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

Official Court Document Not an Official Court Document Not an Official Court Document

TERRENCE WISE, et al.,

Not an Official Court Document Not an Official Court Document Not an Official Court Document

Plaintiffs,

Document Not an Official Court Document No

v.

al Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

STATE OF MISSOURI, et al.,

an Official Court Document Not an Official Court Document Not an Official Court Document

Defendants.

Case No. 2516-CV29597

Division 15

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**PLAINTIFFS' MOTION FOR SCHEDULING CONFERENCE, PRELIMINARY
INJUNCTION HEARING, AND ORDER CONSOLIDATING SEPARATE TRIAL ON
COUNT 1 WITH PRELIMINARY INJUNCTION HEARING AND SUGGESTIONS IN
SUPPORT**

Come now Plaintiffs, by and through their counsel of record, and hereby request a scheduling conference, scheduling order, hearing on Plaintiffs' Motion for Preliminary Injunction, and an order separating and advancing a consolidated trial on the merits of Count I with the preliminary injunction hearing. In support, counsel for Plaintiffs state:

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1. On August 29, 2025, Governor Kehoe issued a Proclamation calling for an extraordinary session of the General Assembly to enact new congressional districts in the middle of the decade.

2. Alongside the Proclamation, the Governor released the new congressional map, the so-called Missouri First Map, that he requested the General Assembly to enact ("the 2025 Map").

3. On September 12, 2025, the General Assembly passed H.B. 1 to enact the Governor's desired map.

4. The same day, Plaintiffs filed this lawsuit seeking declaratory judgment and a preliminary and permanent injunction against the enforcement of H.B. 1.

5. As Plaintiffs' lawsuit alleges, H.B. 1 violates various requirements for congressional redistricting under Article III, § 45 of the Missouri Constitution.

6. First, Plaintiffs allege that H.B. 1 violates the constitution's prohibition on mid-decade congressional redistricting, as Article III, § 45 only authorizes enactment of one valid congressional redistricting plan per decade after the decennial census (Count I).

7. Second, Plaintiffs allege that H.B. 1 is unconstitutional because at least two congressional districts, CD 4 and CD 5, violate § 45's requirement that districts be "as compact as may be" (Count II).

8. Further, because H.B. 1 assigns Kansas City Voting Tabulation District 811 (which covers two separate geographical areas) to both CDs 4 and 5 without specifying which geography is assigned to which district, the map is likely unequally populated and/or non-contiguous in violation of Article III, § 45 (Counts III and IV).

9. On September 12, 2025, Plaintiffs also filed a Motion for Preliminary Injunction and Consolidation of Trial on Count I with the Preliminary Injunction Hearing, with suggestions in support.

10. The motion for preliminary injunction is based only on Count I, which raises a pure question of law: whether Article III, § 45 permits mid-decade congressional redistricting. Neither discovery nor fact-finding is necessary to resolve Count I.

11. For this reason, and to promote judicial economy, Plaintiffs likewise moved under Rule 92.02(c)(3) for the Court to "order the trial of the action on the merits be advanced and consolidated with the hearing of the application for preliminary injunction."

12. The Court may enter a consolidation order under Rule 92.02(c)(3) "[a]t any time."

13. In addition, Rule 66.02 provides that “[t]he Court, in furtherance of convenience or to avoid prejudice, or when separate trials would be conducive to expedition and economy, may order a separate trial on any claim . . .”

14. Plaintiffs have moved with utmost haste because they will suffer irreparable harm absent injunctive relief. H.B. 1 violates Plaintiffs’ fundamental right to vote in lawful election districts. It radically transforms their congressional districts in the middle of a decade contrary to constitutional command. And candidate filing for the 2026 congressional election begins in February. If the 2026 election is conducted under H.B. 1, Plaintiffs will have irreparably lost their fundamental right to vote in that election under lawful congressional districts.

15. Plaintiffs provided Counsel for Defendants with courtesy copies of all filings on September 12, 2025.

16. Defendants State of Missouri, Secretary of State Denny Hoskins, Jackson County Board of Election Commissioners, Michael K. Whitehead, Kansas City Board of Election Commissioners, Sarah (Sally) Miller, Sharon Turner Buie, Ralph F. Munyan II, Shawn Kieffer, and Lauri Ealom, were served with formal process, including service of the petition, motion for preliminary injunction and consolidation of trial on Count I with preliminary injunction hearing and suggestions in support, case management order, and order appointing special process server, on September 16, 2025.

17. Defendants Henry R. Carner, Colleen M. Scott, Lyle K. Querry, Tammy Brown, and Sarah Zorich were served with formal process, including service of the petition, motion for preliminary injunction and consolidation of trial on Count I with preliminary injunction hearing and suggestions in support, case management order, and order appointing special process server, on September 18, 2025.

18. Plaintiffs provided notice pursuant to § 1.185, RSMo, to the Senate President Pro Tempore and the Speaker of the House that a lawsuit has been filed challenging the constitutionality of a state statute on September 12, 2025.

19. The Attorney General was also provided notice that the lawsuit was filed when the courtesy copies were emailed to the Solicitor General on September 12, 2025.

20. Under Local Rule 33.5, Defendants served on September 16, 2025, have a deadline to file Suggestions in Opposition to the Motion for Preliminary Injunction on or before September 26, 2025. Plaintiffs' deadline for Reply Suggestions in Support of the Motion for Preliminary Injunction is October 3, 2025.

21. To ensure that Plaintiffs' request for injunctive relief is heard with sufficient time before the next congressional election, Plaintiffs respectfully request a scheduling conference on or before September 26, 2025, a scheduling order setting the date of a preliminary injunction hearing on or before October 14, 2025, and an order of consolidation of that hearing with a separate trial on the merits of Count I pursuant to Rules 66.02 and 92.02(c)(3).

22. Plaintiffs request that some attorneys be permitted to appear at the scheduling conference remotely via Webex. Plaintiffs will also have one or more attorneys available to appear in person.

September 19, 2025

Respectfully submitted,

/s/ Gillian R. Wilcox

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*pro hac vice motion forthcoming

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I certify that a copy of the foregoing was filed on case.net and served electronically to all counsel of record and also served by email on September 19, 2025, to the following:

STATE OF MISSOURI, MICHAEL KEHOE, in his official capacity as Governor of Missouri, DENNY HOSKINS, in his official capacity as Missouri Secretary of State, Missouri Attorney General's Office

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JACKSON COUNTY BOARD OF ELECTION COMMISSIONERS; MICHAEL K. WHITEHEAD, HENRY R. CARNER, COLLEEN M. SCOTT, and LYLE K. QUERRY, in their official capacities as commissioners of the Jackson County Board of Election Commissioners; TAMMY BROWN and SARAH ZORICH, in their official capacities as directors of the Jackson County Board of Election Commissioners

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KANSAS CITY BOARD OF ELECTION COMMISSIONERS; SARAH (SALLY) MILLER, SHARON TURNER BUIE, and RALPH F. MUNYAN II, in their official capacities as commissioners of the Kansas City Board of Election Commissioners; and SHAWN KIEFFER and LAURI EALOM, in their official capacities as directors of the Kansas City Board of Election Commissioners,

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/s/ Gillian R. Wilcox