IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

PEOPLE NOT POLITICIANS, *et al.*,

Plaintiffs,

v.

MISSOURI SECRETARY OF STATE DENNY HOSKINS,

Defendant.

Case No. 25AC-CC07128

DEFENDANT SECRETARY OF STATE'S MOTION TO QUASH

Defendant Missouri Secretary of State, by and through counsel, moves to quash the notice of deposition of a corporate designee for the Secretary of State's Office. In support, Defendant's counsel states:

INTRODUCTION

At Plaintiffs' request, the Secretary of State agreed to try this case on stipulated facts. Plaintiffs did not seek discovery on how or when the Secretary would handle the signatures central to this dispute—despite having the opportunity to do so. And even after Intervenors did not agree to the previously agreed upon Joint Stipulation, Plaintiffs maintained that this case could be tried on the stipulated facts and exhibits. At trial, they entered the joint exhibits and joint stipulations as exhibits and presented no further evidence. But now, after a full bench trial that happened over three months ago, Plaintiffs seek to depose

a corporate designee from the Secretary of State's Office about how the disputed pre-approval-as-to-form signatures are being processed. This Court should quash Plaintiffs' extraordinary notice of deposition for three reasons.

First, with respect to this present litigation, Plaintiffs are simply too late. The purpose of discovery is "to assist litigants in determining facts *prior to trial*." *State ex rel. Humane Soc'y v. Beetem*, 317 S.W.3d 669, 672 (Mo. App. W.D. 2010) (emphasis added). Hence, the process is often referred to as *pre*-trial discovery. But agitated by this Court's decision to hold this case in abeyance and wanting to hurry the Secretary's review process along (to reap benefits in *other pending disputes*), Plaintiffs now seek to conduct *post*-trial discovery. If this evidence were truly relevant for this case, then Plaintiffs should have sought discovery before trial instead of proposing to try this matter on stipulated facts. And even if this evidence were relevant (it's not—as Plaintiffs reaffirmed mere weeks ago), Plaintiffs made the litigation decision not to pursue discovery prior to trial. Decisions have consequences, and this Court should not allow Plaintiffs to circumvent their deliberate and repeated waiver.

Second, more broadly, Plaintiffs' efforts to investigate (and indeed second-guess) the manner in which the Secretary and local election officials are counting signatures is too early. Several relevant statutes unequivocally shield the Secretary and local election officials from outside special interests micromanaging the process. For one thing, the Secretary has until August 4, 2026 (or August 11, 2026 depending on when local election authorities finish their

review) to fulfill all statutory requirements and decide whether to certify the referendum petition. Mo. Rev. Stat. § 116.150.3. Moreover, a separate provision forecloses challenging the Secretary's ongoing review by requiring that any disputes about the review process await certification of "a petition as sufficient or insufficient." *Id.* § 116.200.1. Nothing entitles Plaintiffs to suggest here and now that these predicates be disregarded in favor of haste.

Third, Plaintiffs cross-examined a member of the Secretary of State's Office on many (if not all) of the matters over which they now seek post-trial discovery. At trial, Intervenors called Ms. Chrissy Peters, the Director of Elections from the Secretary of State's Office, as a witness. Plaintiffs extensively and repeatedly asked what would happen with the disputed signatures submitted to the Secretary of State's Office. Ms. Peters testified in detail about how these signatures would be separated from the post-approval signatures and not sent to the local election authorities for processing. That is exactly what happened—and this litigation has proceeded based on this understanding. *See* Pls. Memo. on Status of Signature Verification Ex. C (Jan. 5, 2026). But unsatisfied with this Court's decision to hold the case in abeyance and the Secretary's position (which the Secretary has maintained through this entire lawsuit and referendum process), Plaintiffs want to repeat their questions about what the Secretary is doing with the disputed signatures. This cumulative deposition request is nothing more than an attempt "annoy[], embarrass[], oppress[], or undu[ly]

burden" the Secretary of State's Office. Mo. Sup. Ct. R. 56.01(c). For all of these reasons, the Court should quash this post-trial discovery expedition.

