

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

ELIZABETH HEALEY, *et al.*,
Plaintiffs, v.
STATE OF MISSOURI, *et al.*,
Defendants.

Case No. 2516-CV31273
Division 8

**PLAINTIFFS’ SUGGESTIONS IN OPPOSITION TO MISSOURI REPUBLICAN STATE
COMMITTEE’S MOTION TO INTERVENE**

On September 28, 2025, Missouri took the extraordinary step of enacting HB 1, an unlawful mid-decade congressional map that not only violates Article III, Section 45 of the Missouri Constitution but also contradicts long-standing principles recognized by both the Missouri Supreme Court and state lawmakers that, once a congressional map is drawn, it stays in place until the next decennial census. *See* Pet. ¶¶ 40, 53; Mo. Const. art. III, § 45; *Pearson v. Koster*, 359 S.W.3d 35, 37–38 (Mo. banc 2012) (explaining that congressional maps were expected to “remain in place for the next decade or until a Census shows that the districts should change”). Plaintiffs filed this lawsuit later that same day, alleging that HB 1 violates constitutional timing and compactness requirements, and the following day moved to enjoin its enforcement. *See* Pet. ¶¶ 92–119 & Prayer for Relief; Pls.’ Mot. Prelim. Inj. and Consolidation of Trial (Sept. 29, 2025).¹

From the outset, the State and Secretary of State Denny Hoskins (“State Defendants”), represented by the Missouri Attorney General’s office, have actively and swiftly defended HB 1.

¹ Plaintiffs have also joined in a consent motion in *Wise v. Missouri*, No. 2516-CV29597, to transfer this case to Division 15 so that it may be joined with *Wise* for the purposes of any hearings or trials. *See* Pls.’ Consent Mot. to Transfer Case, *Wise v. Missouri*, No. 2516-CV29597 (Jackson Cnty. Cir. Ct. Oct. 3, 2025). As of the filing of this brief, the Court has not ruled on this motion.

They moved to dismiss Plaintiffs' Complaint on October 17, and that motion is now fully briefed and scheduled for a hearing next week. *See generally* State Defs.' Suggestions in Supp. Mot. Dismiss (Oct. 17, 2025); Pls.' Suggestions in Opp'n State Defs.' Mot. Dismiss (Oct. 27, 2025); State Defs.' Reply in Supp. Mot. Dismiss (Nov. 4, 2025).

Yet, on November 17—six weeks after Plaintiffs filed suit and sought preliminary injunctive relief, and a full month after State Defendants filed their motion to dismiss—the Missouri Republican State Committee (“MRSC”) moved to intervene. Its motion should be denied. Even assuming MRSC is able to satisfy the other prerequisites for intervention, State Defendants are vigorously defending HB 1’s constitutionality and MRSC identifies no reason to believe State Defendants are unable or unwilling to continue fully representing MRSC’s interests in upholding HB 1 as the state’s congressional map for the 2026 election cycle. Because the government is already a party to the case, Missouri courts presume that the public interest is adequately represented. Because MRSC offers no basis to overcome that presumption, its request to intervene should be denied.

ARGUMENT

I. MRSC is not entitled to intervene as of right because its interests are already adequately represented by State Defendants.

MRSC’s motion to intervene as of right must be denied because MRSC has failed to carry its burden of showing that the existing parties do not adequately represent the movant’s interest. *McCrackin v. Mullen*, 701 S.W.3d 868, 874 (Mo. banc 2024).

At the outset, MRSC misunderstands the relevant legal standard. MRSC wrongly asserts that to be entitled to intervene as of right, it need only make a “minimal showing” of inadequate representation. MRSC’s Mot. Intervene ¶ 17 (Nov. 17, 2025) (citing *Allred v. Carnahan*, 372 S.W.3d 477, 486 (Mo. App. W.D. 2012)). But when a proposed intervenor seeks to defend the

constitutionality of a state statute, such as is the case here, a strong presumption applies: State Defendants, represented by the Missouri Attorney General’s Office, adequately represent the public’s interest. *See Comm. for Educ. Equal. v. State*, 294 S.W.3d 477, 487 n.18 (Mo. banc 2009) (“The doctrine of *parens patriae* creates a rebuttable presumption that the government adequately represents the public’s interests in cases concerning matters of sovereign interest.”); *Curry v. Regents of Univ. of Minn.*, 167 F.3d 420, 423 (8th Cir. 1999) (“[W]hen a government entity is a party and the case concerns a matter of sovereign interest, the government is presumed adequately to represent the interests of the public.”).

