

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

PEOPLE NOT POLICIANS;
RICHARD VON GLAHN,
Plaintiffs,

v.
DENNY HOSKINS, in his official
Capacity as the Missouri Secretary
of State
Defendant.

Case No. 25AC-CC08724

MOTION FOR LEAVE TO AMEND THE SECRETARY’S ANSWER

Pursuant to Missouri Supreme Court Rule 55.33, Secretary of State Denny Hoskins, by and through counsel, respectfully moves this Court for leave to file his First Amended Answer attached to this motion as Exhibit A. The Secretary respectfully requests that the attached proposed First Amended Answer be accepted and docketed as filed. Accepting the answer would not prejudice Plaintiffs but rather entitle Plaintiffs to complete relief on Claim I. The grounds for this motion are set forth below.

SUGGESTIONS IN SUPPORT

On November 20, 2025, Plaintiffs filed their petition in the above-captioned matter, challenging the ballot title for Referendum Petition 2026-R004. The Secretary responded timely to Plaintiffs’ petition on December 22,

2025. On January 8, 2026, the Secretary changed his position on important elements of the case. Counsel for the Secretary informed Plaintiffs' counsel that the Secretary would not contest their claim that the summary statement is inherently argumentative and likely to create prejudice, thus offering full relief on Count I. At the suggestion of Plaintiffs' counsel, the Secretary drafted a joint proposed order to the Court. Ex. B (Email (Jan. 8, 2026, 5:17 p.m.)). On January 9, 2025, Plaintiffs proposed significant revisions to the Secretary's proposed order that addressed Plaintiffs' standing and specified that the Secretary was withdrawing certain assertions made about the ballot title in his answer. See Ex. C (Email (Jan. 8, 2026, 5:45 p.m.)); Ex. D (Email (Jan. 9, 2026, 8:58 a.m.)). Plaintiffs' counsel explained that these revisions were intended to ensure that the Court's order had a sufficient record in support. Ex. C, Ex. D.

Later that morning, at a hearing called by the Secretary to announce the change of position, counsel for the Secretary informed the Court of the Secretary's intent not to challenge Plaintiffs' allegation that the summary statement's language is argumentative and likely to create prejudice for the measure. Counsel explained that by adopting this position, the Secretary was conceding that the Plaintiffs were entitled to full relief permitted under the

statute. § 116.190.4, RSMo.¹ At the hearing, the parties represented to the Court that they were in discussions related to preparing a joint proposed order and were close to agreement.

Shortly after the hearing, the Secretary accepted the majority of Plaintiffs' suggestions, requesting only minor edits to the proposed joint order. The Secretary also reiterated his commitment to reaching an agreement with the Plaintiffs. Ex. E (Email (Jan. 9, 2026, 10:53 a.m.)). Opposing counsel initially stated they would take a look and get back to the Secretary by Monday. Ex. F (Email (Jan. 9, 2026, 10: 36 a.m.)). A week later, opposing counsel informed the Secretary that Plaintiffs were no longer interested in pursuing the joint order and wanted to proceed to trial on the claim the Secretary had conceded. Ex. G (Email (Jan. 16, 2026, 9:08 a.m.)).

The Secretary requests leave to file the attached amended answer to reflect the Secretary's change in position and to respond to Plaintiffs' concerns about an insufficient record. The Secretary's amended answer admits the facts that establish standing for the Plaintiffs, *see* Ex. A at ¶¶ 1–5, and concedes that the summary statement is argumentative and likely to create prejudice, *see, e.g., id.* at ¶ 21—the very assertions Plaintiffs requested the Secretary withdraw by way of the proposed order. The Secretary also includes specific

¹ All statutory references are to the 2024 version of the Revised Statutes of Missouri, unless otherwise noted.

admissions to ease Plaintiffs' concerns. See Ex. A at ¶¶ 26, 27. And the Secretary admits that Plaintiffs are entitled to relief on Count I. *Id.* at p. 5–6.

Rule 55.33, states that “leave shall be freely given [to amend a pleading] when justice so requires.” Here, the Secretary requests leave to amend so that the Secretary’s answer reflects the Secretary’s current position on the above-captioned matter. Moreover, Plaintiffs will not be prejudiced by the Secretary’s amendment. Not only will the Amended Answer entitle Plaintiffs to their requested relief on Count I, but the changes therein establish a sufficient record to safeguard the Court’s ruling on appeal, which was a concerned voiced by Plaintiffs at the hearing and in email.

CONCLUSION

For these reasons, the Court should grant the Secretary leave to file the attached amended answer so that it reflects his current litigation position that Plaintiffs are entitled to relief.

Date: January 28, 2026

Respectfully submitted,

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