BACKGROUND

Plaintiffs filed a Petition challenging the Secretary of State's rejection of their referendum petitions submitted before H.B. 1 was enacted and the Secretary's decision not to count signatures collected prior to the referendum petition's approval as to form. *See generally* First Am. Pet. The Court held trial on December 8, 2025.

The day after trial, Plaintiffs submitted their referendum petition to the Secretary of State's Office. Plaintiffs submitted over 300,000 signatures. *See* Pls. Memo. on Status of Signature Verification Ex. A (Jan. 5, 2026). This Court ordered this case held in abeyance pending verification and counting of signatures. Order at 1 (Dec. 12, 2025).

The Secretary of State and local election officials across Missouri are currently conducting the signature verification as directed by statute. *See* Mo. Rev. Stat. § 116.130. The Secretary has said that signatures collected prior to his approval as to form of the referendum petition will not be counted. Pls. Memo. on Status of Signature Verification Ex. C (Jan. 5, 2026); *see* Mo. Rev. Stat. § 116.332.1. In response, Plaintiffs requested this Court to issue its judgment. *See* Pls. Suppl. Br. in Supp. of Issuing Final J. (Jan. 12, 2026). After a hearing, this Court continued to hold the case in abeyance. *See* Dkt. (Jan. 13, 2026). That was sensible and consistent with this Court's prior order—because the parties still have no idea whether the signatures at issue in this case will make any difference

With the Secretary's signature verification underway and local election authorities counting signatures, Plaintiffs again moved for this Court to end the abeyance and issue a judgment. *See* Pls. Mot. (Mar. 6, 2026). As part of their motion, Plaintiffs cited preliminary signature counts from local election authorities suggesting a sufficient number of preliminary signatures in five of the six necessary congressional districts. *See* Pls. Mot. Ex. D (Mar. 6, 2026). These numbers are merely preliminary counts—made *before* several mandatory steps in the statutory process. Even after these initial counts, local election authorities must still investigate any duplicate or irregular signatures before certifying the total number of signatures to the Secretary. *See* 15 C.S.R. § 30-15.020. And once signatures are returned to the Secretary, steps remain in the process. *See* Mo. Rev. Stat. § 116.140. Thus, the labor-intensive process of validating and counting signatures remains ongoing. The Secretary has made no determination as to the validity of any signatures.

After a hearing about whether to end the abeyance on March 17, this Court continued the case to April 7. *See* Dkt. (Mar. 17, 2026). Unsatisfied with this Court's decision and the Secretary of State's signature-verification process, Plaintiffs served a notice of deposition later that afternoon. Plaintiffs seek to depose a corporate designee from the Secretary of State's Office.

LEGAL STANDARD

Courts have "broad discretion" to control and manage discovery. *Hancock v. Shook*, 100 S.W.3d 786, 795 (Mo. banc 2003). Under Mo. Sup. Ct. R. 56.01(c), courts may enter protective orders prohibiting discovery "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or

expense," including "that discovery not be had." *Accord State ex rel. Ford v. Messina*, 71 S.W.3d 602, 607 (Mo. banc 2002) ("A protective order should issue if annoyance, oppression, and undue burden and expense outweigh the need for discovery."). If the party seeking a protective order shows "good cause" to limit discovery, the court may order that "certain matters not be inquired into, or that the scope of the discovery be limited to certain matters." Mo. Sup. Ct. R. 56.01(c).