MRSC does not even attempt to rebut this presumption, which alone is fatal to its motion. Indeed, it is not plausible that State Defendants cannot represent MRSC’s interests as a political party given the explicit political motivations underlying Missouri’s mid-cycle congressional map. HB 1 was enacted in direct response to sustained pressure from President Trump for the State to redraw its congressional map so that Missouri’s Republican delegation could increase to eight out of Missouri’s nine U.S. House seats. Pet. ¶ 52. When Governor Mike Kehoe called lawmakers in for a special session to adopt a new map, President Trump publicly celebrated the decision as a significant win for Republicans and praised the state’s Republican lawmakers. Pet. ¶¶ 55, 61, 70. HB 1 ultimately passed with overwhelming support from Republican lawmakers, almost all of whom voted yes for the bill. Pet. ¶¶ 69, 74. And as anticipated, after Republican Governor Mike Kehoe signed HB 1 into law, the Missouri State Attorney General’s office—which is charged with defending the validity of state laws and is currently led by Catherine Hanaway, who served as the Republican Minority Leader and then Speaker of the House, and was known as Missouri’s “Red State Architect” before she was appointed Attorney General by Governor Kehoe—has swiftly and

ably taken up the job of defending HB 1 in court.² Against this backdrop, there is no support for the notion—and MRSC offers none—that MRSC’s participation is necessary to safeguard its Republican political interests.

The circumstances in *Allred v. Carnahan*, the sole case on which MRSC relies, are wholly distinguishable from the circumstances of MRSC’s proposed intervention in this case. Although Missouri courts will allow *ballot initiative proponents* to intervene because “disposition of the underlying action could frustrate the very efforts taken by [the intervenor] in organizing, supporting, and funding the [initiative],” *Allred*, 372 S.W.3d at 485, MRSC was not involved in creating, drafting, or passing HB 1. Thus, MRSC remains an interested bystander to the new map.

Nor does MRSC identify any divergence—existing or anticipated—between its legal theories, factual claims, case strategy, or preferred outcome of this case from State Defendants. MRSC also does not contend that State Defendants are unable or unwilling to defend HB 1 with rigor. And all available data strongly indicates that its participation would be wholly duplicative of the State. MRSC’s motion to intervene in *Luther v. Hoskins*, No. 25AC-CC06964, a case filed by a separate group of plaintiffs in Cole County Circuit Court similarly challenging the constitutionality of HB 1, was unopposed, and subsequently granted. *See* MRSC’s Mot. Intervene, *Luther v. Hoskins*, No. 25AC-CC06964 (Cole Cnty. Cir. Ct. Oct. 31, 2025); Order, *Luther v. Hoskins*, No. 25AC-CC06964 (Cole Cnty. Cir. Ct. Nov. 5, 2025). Prior to the *Luther* court’s

November 12 bench trial, MRSC, along with the other parties, filed pre-trial briefs. MRSC’s arguments in its brief were almost entirely duplicative of those made by State Defendants. For

² *See* Catherine Hanaway (Missouri), Republican Attorneys General Association, <https://themissouritimes.com/catherine-hanaway-missouris-political-trailblazer/> (last visited Nov. 19, 2025); Press Release, Governor Kehoe Announces Catherine L. Hanaway as Missouri’s Next Attorney General (Aug. 19, 2025), available at <https://governor.mo.gov/press-releases/archive/governor-kehoe-announces-catherine-l-hanaway-missouris-next-attorney-general>.

instance, both parties made the same arguments about how to interpret the constitutional provision governing congressional redistricting, as well as how to determine the scope of the General Assembly's powers over congressional redistricting. Compare MRSC's Pretrial Br. 4–7, 10–12, *Luther v. Hoskins*, No. 25AC-CC06964 (Cole Cnty. Cir. Ct. Nov. 10, 2025) (“MRSC *Luther* Br.”), with State Defs.’ Pretrial Br. 14–17, *Luther v. Hoskins*, No. 25AC-CC06964 (Cole Cnty. Cir. Ct. Nov. 10, 2025) (“State Defs.’ *Luther* Br.”). Both also made the same arguments about how to reconcile the equal population requirements of the Missouri Constitution with the lack of current census data. Compare MRSC *Luther* Br. 8–10 with State Defs.’ *Luther* Br. 26–28. In fact, the only substantive difference was that the State Defendants’ pretrial brief offered arguments that MRSC never raised—further highlighting the rigor by which State Defendants are defending HB 1. See, e.g., State Defs.’ *Luther* Br. 20–22 (discussing history of the Missouri Constitution and what it means for congressional redistricting power); *id.* at 24–26 (discussing out-of-state precedent that purportedly supports State Defendants’ interpretation of congressional redistricting powers in Missouri).

