

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

PEOPLE NOT POLITICIANS, et al.,

Plaintiffs,

vs.

Case No: 25AC-CCo7128

MISSOURI SECRETARY OF STATE  
DENNY HOSKINS,

Defendant.

**SUGGESTIONS IN SUPPORT OF PLAINTIFFS' MOTION TO  
RECONSIDER INTERVENTION**

Intervenor Put Missouri First either intervened in the wrong lawsuit or is confused about Plaintiffs' claims. Regardless, any ruling by this Court will not change Put Missouri First's campaign activities and as such, the Motion to Intervene should be denied. Its Motion to Intervene says:

- "If this Court were to overturn the Secretary of State's findings and certify the referendum for the ballot, Intervenor would be required to immediately deploy substantial financial and organization resources to oppose the measure during the election cycle." Mot. to Intervene ¶ 21.
- "A judicial determination that nullifies the Secretary's invalidation of signatures would negate or materially diminish the value of those past expenditures and undermine the efficacy of Intervenor's advocacy efforts." *Id.* at ¶ 25.
- "By contrast, Intervenor's interests are political, operational, and mission-specific: preventing the referendum from appearing on the ballot because

its enactment would adversely affect the policy and regulatory landscape

Intervenor seeks to preserve.” *Id.* at ¶ 29.

- “Intervenor’s sole purpose is to prevent the measure from appearing on or being approved through the ballot.” *Id.* at ¶ 43.

If Intervenor wants to challenge Plaintiffs’ referendum and ensure it does not appear on the ballot, that lawsuit will occur *after* the Secretary reviews signatures and certifies the referendum for the ballot or not. Plaintiffs’ lawsuit, on the other hand, has to do with whether the Secretary’s decision to not approve the form of Plaintiffs’ referendum petition sample sheet was lawful and consequently, whether the Secretary’s intention to deem certain signatures invalid is authorized by law. Since Intervenor’s Motion makes clear that it has no interest in *this* litigation, Intervenor should not be allowed to participate or further delay the proceedings.<sup>1</sup>

## **I. Background**

Plaintiffs were originally scheduled for trial in this matter on November 3, 2025. Unfortunately, the Judge was ill, and trial had to be continued. Plaintiffs and Defendant agreed to reschedule trial for November 13, 2025.

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<sup>1</sup> Intervenor represented in its motion that “[t]he intervention will not delay or impede adjudication of this case[,]” however as soon as Intervenor was granted intervention, it sought to postpone the trial to seek discovery. When that was denied, Intervenor sought a change of judge to further delay and avoid trial. *See* Mot to Intervene ¶ 50; *see also* Tr. 3:20-6:25.

Intervenor was formed as a Political Action Committee on October 30, 2025.<sup>2</sup> Although this was several days before the originally scheduled trial, Intervenor did not seek intervene then. Only by a stroke of luck, did Intervenor have a second opportunity to file its intervention papers. Even then, Intervenor filed its Motion to Intervene a mere 24 hours before the rescheduled trial leaving Plaintiffs little time to respond or even review the Motion. *See gen. Mot. to Intervene.*

## II. Legal Standard

Rule 52.12(a)(2) authorizes intervention in an action as a matter of right. The Missouri Supreme Court has interpreted that Rule to require a showing of three elements: “(1) an interest relating to the property or transaction which is the subject of the action; (2) that the applicant’s ability to protect the interest is impaired or impeded; and (3) that the existing parties are inadequately representing the applicant’s interest.” *State ex rel. Nixon v. American Tobacco Co, Inc.*, 34 S.W.3d 122, 127 (Mo. banc 2000)(cleaned up). Intervenor “carries the burden of proof.” *Id.* (cleaned up). “A motion to intervene as of right...may properly be denied if even one of these three elements is not established.” *Kinney v. Schneider Nat. Carriers, Inc.*, 200 S.W.3d 607, 611 (Mo. App. 2006).

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<sup>2</sup> Intervenor purported to file its Statement of Committee Organization as Exhibit A to its Motion to Intervene. It appears that Exhibit was never, in fact, filed. Counsel for Plaintiffs reviewed the document on the Missouri Ethics Commission Website.

Intervenor was granted intervention as a matter of right, but also sought permissive intervention if intervention as of right was not granted. Permissive intervention is authorized when “an applicant’s claim or defense and the main action have a question of law or fact in common.” Rule 52.12(b)(2).

Because Intervenor does not meet the elements necessary to be granted intervention (as of right or permissively), this Court should reconsider Intervenor’s Motion to Intervene and deny it.

### III. Argument

Plaintiffs ask this Court to reconsider Put Missouri First’s Motion to Intervene because there was never a full hashing of the arguments for and against intervention. Due to the accelerated schedule of this matter and Intervenor’s last-minute filings, Plaintiffs were not in a position to review, research, and brief their opposition. Now that Plaintiffs have had that chance, it is evident that Put Missouri First does not meet *any* of the elements for intervention. As such, its Motion should be denied.

