

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED)
PEOPLE MISSOURI STATE)
CONFERENCE, et al.,)

Case No. 25AC-CC06724

Petitioners,

v.)
STATE OF MISSOURI, et al.,)

Respondents.

DEFENDANTS' ANSWERS

Come now Respondents State of Missouri, Michael Kehoe, Catherine Hanaway,¹ Cindy O’Laughlin, and Jon Patterson in their official capacity (“Respondents”), by and through undersigned counsel, and, for their Answer to Petitioners National Association for the Advancement of Colored People Missouri State Conference, Patricia A. Jones, and Traci L. Wilson Kleekamp’s First Amended Petition for Declaratory Judgment and Injunctive Relief (“FAC”), state as follows:

1. Respondents admit that Petitioners’ Petition for Declaratory Judgment and Injunctive Relief asks that this Court issue a declaratory judgment that the Governor’s August 29, 2025 proclamation fails to state an extraordinary occasion required by Article IV, Section 9 of the Missouri Constitution and enjoin the Missouri

¹ See Rule 52.13(d)

General Assembly from meeting in special session on grounds of the proclamation's insufficiency. Respondent deny that Petitioners are entitled to any relief whatsoever, and denies any remaining allegations and characterizations contained in Paragraph 1.

PARTIES

1. Respondents lack sufficient knowledge to admit or deny the allegations contained in Paragraph 1, and therefore deny the same.

2. Respondents lack sufficient knowledge to admit or deny the allegations contained in Paragraph 2, and therefore deny the same.

3. Respondents lack sufficient knowledge to admit or deny the allegations contained in Paragraph 3, and therefore deny the same.

4. Respondents lack sufficient knowledge to admit or deny the allegations contained in Paragraph 4, and therefore deny the same.

5. Respondents admit the allegations contained in Paragraph 5.

6. Respondents admit the allegations contained in Paragraph 6.

7. Respondents deny allegations contained in Paragraph 7 to the extent that Andrew Bailey is not the currently-serving Attorney General of Missouri. Catherine Hanaway is the currently-serving Attorney General. See Rule 52.13(d).

8. Respondents admit the allegations contained in Paragraph 8.

9. Respondents admit the allegations contained in Paragraph 9.

JURISDICTION AND VENUE

10. Paragraph 10 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations and characterizations contained in Paragraph 10.

11. Paragraph 11 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations and characterizations contained in Paragraph 11.

FACTS COMMON TO ALL COUNTS

12. Respondents admit the allegations contained in Paragraph 12.

13. Respondents admit the allegations contained in Paragraph 13.

14. Respondents admit the allegations contained in Paragraph 14.

15. Respondents admit the allegations contained in Paragraph 15.

16. Respondents admit the allegations contained in Paragraph 16.

17. Respondents admit the allegations contained in Paragraph 17.

18. Respondents admit the allegations contained in Paragraph 18.

19. Respondents admit the allegations contained in Paragraph 19.

20. Respondents lack sufficient knowledge to admit or deny the allegations contained in Paragraph 20, and therefore deny the same

21. Respondents admit the allegations contained in Paragraph 21.

22. Respondents admit the allegations contained in Paragraph 22.

23. Respondents admit the allegations contained in Paragraph 23.

24. Paragraph 24 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations and characterizations contained in Paragraph 24.

25. Respondents admit the allegations contained in Paragraph 25.

26. The allegations of Paragraph 26 describe the contents of Paragraph 25 (Exhibit A), which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the proclamation.

27. The allegations of Paragraph 27 describe the contents of Paragraph 25 (Exhibit A), which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the proclamation.

28. The allegations of Paragraph 28 describe the contents of Paragraph 25 (Exhibit A), which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the proclamation.

29. The allegations of Paragraph 29 describe the contents of Exhibit A, which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the proclamation.

30. Respondents admit the allegations contained in Paragraph 30.

31. Paragraph 31 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations and characterizations contained in Paragraph 31.

32. Respondents lack sufficient knowledge to admit or deny the allegations contained in Paragraph 32, and therefore deny the same.

33. Respondents admit the allegations contained in Paragraph 33.
34. Respondents admit the allegations contained in Paragraph 34.
35. Respondents admit the allegations contained in Paragraph 35.
36. Respondents admit the allegations contained in Paragraph 36.
37. Respondents admit the allegations contained in Paragraph 37.
38. The allegations of Paragraph 38 describe the contents of a statute, which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the cited provision.
39. The allegations of Paragraph 39 describe the contents of a statute, which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the cited provision.
40. The allegations of Paragraph 40 describe the contents of statutes, which speak for themselves. Respondents deny any allegations inconsistent with the plain language of the cited provisions.
41. The allegations of Paragraph 41 describe the contents of a statute, which speak for themselves. Respondents deny any allegations inconsistent with the plain language of the cited provision.
42. Paragraph 42 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations and characterizations contained in Paragraph 42.

43. Paragraph 43 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations and characterizations contained in Paragraph 43.

44. Paragraph 44 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny the allegations and characterizations contained in Paragraph 44.

45. Respondents admit the allegations contained in Paragraph 45.

CAUSES OF ACTION

COUNT I – DECLARATORY JUDGEMENT

46. Respondents restate and re-incorporate by reference their answers to all allegations of the preceding paragraphs as fully set forth herein and deny any material contained in non-numbered paragraphs throughout the First Amended Petition.