MRSC’s proposed Answer filed in this case follows the same uninspired pattern. It pleads a handful of boilerplate defenses such as failure to state a claim, standing, political question, non-justiciability, and supposed limits on the Court’s jurisdiction to hear federal claims—but none are unique to MRSC. Instead, these defenses are *identical* to those asserted by State Defendants in the Answer they filed in *Luther*, which likely reflects the defenses State Defendants will ultimately file in this case. Compare MRSC Proposed Answer 33 (Nov. 17, 2025), with State Defs.’ Answer 7–8, *Luther v. Hoskins*, No. 25AC-CC06964 (Cole Cnty. Cir. Ct. Oct. 14, 2025).

Accordingly, not only does MRSC not attempt to satisfy their burden to overcome the presumption of adequate representation by the State Defendants, it could not do so had it tried.

II. This Court should deny MRSC’s motion for permissive intervention.

MRSC’s request for permissive intervention should also be denied because the organization has not satisfied the requirements of such intervention as required by Rule 52.12(b). The Missouri Supreme Court has clarified that, without a showing that the movant has a “claim, defense, or interest unique to themselves” in the case, or that the existing parties “could not or did not defend its interests adequately,” Rule 52.12(b) “provide[s] no mechanism” for intervention, especially where the movant intends to “merely reassert[] the State’s defenses.” *Comm. for Educ. Equal.*, 294 S.W.3d at 487.

As discussed above, it is not mere conjecture that MRSC will not present “unique” defenses or arguments to support permissive intervention or that the existing parties do not already adequately defend its interests. It is a foregone conclusion. *See supra* Section I.

MRSC also should be denied intervention for a separate but important practical reason which is to avoid undue delay and prejudice to Plaintiffs. Although this case is still in its early stages, adding another defendant would only multiply briefing, filings, discovery, and expand the length of all hearings and trials. In other words, MRSC’s participation offers nothing more than the risk of complicating the matter by “accumulating . . . arguments without assisting the court.” *Allen Calculators v. Nat’l Cash Reg. Co.*, 322 U.S. 137, 142 (1944); *see also Mo. Ins. Coal. v. Huff*, No. 4:12-CV-02354-AGF, 2013 WL 383269, at *2 (E.D. Mo. Jan. 31, 2013) (“[H]aving a new party intervene . . . will undoubtedly cause delay” in the resolution of the case). That risk is heightened here where MRSC has offered no assurances that it will adhere to any schedule set by the Court or stipulated to by the parties. *Contra Hulinsky v. County of Westchester*, No. 22-CV-06950-PMH, 2023 WL 3162428, at *3 (S.D.N.Y. Apr. 28, 2023) (concluding there was no prejudice where intervenors did not seek to interfere with any existing schedules in the case); *Allco Fin. Ltd. v. Etsy*, 300 F.R.D. 83, 87 (D. Conn. 2014) (concluding there would be no prejudice to

the parties where the intervenors represented they would “abide by the scheduling order already in place”). Adding complexity to this case is especially unnecessary where MRSC has not shown that it would provide any additive value in helping the court resolve Plaintiffs’ claims.

As MRSC recognizes, the 2026 general election is fast approaching—the candidate filing period opens in late February 2026 and primaries are scheduled to take place in August 2026. *See* RSMo §§ 115.349, 115.121. MRSC’s participation in this lawsuit will only further delay the scheduling and resolution of Plaintiffs’ claims. As a result, Plaintiffs—along Missouri voters and MRSC itself—will continue to be denied the “certainty” MRSC claims it seeks regarding the state’s congressional lines for the 2026 elections. Mot. Intervene ¶ 15.

As the Missouri Supreme Court has articulated, intervention under circumstances like these should be denied because “[n]o public policy is served by allowing intervention premised on a . . . mere interest in the subject matter of a suit.” *Comm. for Educ. Equal.*, 294 S.W.3d at 487. MRSC should not be a party to this case. Plaintiffs, however, do not object to MRSC seeking leave to express their view through an amicus brief. *Id.*

CONCLUSION

For the reasons stated above, the Court should deny the Missouri Republican State Committee’s motion to intervene.

Dated: November 21, 2025

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I certify that a copy of the foregoing was filed on case.net on November 21, 2025, and served electronically on all counsel of record.

/s/ J. Andrew Hirth
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