ARGUMENT

I. Plaintiffs' notice of deposition is untimely.

A. Plaintiffs waived their right to discovery.

Defendants have good cause for opposing Plaintiffs' discovery—Plaintiffs waived any right to seek it. Tellingly, discovery is often referred to as "pre-trial discovery." *E.g.*, *Igoe v. Dep't of Labor and Indus. Rels.*, 210 S.W.3d 264, 267 (Mo. App. W.D. 2006). That is because "the purposes of discovery are to eliminate concealment and surprise, to assist litigants in determining facts *prior to trial*, and to provide litigants with access to proper information through which to develop their contentions and to present their sides of the issues as framed by the pleadings." *State ex rel. Human Soc'y v. Beetem*, 317 S.W.3d 669, 672 (Mo. App. W.D. 2010) (emphasis added) (quoting *State ex rel. Woytus v. Ryan*, 776 S.W.2d 389, 391 (Mo. banc 1989)). Yet Plaintiffs now wish to conduct "post-trial discovery."[1] Accordingly, this Court should quash Plaintiffs' notice of deposition.

[1] The only use of the term "post-trial discovery" in civil cases of which the State is aware deals with the calculation of damages. *See, e.g.*, *State ex rel. Bass Pro Outdoor World, LLC v. Schneider*, 302 S.W.3d 103, 107–08 (Mo. App. E.D. 2009); *State ex rel. Missouri-Nebraska Express, Inc. v. Jackson*, 876 S.W.2d 730, 735 (Mo. App. W.D.

For starters, discovery's purposes are not implicated here: This case has already been tried—on facts stipulated to *by Plaintiffs* no less. Now unsatisfied with this Court's decision to hold this case in abeyance, Plaintiffs have buyer's remorse and are attempting to re-open discovery. Plaintiffs are also transparently upset with developments in other cases regarding which map will be used this November. *See* Mot. to End Abeyance at 7–8, 16–17 (Mar. 6, 2026). If the testimony they now request were truly necessary for their claims *in this case* (it's not), Plaintiffs should have served discovery in the first instance.

But not only did Plaintiffs decline to serve discovery, *they* proposed and drafted the Joint Stipulation of Facts and Exhibits. And they are upset that local election officials are taking the statutorily allotted time to count the hundreds of thousands signatures they submitted; and they are apparently upset that the Secretary is not skipping steps in the statutory process, which includes a specific deadline by which the process must finish. *See* Mo. Rev. Stat. § 116.150.3. But Plaintiffs never challenged the validity of the Secretary's timeframe for determining the referendum petition's legal sufficiency. Thus, they have waived any ability to probe matters such as "[t]he timeline of the Secretary of State's review of signatures." Notice of Dep. at 2, ¶ 5 (Mar. 17, 2026).

In addition to agreeing to try this case on stipulated facts, Plaintiffs also rested with their presentation of evidence after entering the joint exhibits and joint stipulation. Tr. 23:17–19 (Dec. 8, 2025). Plaintiffs are not merely requesting

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to "reopen their case at trial," but apparently to re-open the case three months later. *In re Estate of Mapes*, 738 S.W.2d 853, 855 (Mo. banc 1987). This is not the situation where "the proof seems to be available" at trial and there would be no "inconvenience[] [to] the court or prejudice[] [to] the defendants." *Id.* at 856. Rather, Plaintiffs' post-trial discovery request "promises to be a fishing expedition." *See State ex rel. Kander v. Green*, 462 S.W.3d 844, 852 (Mo. App. W.D. 2015). This Court should "decline [Plaintiffs'] invitation." *Id.*

Compounding their waiver, Plaintiffs maintained—as of March 6, 2026—that "[t]he parties stipulated to all relevant facts" and "[n]othing else is needed to apply clear, binding Missouri case law and invalidate the Secretary's unlawful decisions." Pls. Mot. to End Abeyance at 12 (Mar. 6, 2026). Plaintiffs can't have it both ways: They proffered a petition to this Court posing purely legal questions with stipulated facts. No more details about the Secretary's present handling of the disputed signatures beyond those already present in the record are relevant to the claims raised. Instead, Plaintiffs are now seeking to use this case as a fishing expedition in hope of finding information to use against the Secretary elsewhere.

