

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

PEOPLE NOT POLITICIANS *et al.*)

Plaintiffs,)

v.)

Case No. 25AC-CCo7128

MISSOURI SECRETARY OF STATE)

DENNY HOSKINS,)

Defendant.)

PLAINTIFFS’ SUGGESTIONS IN OPPOSITION TO INTERVENOR’S MOTION TO COMPEL

From Intervenor’s Motion to Compel, it is clear what Put Missouri First cares about— obtaining the signature pages and documents relating to the collection of signatures. Not for the purpose of litigation in this case (as these are irrelevant to this matter), but for political purposes. That’s not the point of discovery. Litigation is not the forum for trying to gain a campaign advantage. There will be much opportunity for both sides of this debate to engage in political gamesmanship. This is not that time.

I. Interrogatories 1, 4, 5, 6, 7, 8, 9, and 13.

Intervenor says that “Plaintiffs objected to fifteen of the seventeen interrogatories.” Mot. at 1. It is certainly the case that Plaintiffs lodged objections to most of Intervenor’s interrogatories (as they are highly objectionable), but Plaintiffs also provided substantive answers to Interrogatories 1, 4, 5, 6, 7, 8, 9, and 13.

What Intervenor fails to advise this Court (which is clear, though, from a review of Intervenor's Exhibit C), is that Plaintiffs engaged in the normal discovery practice of objecting, preserving their objections, and then answering the interrogatories.

The Court will notice that Intervenor does not ask the Court to compel Plaintiffs to answer Interrogatories 1, 4, 5, 6, 7, 8, 9, and 13 because answers have been provided. This is nothing more than a bad faith attempt to make Plaintiffs appear non-compliant. This Court should not allow that.

II. Interrogatories 2 and 3

Intervenor also complains about Plaintiffs' responses to Interrogatories 2 and 3. Mot. at 1. But those questions do not merit more than a one-word answer in this instance. Those interrogatories ask about Plaintiffs' retained and non-retained experts. Plaintiffs do not expect to call retained or non-retained experts. "None" is a more than sufficient answer to both Interrogatories 2 and 3.

After setting the record straight on Interrogatories 1, 2, 3, 4, 5, 6, 7, 8, 9, and 13, there are fewer than half of the interrogatories left (which are interrelated requests) actually in dispute.

III. Interrogatory 10

Interrogatories 10, 11, and 12 are highly objectionable for a variety of reasons, as forwarded in Plaintiffs' Responses and Objections, which they incorporate herein. *See* Mot. to Comp., Ex. C. Intervenor's Motion to Compel fails to address the objection most fatal to the Interrogatories themselves— relevance.

Intervenor cites much generic case law about discovery but spills not a single drop of ink explaining *why* the number of signatures or the underlying facts supporting the numbers are relevant. That's because there is no argument for relevance. Plaintiffs do not put particular signatures at issue, nor ask this Court to certify the referendum petition for the ballot or declare there are sufficient signatures. Without those types of requested relief, the number of signatures (currently collected) is not relevant, particularly because the signature collection period has not run out, nor have Plaintiffs submitted signatures to the Secretary of State.

Even if this Court considers overruling Plaintiffs' objections, Plaintiffs' answer is substantive and complete. Intervenor refuses to accept what is the true—the estimate in Paragraph 57 of the Amended Petition is based on Mr. von Glahn's personal knowledge. Mot. to Compel, Ex. C. That is the entire basis of the allegation. There are not some top-secret facts that Plaintiffs failed to disclose. Intervenor may want more, but there is nothing more to give. Sometimes the answers to questions are simple.

Mr. von Glahn is the executive director of People Not Politicians. Mot. to Compel, Ex. C. He has personal knowledge of what's happening with signature gathering. That's how Paragraph 57 came to be alleged. Intervenor can choose not to believe Mr. von Glahn if it wants, but Mr. von Glahn's credibility is not a question for a Motion to Compel.

IV. Interrogatories 11 and 12

Like Interrogatory 10, Plaintiffs' answers are complete as to Interrogatories 11 and 12. Regardless, Interrogatories 11 and 12, refer to facts in a Joint Stipulation that is no longer operative. As Intervenor conceded in its Motion to Compel, it was not a party to that Stipulation. After Intervenor expressed that it would not stipulate to those facts, the Parties agreed to an Amended Joint Stipulation of Facts and Exhibits which did not include the facts discussed in Interrogatories 11 and 12. Those Amended Joint Stipulations have been filed with this Court, rendering the initial Stipulation inoperative. Those facts are not before this Court and cannot be relied on by any Party.

What Intervenor asks this Court to do is to compel Plaintiffs to produce documents in support of stipulated facts, which Intervenor itself would not stipulate to, nor did Intervenor represent that it was willing to stipulate to such facts if it received supporting documents. This is not a good faith effort to discover information essential to its defense, but to put Plaintiffs in a position to defend facts which will now never come before this Court.

The number of signatures gathered are facts of no consequence to this Court's ultimate decision on Plaintiffs' claims. The Secretary's counsel requested Plaintiff consider stipulating to the number of signatures collected and Plaintiffs made a good faith estimate of collected signatures in the spirit of cooperation and moving this litigation forward. Mot. to Comp., Ex. C. But, as the initial Stipulation (and the Amended Stipulation) state, the stipulation is not an

admission that any of the facts are relevant. *See* Am. Jt. Stip at 1. Plaintiffs do not believe it relevant or likely to lead to admissible evidence for the Parties to understand how many signatures Plaintiffs have gathered.

