

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

PEOPLE NOT POLITICIANS, et al.)

Plaintiffs,)

Case No. 25AC-CC08724

v.)

MISSOURI SECRETARY OF STATE,)

Defendant.

**EX PARTE MOTION TO SHORTEN THE COURT'S TIME TO HEAR
THE SECRETARY'S MOTIONS**

Under Local Rule 33.1, the Court must hear all pretrial motions no later than five days before trial. If the Court does not hear a pre-trial motion before then, the motion is “deemed overruled or denied.” Local Rule 33.1. Here, trial is set for February 9, 2026. Thus, any pending pre-trial motion would be deemed denied under Local Rule 33.1 if the Court does not hear the motions on or before February 2, 2026, or does not shorten the window in which the Court could may hear the pre-trial motions ahead of trial.

Pursuant to Rule 44.01(b), the Secretary moves this Court to shorten the Court’s time required under Local Rule 33.1 for hearing the Secretary’s Motion for Leave to File Amended Answer, Motion for Judgment, and Motion to Quash

ahead of trial to avoid the pending motions being deemed denied under Local Rule 33.1. In support of this motion, the Secretary provides the following suggestions:

SUGGESTIONS IN SUPPORT

The Secretary filed his Motion for Leave to Amend Answer, Motion for Judgment, and Motion to Quash on January 28, 2026. In doing so, the Secretary complied with Local Rule 33.1's requirement that any pre-trial motion be filed no less than five days before trial (here, the Secretary filed the motions 12 days before trial) and filed the motions in an expedited manner in light of the circumstances of this ballot-title case.

The circumstances that gave rise to the need for these motions occurred only three business days before the Secretary filed the motions, which necessitated an expedited timeline for preparing and filing the motions. In the afternoon of January 22, 2026, Plaintiffs indicated that they do not intend to narrow the scope of issues through joint stipulations. *See* Ex. A (Email (Jan. 22, 2026, 12:10 p.m.)); *see also*, Ex. B (Email (Jan. 16, 2026, 9:08 a.m.)) (indicating a willingness to continue discussions on joint stipulations). Plaintiffs simultaneously served the Secretary with notices for depositions. In response, the Secretary has filed a Motion to for Leave to Amend Answer, Motion for Judgment, and Motion to Quash—three filings necessitated by the January 22, 2026 events.

The Secretary prepared and filed these filings in an expedited manner and noticed a hearing for the three motions on February 4, 2026, the earliest date that a hearing on the motions could be noticed for under Rule 44.01. Although the Secretary believes that it would be reasonable under the facts and circumstances of this case to shorten the time for noticing the hearing for these two motions, *Sitelines, L.L.C. v. Pentstar Corp.*, 213 S.W.3d 703, 706–07 (Mo. Ct. App. 2007); Mo. Sup. Ct. R. 44.01; *see also* Mo. Sup. Ct. R. 55.30(a) (permitting a court to advance hearings based “on such notice . . . it considers reasonable”), the Secretary requests that the Court instead shorten the Court’s time under Local Rule 33.1 to hear the motions to February 4, 2026, for two reasons.

First, February 4 is the earliest date that would (1) provide Plaintiffs with adequate notice and opportunity and (2) be amenable with the Court’s calendar. Ballot-title cases, by their nature, occur on an expedited basis. Parties in ballot-title cases expect expedited timelines for motions and pre-trial matters. Here, if the Court set a hearing for this week on Thursday, January 29, or Friday, January 30, Plaintiffs would not have adequate notice or the opportunity to respond. The next possible dates, Monday, February 2nd, and Tuesday, February 3rd, would provide Plaintiffs with adequate notice and opportunity, particularly in light the circumstances and nature of the case. Similarly, a January 4th hearing would provide Plaintiffs with a time that’s

adequate to review the Secretary's filings and to prepare any responsive filings—four business days (six calendar days). The Secretary, however, has been advised that the Court is unavailable on February 2nd and 3rd for a hearing on the motions. The Secretary therefore has noticed the motions hearing for Wednesday, January 4th, the earliest date that provides adequate notice and opportunity and is amenable with the Court's calendar.

Finally, both parties benefit from a decision by the Court on all three motions. A decision granting the Motion for Leave to File the Secretary's Amended Answer, for example, would allow the Secretary to file his amended answer that clarifies the Secretary's position that he does not contest multiple issues in the case. Further, a ruling on the Motion for Leave to Amend would not prejudice Plaintiffs or delay the case because answers do not necessitate a responsive pleading and the Secretary has not amended the answer to include additional affirmative defenses. Thus, the motion and the related amended answer would only expedite the resolution of this case.

Similarly, the Court's resolution of the Motion for Judgment would favor Plaintiffs (the motion asks the Court to grant Plaintiffs full relief) and would lessen the burden on the parties to prepare extensive pre-trial briefing on issues that the Secretary concedes. Likewise, a ruling on the Motion to Quash would make clear whether the parties need to expend limited resources, especially time, on conducting depositions in preparation for the February 9th

trial. Moreover, if the motion is denied, Plaintiffs will have adequate time to conduct the depositions, and if the motion is granted, witnesses would not be subjected to unnecessary depositions. Thus, a ruling on all three motions would benefit both parties and the witnesses who may be subject to improper depositions.

CONCLUSION

For these reasons, the Court should not penalize the Secretary by deeming his motions denied if they are not heard five days before trial and the Secretary respectfully requests that the Court shorten the time required to hear the motions ahead of trial.

Date: January 28, 2026

Respectfully submitted,

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