

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

TERRENCE WISE, et al.,

Plaintiffs,

v.

Case No. 2516-CV29597

STATE OF MISSOURI, et al.,

Division 11

Defendants.

WISE PLAINTIFFS' VERIFIED RULE 81.045 MOTION TO SHORTEN TIME

Pursuant to Rule 81.045, Plaintiffs respectfully request that this Court shorten the 30-day period within which this Court has control over the final judgment in this matter. *See* Rule 75.01. Plaintiffs have good cause to request this relief as this matter involves the districts in which members of Congress will be elected and there is a strong public interest in establishing certainty of the state's congressional lines before the August 2026 primary elections. In support of their motion, Plaintiffs state as follows:

1. On September 12, 2025, the General Assembly truly agreed and finally passed House Bill 1, which enacted a mid-decade congressional redistricting plan (the "2025 Map").
2. On that same day, Plaintiffs filed their lawsuit challenging House Bill 1 as unconstitutional under Article III, Section 45 of the Missouri Constitution.
3. On December 10, 2025, by Order of the Circuit Court, proceedings on Count I of Plaintiffs' Petition were stayed pending resolution of a similar claim pending before the Missouri Supreme Court in *Luther v. Hoskins*, Case No. SC101412.
4. From February 17 to 20, 2026, this Court held a bench trial on Counts II through IV of Plaintiffs' Petition.

5. On March 12, 2026, this Court entered its Order and Judgment denying Plaintiffs' request for relief in Counts II through IV and entering judgment in favor of all Defendants on Counts II through IV. In that Order and Judgment, the Court stated that Count I remains stayed pending a decision in *Luther*. But finding no just reason for delay, the Court deemed its judgment on Counts II through IV final for purposes of appeal pursuant to Rule 74.01(b).
6. In the normal course, "the trial court retains control over judgments during the 30-day period after entry of judgment[.]" Rule 75.01. Once a judgment becomes final, after the default 30-day period elapses, a party has ten days to file a notice of appeal. Rule 81.04(a). Prior to the judgment becoming final, any notice of appeal filed is premature and the appellate court may not expedite the briefing or argument schedule.
7. Under Rule 81.045, party may, after filing a notice of appeal and for good cause shown, move the trial court to shorten the 30-day period provided for in Rule 75.01 to allow an expedited appeal. However, Rule 81.045 states that its provisions "do not apply to judgments resolving fewer than all the remaining claims or parties as provided for in Rule 74.01(b)."
8. Here, because Count I remained stayed, the Court entered a judgment on Counts II through IV as provided in Rule 74.01(b), making that judgment ineligible for expedited appellate review under Rule 81.045.
9. On March 16, 2026, Plaintiffs filed a notice of voluntary dismissal of Count I. With that notice, the Court's Order and Judgment dated March 12, 2026, is a final judgment on all claims and is no longer a partial judgment under Rule 74.01(b). *See State ex rel. Henderson v. Asel*, 566 S.W.3d 596, 599 n.2 (Mo. banc 2019). The case is now eligible

for shortening the 30-day finality period under Rule 81.045. Plaintiffs have also filed a notice of appeal of that final judgment.

10. Plaintiffs have good cause to request an order shortening the 30-day finality period under Rule 81.045 and will be prejudiced absent such an order.

11. The final outcome of this litigation will determine which congressional map governs the upcoming 2026 elections.

12. Without an order shortening time, this Court would retain control over the judgment for the 30-day period provided by Rule 75.01. Thereafter, the Missouri Supreme Court's regular briefing scheduling would be activated unless and until Plaintiffs request or the Court, on its own motion, expedites such schedule.

13. As the evidence at trial established, the local election authorities (LEAs) for Kansas City and Jackson County anticipate that the earliest they will be able to begin implementation of the 2025 Map is in late April. And May 24, 2026, is the final certification date for the August primary election. In order to allow for timely resolution of this case, the appellate process should not be delayed.

14. Plaintiffs will be prejudiced if the 30-day finality period is not shortened.

15. Without expedition, Plaintiffs risk being denied a meaningful opportunity to appeal this ruling in time for the upcoming primary elections, and they, along with hundreds of thousands of other voters, face the prospect of voting under a congressional map the Missouri Supreme Court could ultimately deem unconstitutional.

16. Thus, there is a strong public interest in resolving the constitutionality of the 2025 Map as quickly as possible.

17. No other party will be prejudiced by granting Plaintiffs' motion. In fact, it is in the best

interest of all parties involved to resolve this litigation expeditiously.

18. Because Rule 81.045 states that the “motion shall be supported by an affidavit stating reasons why the party would be prejudiced by the 30-day period before the judgment would be final for purposes of appeal under Rule 75.01,” Plaintiffs file this verified motion with the required attestation.

WHEREFORE, Plaintiffs respectfully request this Court’s order shortening the time its judgment as to all claims in this case becomes final, deeming the judgment final as of the day this motion is granted, and for any such other relief the Court deems just and proper.

Not an Official Court Document
RETRIEVED FROM DEMOCRACYDOCKET.COM

FURTHER AFFIANT SAYETH NOT.

State of Missouri)
County of St. Louis City)

On March 16, 2026, before me personally appeared, Kristin M. Mulvey, to me known, and who being first duly sworn by me states that the foregoing is true and correct to the best of her knowledge, information, and belief.

Kristin M. Mulvey

Kristin M. Mulvey

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal on the day and year first written above.

Kathryn M. Hinners-Mueller

Notary Public

KATHRYN M. HINNERS-MUELLER
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES MAY 12, 2026
ST. LOUIS CITY
COMMISSION #14614956

Dated: March 19, 2026

Respectfully submitted,

/s/ Kristin M. Mulvey

Kristin M. Mulvey, MO #76060

Jonathan D. Schmid, MO #74360

ACLU OF MISSOURI FOUNDATION

906 Olive Street, Suite 1130

St. Louis, MO 63101

Telephone: (314) 652-3114

kmulvey@aclu-mo.org

jschmid@aclu-mo.org

Gillian R. Wilcox, MO #61278

Jason Orr, MO #56607

ACLU OF MISSOURI FOUNDATION

406 W. 34th Street, Suite 420

Kansas City, MO 64111

Telephone: (816) 470-9938

gwilcox@aclu-mo.org

Jorr@aclu-mo.org

* *Admitted pro hac vice*

Mark P. Gaber*

Aseem Mulji*

Simone Leeper*

Benjamin Phillips*

Isaac DeSanto*

CAMPAIGN LEGAL CENTER

1101 14th St NW Suite 400

Washington, DC 20005

Telephone: (202) 736-2200

mgaber@campaignlegalcenter.org

amulji@campaignlegalcenter.org

sleeper@campaignlegalcenter.org

bphillips@campaignlegalcenter.org

idesanto@campaignlegalcenter.org

Annabelle Harless*

CAMPAIGN LEGAL CENTER

55 W. Monroe St., Ste. 1925

Chicago, IL 60603

Telephone: (202) 736-2200

aharless@campaignlegalcenter.org

Ming Cheung*

Dayton Campbell-Harris*

Sophia Lin Lakin*

ACLU FOUNDATION

125 Broad Street, 18th Floor

New York, New York 10004

Telephone: (212) 549-2500

mcheung@aclu.org

dcampbell-harris@aclu.org

slakin@aclu.org

Attorneys for Plaintiffs

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 March 19, 2026.

/s/ Kristin M. Mulvey

Not an Official Court Document
RETRIEVED FROM DEMOCRACYDOCKET.COM