction Hearing and Suggestions in Support on September 19, 2025.

6. The *Healey* Plaintiffs filed their suit on September 28, the day the Governor signed HB 1.

7. The *Wise* and *Healey* Plaintiffs both sought a preliminary injunction and consolidated trial on the merits of their purely legal claim that HB 1 violates the Missouri Constitution’s prohibition on mid-decennial congressional redistricting (Count I).

8. The *Wise* and *Healey* Plaintiffs also brought claims alleging that HB 1 violates the Missouri Constitution’s compactness requirement for congressional maps (Count II). The *Wise* Plaintiffs further allege that HB 1 violates the Missouri Constitution’s equal population requirement (Count III) and contiguity requirement (Count IV) for congressional maps.

9. State Defendants subsequently filed motions to dismiss both sets of Plaintiffs’

claims and refused to file responses to the Plaintiffs' motions for a preliminary injunction in the time required by the local rules. State Defendants filed the Motion to Dismiss in the *Wise* case on September 19, 2025, and in the *Healey* case shortly thereafter.

10. On November 24, 2025, this Court held a hearing on those motions. During the hearing, the Court discussed potential trial dates with the parties at length.

11. The Court indicated it would set trial on Count I for December 16, 2025.

12. The Court also indicated it would set a four-day trial on the remaining counts for January 26 through January 29, 2026. The Court instructed the parties to work together to propose a joint scheduling order as soon as possible.

13. During the hearing, counsel for the Jackson County Board of Election Commissioners and the Kansas City Election Board noted that the filing period for congressional candidates begins on February 24, 2026, and that implementing the congressional map ahead of that deadline could take about four weeks.

14. Because of this discussion, all parties present at the hearing were on notice about the time-sensitive nature of the trial setting.

15. State Defendants indicated at the November 24, 2025 hearing that they would check on their preferred expert witness's availability. However, in the nearly two weeks that followed, State Defendants did not alert the other parties or the Court of any specific conflicts their expert would have with the January 26, 2026 trial date.

16. On December 1, 2025, the Court entered an order setting a bench trial on Count I for December 16, 2025, and on the remaining counts for January 26, 2026.

17. On December 4, 2026, Plaintiffs sent Defendants a proposed pretrial schedule for the January 26, 2026 trial and requested the opportunity to meet and confer on the schedule. On December 9, 2026, State Defendants informed Plaintiffs that their preferred expert *might* have a

conflict with the January 26, 2026 trial date because of a two-to-three-week trial in another matter that will also begin on January 26, 2026. State Defendants indicated that their preferred expert is not expected to testify in that matter during the week of January 26, but instead would be observing other witnesses testify on yet-to-be-determined dates. Based on State Defendants' representation, it is not at all clear that their preferred expert has a definite conflict. State Defendants do not yet know which dates their witness plans to observe testimony in Mississippi, and it may well be possible for their witness to participate in both trials.

18. Indeed, an obvious solution for this purported conflict is that the State Defendants' preferred expert could simply read the rough trial transcripts for the days of testimony in the Mississippi case that he would miss by being present for the trial in this case. That is commonly how experts digest trial testimony in advance of their own testimony.

19. Plaintiffs made clear they are willing to work with State Defendants to accommodate their preferred expert's schedule within the trial dates set by the Court, but they do not believe the availability of a single preferred expert should dictate the timing of trial. Plaintiffs also raised the possibility of other, less disruptive alternatives, such as having State Defendants' preferred expert observe the Mississippi trial remotely or testify remotely in this case, to which State Defendants offered no clear answer. Even if State Defendants' preferred expert is ultimately unavailable, it would not be unreasonable under the circumstances for State Defendants to retain an alternative expert who is available. State Defendants have made no showing that their preferred expert is uniquely essential or that no other qualified expert is reasonably available.

20. On December 10, 2025, the Court entered an order denying State Defendants' Motion to Dismiss. The Court stayed proceedings on Count I, canceled the December 16, 2025 trial on Count I, and specifically noted that "[t]he bench trial on the other counts remain set."

21. On the evening of December 12, 2025, State Defendants informed Plaintiffs via

email that they intended to file a motion to continue the trial to February 17, 2026, or a later date.

22. By taking nearly three weeks to confirm their preferred experts' availability and to communicate the issue to Plaintiffs and the Court, State Defendants have caused unnecessary delay that prejudices Plaintiffs and jeopardizes the likelihood that a lawful map will be implemented in the 2026 general election, regardless of the merits of Plaintiffs' claims.

23. Had State Defendants diligently confirmed their preferred expert's availability and identified the conflict to Plaintiffs and the Court promptly, the parties could have considered whether an earlier trial date might be amenable to the parties and their witnesses.

24. State Defendants' failure to timely confirm their preferred experts' availability should not determine whether Plaintiffs can obtain effective relief in this case.

25. Plaintiffs will suffer irreparable harm if they are forced to vote under HB 1's unlawful map in the upcoming 2026 congressional elections.

26. Once an election occurs under an unlawful map, "there can be no do over and no redress" for voters. *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016) (quoting *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014)).

27. If trial on Counts II-IV does not occur in January 2026, it is highly likely that a court would need to alter Missouri's election deadlines in order to provide relief on those claims ahead of the 2026 general election.

28. State Defendants have therefore failed to show good cause to continue the January 26, 2026 trial. See Rule 65.01 (permitting a continuance only "[f]or good cause shown").

29. The Court should maintain the January 26, 2026 trial date. State Defendants are free to retain an alternate expert witness. Or, if State Defendants intend to use the expert witness appearing in *Harris v. DeSoto County*, No. 3:24-CV-289-GHD-RP (N.D. Miss. filed Sep. 12, 2024), Plaintiffs stand ready to coordinate with State Defendants to schedule that expert's

testimony within the January 26–29, 2026 trial during a time window that is least disruptive. Alternately, Plaintiffs are willing to agree to the State Defendants’ preferred expert appearing remotely during the trial, or stand ready to work with State Defendants to designate the expert’s testimony via a videotaped trial deposition in lieu of live trial testimony. See Rule 57.07(a) (“Depositions may be used in court for any purpose.”).

30. In the alternative, Plaintiffs request that the Court reset trial on Counts II-IV to commence on an earlier date, such as January 20, 2026.

31. To the extent the Court is inclined to grant State Defendants’ request to reset trial to a later date, State Defendants should be precluded from arguing that it is too late to effectuate injunctive relief on Plaintiffs’ claims, and should be precluded from opposing this Court modifying or postponing deadlines on the State’s election calendar to effectuate relief in the event that Plaintiffs prevail on the merits of this case.

WHEREFORE, Plaintiffs request this Court deny State Defendants’ motion to continue and maintain the January 26, 2026 trial or set trial for an earlier date.

Dated: December 15, 2025

Respectfully submitted,

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Certificate of Service

I certify that, on December 15, 2025, the foregoing was filed on the Missouri CaseNet e-filing system, which will send notice to all counsel of record.

/s/ Gillian R. Wilcox