

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

JAKE MAGGARD)

and)

GREGG LOMBARDI,)

Plaintiffs,)

v.)

Case No. 25AC-CC09120

STATE OF MISSOURI)

and)

DENNY HOSKINS, in his official
capacity as Missouri Secretary of State,)

Defendants.)

**STATE DEFENDANTS' ANSWER TO PLAINTIFFS' PETITION AND
AFFIRMATIVE DEFENSES**

Defendants State of Missouri and Denny Hoskins, in his official
capacity as Missouri Secretary of State, hereby answer the allegations in
Plaintiffs' Petition and assert affirmative defenses as follows:

1. Admit that Plaintiffs ask the Court to declare House Bill 1 ("HB 1")
unconstitutional. Deny that Plaintiffs are entitled to the requested relief or
any relief whatsoever, and deny any remaining allegations in paragraph 1.

2. Admit that Plaintiffs request that the Court enjoin HB 1 in any
primary or general election. Deny that Plaintiffs are entitled to the requested

relief, or any relief whatsoever, and deny any remaining allegations in paragraph 2.

3. State Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation in paragraph 3 that Plaintiff is a taxpayer and they therefore deny that allegation. State Defendants admit that Plaintiff is a Missouri citizen, resident of Jackson County, and qualified Missouri voter.

4. Admit.

5. Admit.

6. Deny.

7. State Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation in paragraph 7 that Plaintiff is a taxpayer and they therefore deny that allegation. State Defendants admit that Plaintiff is a Missouri citizen, resident of Jackson County, and qualified Missouri voter.

8. Admit.

9. Deny.

10. Deny.

11. Admit.

12. Admit.

13. Admit that this Court has jurisdiction over this matter.

14. Admit that venue is proper in this Court.
15. Admit that paragraph 15 quotes from Missouri Constitution Article III, Section 49. That constitutional provision speaks for itself. State Defendants deny any remaining allegations in paragraph 15.
16. Admit that paragraph 16 quotes from Missouri Constitution Article III, Section 52(b). That constitutional provision speaks for itself. State Defendants deny any remaining allegations in paragraph 16.
17. Admit that paragraph 17 quotes from *Stickler v. Ashcroft*, a Missouri Court of Appeals, Western District, decision. That decision speaks for itself. State Defendants deny any remaining allegations in paragraph 17.
18. Admit that paragraph 18 quotes from *State ex rel. Kemper v. Carter*, a Missouri Supreme Court decision. That decision speaks for itself. State Defendants deny any remaining allegations in paragraph 18.
19. Admit that paragraph 19 characterizes an article by Ashley Byrd. That article speaks for itself. State Defendants deny any remaining allegations in paragraph 19.
20. Admit that paragraph 20 characterizes a Cole County Circuit Court slip opinion, *Kaw Transp. Co. v. Whitmer*, which is not attached to the Petition. That slip opinion speaks for itself. State Defendants deny any remaining allegations in paragraph 20.

21. Admit.

22. Admit.

23. Admit that HB 1 did not contain an emergency clause. Deny that HB 1 was required to contain an emergency clause to impact referendum rights. Deny any remaining allegations in paragraph 23.

24. Admit.

25. Admit.

26. Deny.

27. Admit that paragraph 27 characterizes an article by David Loeb and Hannah Schoenbaum. That article speaks for itself. Deny any remaining allegations in paragraph 27.

28. Admit.

29. Admit that paragraph 29 quotes from and characterizes a federal court complaint filed in a case called *Mo. Gen. Assembly v. von Glahn*. That complaint speaks for itself. Deny any remaining allegations in paragraph 29.

30. Admit that paragraph 30 quotes from and characterizes a declaration of Chrissy Peters submitted in *Mo. Gen. Assembly v. von Glahn*. That declaration speaks for itself. Deny any remaining allegations in paragraph 30.

31. Deny.

32. Deny.

33. Deny.

34. Deny.

35. Deny.

36. Deny.

37. Deny.

38. State Defendants incorporate their responses to paragraphs 1-37 as if fully set forth herein.

39. Deny.

40. Deny.

41. Deny.

42. Deny.

43. Deny.

44. Deny.

45. Deny.

46. Deny.

Deny that Plaintiffs are entitled to any of the relief requested in the “WHEREFORE” clause following paragraph 46, including the relief requested in paragraphs A-C, or any relief whatsoever.

AFFIRMATIVE DEFENSES

1. Plaintiffs are estopped from asserting the positions taken in this lawsuit by the contrary positions taken by People Not Politicians (“PNP”) and Richard Von Glahn in *Mo. Gen. Assembly v. von Glahn*. On information and

belief, Plaintiffs here are in privity with PNP and Von Glahn, and PNP and Von Glahn conceded that HB 1 is in effect until the Secretary completes the required signature verification procedures and issues a certificate of sufficiency for the referendum petition referenced in paragraph 27 of the Petition.

2. Sovereign immunity bars the claims made and relief requested in this lawsuit, as the Petition does not plead any waiver of or exception to the State Defendants' sovereign immunity.

3. Depending on the timing of any injunction against House Bill 1, the principles expressed in *Purcell v. Gonzalez*, 549 U.S. 1 (2006), may bar the relief requested in this lawsuit.

4. Plaintiffs lack standing to assert the claims being made in this lawsuit.

5. Plaintiffs' claims are unripe.

6. State of Missouri is not a proper defendant under the principles set forth in *Merchants' Exchange of St. Louis v. Knott*, 111 S.W. 565 (Mo. banc. 1908), and thus any claims against it are barred by sovereign immunity.

Respectfully submitted,

CATHERINE L. HANAWAY
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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2026, the foregoing was served on counsel for Plaintiffs via the Court's electronic filing service and on Attorney Chris Grant by e-mail.

/s/ J. Michael Patton