And let's all be honest about the purpose of the discovery Intervenor propounded. Intervenor is the opposition campaign and seeks to get a head start on any potential legal challenge to Plaintiffs' signatures. *See* Mot. to Intervene (admitting Intervenor has political motives). That is not an appropriate use of discovery. Intervenor makes no argument as to why the number of signatures Plaintiffs have gathered is relevant to any of the claims or defenses in this litigation. That's because there is no argument to be made.

V. Interrogatories 14-17

Intervenor's arguments on why this Court should compel responses to Interrogatories 14-17 fundamentally misunderstand Plaintiffs claims (which seems to be a trend in Intervenor's pleadings). Mot. to Comp. at 10. Plaintiffs ask this court to answer two questions: (1) is whether the governor signs the bill before the referendum sample sheet is submitted to the Secretary as a matter of form and (2) whether signatures may be deemed invalid because they were collected prior to the Secretary approving the referendum sample sheet as to form. Plaintiffs do not ask this Court to validate signatures or to certify its referendum for the ballot. Once at the point of signature submission and validity, one of the parties in this lawsuit may be back in court on that question. But that's not for now. As such, Intervenor's quest to understand the number of valid

signatures and the quantity and timing of the signatures gathered is irrelevant to the merits. What's at issue here are questions of law.

Based on what Plaintiffs actually claim in their Amended Petition (not what Intervenor thinks the claims are), how many signatures have been gathered and which sample sheet is being circulated are irrelevant to the purely legal questions at issue. To decide whether the governor's signature on a bill is a matter of form, the Court need only look to the language of the Constitution and Chapter 116. The number of signatures gathered or which sample sheet is being circulated will not aid this Court in analyzing the plain language of the law. This is also the case with whether signatures can be deemed invalid because they were circulated prior to the approval of the sample sheet. The plain language of 116.332 makes it clear that approval is not required prior to circulation of a sample sheet, but ultimately it is up to this Court to read the law and decide.

Intervenor is in a different lawsuit than Plaintiffs. The Court should not indulge Intervenor's fishing expedition so it can be prepared for future litigation.

VI. Requests for Production 1, 2, 5, 7, 8, 9, and 10

Rather than restate its arguments, Plaintiffs incorporate by reference their Motion for Protective Order. This Motion is directly responsive to the substantive claims made by Intervenor and makes clear that there are serious First Amendment implications for any discovery or order compelling Plaintiffs to produce signature pages or related documents. That alone is reason enough to deny the Motion to Compel.

But on a simpler and more practical level, there is no relevance to a particular signature page or pages or related documents (for example contracts for signature gathering) when analyzing the *legal* questions posed by Plaintiffs' Amended Petition. The relevance arguments made above on the interrogatories are equally applicable to the Requests for Production

Requests for Production 1, 2, and 5 ask for essentially the same thing—the signatures and signature pages collected by Plaintiffs. Mot. to Comp., Ex. D. Intervenor makes no colorable arguments for why signatures and signature pages are relevant or likely to lead to the discovery of admissible evidence *in the case currently being litigated*. If there is a challenge to the signature validation, then it would be highly relevant, as the question in those types of cases are whether a particular signature or group of signatures meet the requirements found in law. But that's not the question here. The only question before the court relating to signatures is the timing of collection. There will be ample opportunity to litigate whether collected signatures are valid (or not), but this is not that time.

Request 7 asks for a copy of the referendum petition being circulated by Plaintiffs. Plaintiffs referred Intervenor to Exhibit A, which contains the referendum petition sample sheet being circulated by Plaintiffs. Mot. to Comp., Ex. D. Plaintiffs and Defendants are in agreement that there is no material difference between the sample sheets and therefore, there is no way to distinguish between what is being circulated. Once again, Intervenor may not like that response, but it is a fulsome response.

Request 8 asks for contracts for collection of signatures for the referendum petition or petitions. Mot. to Comp., Ex. D. These documents are even less relevant (if possible) than the signatures and signature pages to the claims and defenses in this litigation. No Party has put the contracts for signature collection at issue. Even if this were a signature challenge, what the contracts say for a particular signature gathering campaign say have little probative value.

Request 9 asks for copies of any validity report regarding signatures collected. Mot. to Comp., Ex. D. Assuming Plaintiffs even know what Intervenor wants, a validity report, like the signatures or signature pages, is not relevant to the questions at issue here. Whether one particular signature meets the legal requirements is not for this Court to decide. That is for the Secretary once Plaintiffs submit their signatures. Plaintiffs are not asking to bypass the process, required by law, for the Secretary and local election authorities to review and validate (or invalidate) submitted signatures.

Request 10 asks for documents referenced or cited in the Interrogatory responses. The only document Plaintiffs cited is the Joint Stipulation. That is publicly available on case.net. This is a full and complete answer to Request 10 and therefore Plaintiffs withdraw their objections.

VII. Conclusion

For the foregoing reasons and those stated in Plaintiffs' Motion for Protective Order, this Court should deny Intervenor's Motion to Compel and grant Plaintiffs' any other further relief this Court deems just and proper.

Respectfully Submitted,

STINSON LLP

/s/ Alexandra S. Cossette

Charles W. Hatfield, No. 40363

Alixandra Cossette, No. 68114

Alexander C. Barrett, No. 68695

Greta M. Bax, No. 73354

230 W. McCarty Street

Jefferson City, Missouri 65101

Phone: (573) 636-6263

Facsimile: (573) 636-6231

chuck.hatfield@stinson.com

alix.cossette@stinson.com

alexander.barrett@stinson.com

greta.bax@stinson.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically via the Missouri Case.net e-filing system, which notified all counsel of record on this 4th day of December, 2025.

/s/ Alexandra S. Cossette

Attorney for Plaintiffs