

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

JAKE MAGGARD, et al.,)
)
Plaintiffs,)
)
v.) Case No. 25AC-CC09120
)
STATE OF MISSOURI, et al.,)
)
Defendants.)

DEFENDANTS' MOTION TO DISMISS

Defendants State of Missouri and Missouri Secretary of State Denny Hoskins move to dismiss this action under Rule 55.27(a), Mo. S. Ct. R. Plaintiffs' claim for relief is not justiciable because it is unripe and because Plaintiffs lack standing to assert generalized injuries. First, Plaintiffs' alleged injury, see Pet. ¶¶ 6, 9, is "not ripe for adjudication" because "it 'rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all.'" *Geier v. Missouri Ethics Comm'n*, 474 S.W.3d 560, 569 (Mo. banc 2015) (quoting *Texas v. United States*, 523 U.S. 296, 300 (1998)). Second, Plaintiffs cannot obtain a court order referring a referendum to "voters," Pet. ¶ 1, at 9, until "[a]fter the secretary of state certifies a petition as sufficient or insufficient." See §§ 116.200.1, 116.120–116.150, RSMo (emphasis added). Finally, this Court should dismiss Plaintiffs' Petition because "the generalized interest of all citizens in constitutional governance' does not invoke standing." *Missouri Coal. for Env't v. State*, 579 S.W.3d 924, 927 (Mo. banc 2019) (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 160 (1990)).

Date: January 7, 2026

Respectfully submitted,

CATHERINE L. HANAWAY
ATTORNEY GENERAL

/s/ Louis J. Capozzi III
Louis J. Capozzi III, #77756
Solicitor General

Patrick Sullivan, #42968
Deputy Solicitor General

J. Michael Patton, #76490
Deputy Solicitor General

Office of the Attorney General
815 Olive Street, Suite 200

St. Louis, MO 63101

Tel. (573) 645-9662

Fax (573) 751-0774

Louis.Capozzi@ago.mo.gov

Patrick.Sullivan@ago.mo.gov

Michael.Patton@ago.mo.gov

Counsel for the Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2026, a true and accurate copy of the foregoing was electronically filed by using the Court's CM/ECF system to be served via operation of the Court's electronic filing system upon all counsel of record.

Louis J. Capozzi III

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