Nor has this Court's decision to hold this case in abeyance somehow made the timing of the Secretary's decision relevant to the merits of this case. The only issue here is the validity of the disputed signatures—not which map gets used in the upcoming election. The Secretary's rendering a certification decision no later than August 4, 2026 (or August 11, 2026 depending on when local election

authorities finish their review) will not affect this Court's ability to issue a timely decision on merits—especially because all facts have been stipulated (or elicited in cross examination) and legal issues briefed.

Because Plaintiffs waived any argument or discovery in this case over *when* the Secretary would process the disputed signatures (or any signatures for that matter), they cannot now seek to reengineer their claims and reopen discovery post-trial. With no basis for seeking discovery, this notice of deposition therefore can serve only to "annoy[], embarrass[], oppress[], or undu[ly] burden" the Secretary of State. Mo. Sup. Ct. R. 56.01(c). The Court should instead enforce Plaintiffs' waiver—which they reaffirmed mere weeks ago. *See* Pls. Mot. to End Abeyance at 12 (Mar. 6, 2026).

B. Plaintiffs are not entitled to discovery.

In seeking to litigate this case prematurely, Plaintiffs' requests to investigate further the Secretary's treatment of the disputed signatures is also too early. Missouri law (unchallenged by Plaintiffs here) establishes when litigants may seek review of how the Secretary undertook signature verification and counting.

As has been explained in prior filings, the Secretary has separated the signatures collected before his approval. *See* Pls. Memo. on Status of Signature Verification Ex. C at 1 (Jan. 5, 2026). Specifically, signatures collected on or before October 13, 2025 "will be in separate folders and placed in separate boxes and scanned in separately for processing." *Id.* There is no final decision on these

signatures yet—the Secretary has not issued a certificate as to sufficiency or insufficiency. *See* Mo. Rev. Stat. § 116.150.

After the referendum petition is submitted to the Secretary, he "makes a determination on the sufficiency of the petition." *Id.* § 116.150.1. But before the Secretary makes that final decision as to certifying a referendum petition, he has wide latitude regarding how he goes about verifying signatures. *See id.* §§ 116.120–.140. Only after this verification process is complete and the Secretary declines to certify a petition may "any citizen may apply to the circuit court of Cole County to compel [the Secretary] to reverse his decision." *Id.* § 116.200.1. Requiring litigation to await the Secretary's final determination as to a petition's sufficiency ensures that courts (and outside special interests) will not attempt to micromanage how the Secretary reviews a petition. *See ACLU of Mo. v. Ashcroft*, 577 S.W.3d 881, 893 (Mo. App. W.D. 2019) (describing how the statutes "reflect a calculated intent by the general assembly to balance procedural oversight of the referendum process with the people's ability to meaningfully exercise the power of referendum").[2]

Therefore, the statutory scheme directs when and how the Plaintiffs may challenge the acceptance (or rejection) of signatures. This scheme provides a

[2] Plaintiffs have previously suggested that it would be impractical or impossible to litigate their claims after the Secretary's certification decision—and hence this litigation should proceed now. Mot. to End Abeyance at 16 (Mar. 6, 2026). They're wrong. The statute provides for expedited filing and consideration before this Court, Mo. Rev. Stat. § 116.200.1, and direct appeal to the Missouri Supreme Court within ten days, *id.* § 116.200.3. Hence, any argument that this Court cannot immediately decide the issues here (particularly in light of the already-existing record) after the Secretary's certification decision has no basis.

legal "remedy" to "compel the secretary of state to reverse a petition certification decision." *Id.* at 897. There can be no disputing that the Secretary has not yet decided the referendum petition's validity. *See* Mo. Rev. Stat. § 116.150. Plaintiffs therefore have no entitlement to litigate—let alone seek discovery regarding—how the Secretary is now undertaking signature counting.

II. Plaintiffs' noticed matters have been asked and answered.

Even if they could rewind time and use their requested deposition as part of their presentation of evidence, Plaintiffs have already had the opportunity to examine the matters in their notice. Thus, this deposition request is needlessly cumulative.

