N THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

MO STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, et. al.	)	
Plaintiffs,	)	
v.	)	**Case No. 25AC-CC06724**
MIKE KEHOE et.al.	)	
Defendants	)	

PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S REQUEST FOR EX PARTE TEMPORARY RESTRAINING ORDER

Defendants incorrectly claim that the separation of powers doctrine prevents this Court from entering an order restraining the Executive and Legislative Branches from exceeding their Constitutional Authority. On the contrary, the Court is explicitly given authority to make determinations regarding the rights and remedies in cases such as this and to restrain action pending a determination on the merits.

Art. II Sec. 1 of the Missouri Constitution does in fact give specific powers and authority to each Branch of the Government. In fact, part of that grant of power is to grant the authority to "make final determinations of questions of law." State ex rel. Praxair, Inc. v. Mo. Pub. Serv. Comm'n, 344 S.W.3d 178, 186 (Mo. banc 2011). The Legislature has also granted authority to the courts to make determinations regarding rights and remedies. § 527.010 RSMo.. Additionally, the Legislature had granted through statute the ability for the Courts to restrain action pending a determination on the merits in cases involving rights and remedies. § 526.050 RSMo..

While the ability to convene the legislature on "extraordinary occasions" is granted to the Governor and the authority to draw congressional boundaries and pass laws generally are granted to the General Assembly generally, this authority is not boundless and absolute. Article II, Section 1 "does not erect an impenetrable wall of separation between the departments of government." Chastain v. Chastain, 932 S.W.2d 396. The idea of judicial review and the concept of the Courts determining the Constitutionality of actions of the other Branches is well established dating back as far as Marbury v. Madison, 5 U.S. 137 (1803). It is highly irregular for the Defendants to suggest this Court has no ability to review the Governor's actions in convening the legislature based on Art. IV Sec. 9.

Defendants cite to two cases to cases to support their request to deny the Plaintiffs' requests for injunctive relief. The first case, Williams v. Falkenrath 676 SW3d 452, does not apply to the facts before the court. That case is a specific to the lack of authority for the courts to establish new sentencing standards in conflict with those passed by the legislature. Here, Plaintiffs are requesting the Court to fulfill its role as interpreter of the Constitution. The second case, State Auditor v. JCLR 956 SW2d 228 is a case that actually affirms the ability for the court to do what Plaintiffs request. The court in that case determined the legislature did not have the authority to interfere with clearly defined governmental process. Here we are asking the Court to do the same and determine the authority and boundaries of the provisions of Art. IV Sec. 9 and Art. III Sec. 45.

What Plaintiffs have placed before the Courts is a clear request for interpretation of Constitutional provisions. T The only questions before the Court today are whether to prevent irreparable harm while the questions on the merits of Plaintiffs' claims are pending and whether the Court has the authority to hear Plaintiffs' claims.

Plaintiff has already briefed the elements of the request for injunctive relief. Above are the clear reasons why the Court may certainly act on Plaintiffs' request.

The Court should quickly grant Plaintiffs' request for Temporary and Preliminary injunctions and set the case for a hearing on the merits as soon as possible.

Respectfully Submitted,

/s/ Sharon Geuea Jones

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of September 2025, the foregoing was filed via the Missouri eFiling System and that a copy of the same was thus served via the electronic filing system in accordance with Supreme Court Rules.

/s/Sharon Geuea Jones