#### A. Put Missouri First does not have an interest necessary for intervention.

Put Missouri First might have an interest in the referendum petition campaign, but it does not have an interest in the outcome of this litigation. “An interest necessary for intervention as a matter of right does not include a mere, consequential, remote or conjectural possibility of being affected as a result of the action, but must be a direct claim upon the subject matter such that the

intervenor will either gain or lose by direct operation of judgment.” *State ex rel Nixon v. American Tobacco Co., Inc.*, 34 S.W.3d 122, 128 (Mo. banc 2000)(cleaned up).

Intervenor’s interest is consequential, remote, and conjectural, and the outcome of this litigation will not change *anything* for Intervenor. Intervenor says that its interest is “preventing the referendum from appearing on the ballot[.]” Mot. to Intervene ¶ 29. This lawsuit isn’t going to do that (nor is it going to certify the referendum for the ballot). This lawsuit is only about approval as to form. No matter how this Court rules, it is not going to prevent the referendum from appearing on the ballot or guarantee that it appears on the ballot. Rather, it is about intermediate steps— the form of the referendum petition. *See* Am. Pet. ¶ XX. Meaning, Intervenor will still have to prepare for a campaign, no matter the outcome here.

B. Put Missouri First’s ability to protect its interest is not impaired or impeded.

Even if this Court agrees that Put Missouri First has an interest that necessitates intervention (it doesn’t), Put Missouri First’s ability to protect its interest is not impaired or impeded. Intervenor says that “[i]f this Court were to overturn the Secretary of State’s findings and certify the referendum for the ballot, Intervenor would be required to immediately deploy substantial financial and organizational resources to oppose the measure during the election cycle.” Mot. to Intervene ¶ 21. This isn’t going to happen.



Put Missouri First's entire argument as to the second element of intervention is predicated on its misunderstanding of Plaintiffs' lawsuit and what is happening right now with the referendum. The Secretary of State has not certified the referendum for the ballot, so there is nothing for this Court to "overturn." Nor is Plaintiff asking for this Court to certify or place the referendum on the ballot. That *cannot* be the outcome of this lawsuit. Am. Pet. XX. Thus, Put Missouri First has no interest to protect, will not be impaired or impeded from protecting the interest (whenever it is triggered), and it is not entitled to intervene as a matter of right. No ruling from this Court on Plaintiffs' claims will relieve Intervenor's purported burden of preparing to campaign against the referendum. If Intervenor is so concerned about this, it could just wait until the Secretary has certified the referendum or not, and then prepare its campaign.

C. The Secretary of State adequately represents Put Missouri First's interests.

The Secretary of State and Put Missouri First have the same interest—opposing the referendum petition. "The determination of whether a proposed intervenor's interest is adequately represented by an original party to an action usually turns on whether there is an identity or divergence of interest between the proposed intervenor and the party." *Kinney v. Schneider Nat. Carriers, Inc.*, 200 S.W.3d 607, 614 (Mo. App. 2006)(cleaned up).

Put Missouri First says in its Verified Motion to Intervene that the Secretary of State's defenses "will likely focus on process integrity." Mot. to

Intervene ¶ 34. Luckily, since this case was on track to move quickly, we know what the Secretary's arguments are (and they are not limited to process arguments). *See gen.* Defendant's Pre-Trial Brief. For example, the Secretary argues that there is no right to ninety days to gather signatures for a referendum petition. *See* Def. Br. at 36. This is certainly not an argument related to "process integrity."

What Put Missouri First really means is that it wants an opportunity to do in court filings what it should be doing in a campaign— convincing voters why they should not sign/support the referendum petition. Any argument Put Missouri First wants to make relating to opposing the referendum is no different legal argument than the Secretary has already made.

Put Missouri First's defenses and affirmative defenses demonstrate this. Put Missouri First forwarded four "defenses and affirmative defenses": (1) failure to state a claim; (2) no standing; (3) ripeness; and (4) nonjusticiability.

Intervenor Answer at (cites needed?). The Secretary forwards those defenses and affirmative defenses, in addition to others. Defendant Answer at (cites needed?). Since the Secretary provides overlapping and additional defenses, Put Missouri First is more than adequately represented.

**D. Permissive intervention is improper here.**

Put Missouri First is also not entitled to permissive intervention. "The provision allowing intervention when an applicant's claim or defense and the main action have a question of law or fact in common is inapplicable to

Defendant-Intervenor[s] because [it] merely reasserted the State’s defenses.” *Committee for Educational Equality v. State*, 294 S.W.3d 477, 487 (Mo. banc 2009). That’s the case here. As discussed above, Put Missouri First asserts the same defenses as the Secretary of State. “Defendant-Intervenor[] asserted no claim, defense, or interest unique to [itself].” *Id.* Thus, Rule 52.12(b) “provided no mechanism by which [Put Missouri First] could join the State’s defense [.]” *See id.*

#### IV. Conclusion

For all of the foregoing reasons, Plaintiffs respectfully request the Court reconsider Put Missouri First’s Motion to Intervene and deny intervention and for any such other relief the Court deems just and proper.



Respectfully Submitted,

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**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 4<sup>th</sup> day of December, 2025.

/s/ Alixandra S. Cossette

Attorney for Plaintiffs