At trial, Intervenors placed Chrissy Peters, the Director of Elections at the Secretary of State's Office, on the witness stand, and Plaintiffs extensively cross-examined Ms. Peters. Again, if any of Plaintiffs' matters were truly relevant for the merits of this case, Plaintiffs had the opportunity to ask these questions. That they may have chosen not to does not permit them to demand more answers now.

Moreover, Plaintiffs repeatedly probed many of these matters at trial.

> Mr. Hatfield: [W]hat are you going to do if you get signature pages with signatures that are dated prior to the October 1[4]th approval letter, Exhibit 11?
>
> . . .
>
> Ms. Peters: So date of approval was October 1[4], so anything prior to that will be processed and put in a separate area to be scanned in later for preservation; and then those that have valid dates would then be scanned in and sent to the local election authorities for verification.
>
> Mr. Hatfield: Okay. So if somebody signed the [referendum] petition before October 1[4]th . . . you're not even going to check to see if they're a registered voter[?]
>
> Ms. Peters: We will scan them in and preserve them for review. And

> I don't know what that review looks like at this time, sir . . . [W]e will just have it also scanned in for review. But at this point, the ones that we are sending to the local election authorities for verification during this time we will be processing, will be the ones that have – from our office's position, been determined to be collected on a valid date.
>
> . . .
>
> Mr. Hatfield: So the ones that you separated will not be sent to the local election authorities[?]
>
> Ms. Peters: The ones that would have a date of a signature collected prior to October 1[4]th, based on our office's position that they're not valid, would be separated and not scanned in with the group that will be sent to the local election authorities for verification.

Tr. 80:11–82:3.

And again,

> Mr. Hatfield: So you are going to review [a signature from before October 13th?]
>
> Ms. Peters: It will be separated later for review at a separate time, not sent out to the local election authorities for verification if they're registered to vote or not registered to vote. So at this point, I can just say it's going to be separated and scanned in for review later.

Tr. 91:9–14.

Additionally, Intervenors asked Ms. Peters at trial what would happen if there are not enough signatures when just the post-approval signatures are counted. Tr. 89:3–6. Ms. Peters responded, "I would not know at this time what the action would be . . . [W]e will have to see where . . . we're at and I would confer with legal executive staff." Tr. 89:7–10.

These are many, if not all, of the same matters Plaintiffs now wish to examine. *See* Notice of Dep. at 2. Plaintiffs wish to inquire as to the "status" of the review of pre-approval signatures, *id.* ¶ 1, whether the pre-approval

signatures have been "sent . . . to local election authorities and if not, . . . why not," *id.* ¶ 2, the "process for reviewing" pre-approval signatures, *id.* ¶ 4; *see also id.* ¶ 3 ("identity" of reviewers); *id.* ¶ 6 ("documents related to . . . review"), and the "timeline" for review of the pre-approval signatures, *id.* ¶ 5; *see also id.* ¶ 7 ("estimated date of completion of . . . review"). As these questions and matters were asked and answered at trial, this requested deposition is cumulative. Based on its cumulative nature, this deposition serves only to "annoy[], embarrass[], oppress[], or undu[ly] burden" the Secretary of State's Office. Mo. Sup. Ct. R. 56.01(c).

* * *

Just a few weeks ago, Plaintiffs told this Court that "No Further Factual Development is Needed" in this case. Pls. Mot. to End Abeyance at 11 (Mar. 6, 2026). That is obviously correct. The Court should hold Plaintiffs to that representation, deny their attempt to undertake an inappropriate post-trial discovery fishing expedition, and continue holding this unripe case in abeyance.

CONCLUSION

For the foregoing reasons, the Court should quash the notice of deposition.

Dated: March 23, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on March 23, 2026, the foregoing was filed on the Missouri CaseNet e-filing system, which will send notice to all counsel of record.

/s/ William J. Seidleck
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