47. Respondents admit the allegations contained in Paragraph 47.

48. The allegations of Paragraph 48 quote the contents of the Missouri Constitution, which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the cited provision.

49. Respondents admit the allegations contained in Paragraph 49.

50. Respondents admit the allegations contained in Paragraph 50.

51. The allegations of Paragraph 51 describe the contents of the Missouri Constitution, which speaks for itself. Respondents deny any allegations inconsistent with the plain language of the cited provision.

52. Paragraph 52 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

53. Paragraph 53 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

54. Paragraph 54 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

55. Paragraph 55 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

56. Paragraph 56 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

57. Paragraph 57 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of

Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

58. Paragraph 58 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

59. Paragraph 59 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny any speculative assertions made by Petitioners, assert that the text of Article IV, § 9 speaks for itself as to its contents, and deny any allegation inconsistent therewith.

60. Respondents lack sufficient knowledge to admit or deny the speculative allegations contained in Paragraph 60, and therefore deny the same.

61. Paragraph 61 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

62. Paragraph 62 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

63. Paragraph 63 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of

Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

64. Paragraph 64 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of Article IV, § 9 speaks for itself as to its contents and deny any allegation inconsistent therewith.

Prayer for Relief

Petitioners' wherefore clauses contain allegations to which no response is required. To the extent a response is required, Respondents deny all allegations contained in Petitioners' wherefore clauses. Respondents deny each and every allegation contained in Petitioners' Petition not specifically and expressly admitted above. Respondents request that the Court deny Petitioners' Petition with prejudice, at Petitioners' cost, and that the Court provide Respondents with all other relief that is proper.

COUNT II – REQUEST FOR PRELIMINARY INJUNCTION

65. Respondents restate and re-incorporate by reference their answers to all allegations of the preceding paragraphs as fully set forth herein and deny any material contained in non-numbered paragraphs throughout the First Amended Petition.

66. Respondents admit that Petitioners seek a preliminary injunction in Paragraph 66.

67. Paragraph 67 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of § 526.030 RSMo speaks for itself as to its contents and deny any allegation inconsistent therewith.

68. Paragraph 68 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents assert that the text of § 526.050 RSMo speaks for itself as to its contents and deny any allegation inconsistent therewith.

69. Respondents deny all allegations contained in Paragraph 69 because Petitioners' requested preliminary injunctive relief is moot, nonjusticiable, and entirely meritless.

70. Paragraph 70 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny all allegations in Paragraph 70.

71. Respondents lack sufficient knowledge to admit or deny the speculative allegations contained in Paragraph 71, and therefore deny the same.

72. Respondents admit the allegations contained in Paragraph 72.

73. Paragraph 73 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny all allegations in Paragraph 73.

74. Paragraph 74 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny all allegations in Paragraph 74.

75. Paragraph 75 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny all allegations in Paragraph 75.

76. Paragraph 76 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny all allegations in Paragraph 76.

77. Paragraph 77 contains a legal conclusion to which no response is required. To the extent a response is required, Respondents deny all allegations in Paragraph 77.

Prayer for Relief

Petitioners' wherefore clauses contain allegations to which no response is required. To the extent a response is required, Respondents deny all allegations contained in Petitioners' wherefore clauses. Respondents deny each and every allegation contained in Petitioners' Petition not specifically and expressly admitted above. Respondents request that the Court deny Petitioners' Petition with prejudice, at Petitioners' cost, and that the Court provide Respondent with all other relief that is proper.

AFFIRMATIVE DEFENSES

In pleading the following additional and affirmative defenses, Respondents reserve their position that Petitioners retain the burden of proof on all matters necessary to state the claims Petitioners attempt to bring forth in their Petition.

1. Petitioners' Petition is moot.
2. Petitioners' Petition fails to state a claim upon which relief can be granted.
3. Petitioners lack standing to assert the sole remaining count of their Petition—Count I—because they have not alleged sufficient facts that they are affected or will be imminently affected in an adverse way by the Governor's proclamation nor have they established taxpayer standing. Any allegations of Petitioners' injuries are not only unduly speculative, those speculative injuries are not directly attributable let alone fairly traceable to any actions of Respondents.
4. Petitioners' Petition raises a non-justiciable controversy because it asks this Court to violate Missouri's political question doctrine reserving discretionary political questions to the coordinate political branches of the state government and the specific reservation of discretionary authority to the Governor under art. IV, § 9 of the Missouri Constitution.
5. Petitioners seek an improper advisory opinion. They may not seek a declaratory judgment action since their claims are nonjusticiable and rest on hypothetical and speculative situations which may never come to pass.
6. Petitioners have not named proper Defendants.

Date: November 10, 2025

Respectfully submitted,

CATHERINE L. HANAWAY
ATTORNEY GENERAL

/s/ Louis J. Capozzi III

Louis J. Capozzi III, #77756

Solicitor General

Graham Miller, #77656

Deputy Solicitor General

Joseph J. Kiernan, #77798

Assistant Solicitor General

Office of the Attorney General

Old Post Office Building

815 Olive St, Suite 200

St. Louis, MO 63101

Office: (314) 340-3413

Counsel for Defendants.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was filed and served electronically on all counsel of record via the Court's e-filing system on November 10, 2025.

/s/Louis J. Capozzi, III

Solicitor General

Counsel for Defendant