

IN THE MISSOURI SUPREME COURT

JAKE MAGGARD, *et al.*

Plaintiffs,

v.

STATE OF MISSOURI, *et al.*,

Defendants.

Case No. SC101581

RESPONDENT/INTERVENOR PUT MISSOURI FIRST'S RESPONSE TO APPELLANTS' MOTION TO EXPEDITE

Pursuant to this Court's Order of April 3, 2026, Respondent/Intervenor Put Missouri First, by and through counsel, submits its Response to Appellants' Motion to Expedite.

This Court Should Adopt Respondents State of Missouri, *et al.*, and Respondent/Intervenor's Proposed Expedited Schedule

This Court should adopt the schedule proposed by the Respondents State of Missouri, *et al.*, and Respondent/Intervenor Put Missouri First as follows:

Appellants' Brief: April 10, 2026

Respondents' and Respondent/Intervenor's Brief(s): April 28, 2026

Reply Brief: May 4, 2026

This schedule provides thirty-eight days for full briefing and allows this Court to take oral arguments on May 12, 2026 — fourteen days before May 26, 2026 — affording this Court ample time to resolve this matter in advance of May 26, 2026, notwithstanding Appellants' reliance on Section 115.125, RSMo, as addressed below.

Section 115.125, RSMo, provides the statutory notice deadline for candidates and ballot measures for the August 4, 2026, primary election. Appellants are not seeking to place the referendum on the August primary

ballot, nor are they candidates seeking to appear on that ballot. While the operative congressional map will ultimately bear on candidate filings for the primary, Appellants cite no authority establishing that this Court must resolve the question of which map applies before May 26, 2026, rather than before candidate filing deadlines, which fall later in the election calendar. Appellants' invocation of Section 115.125, RSMo, is therefore not a sufficient basis to impose their compressed schedule on Respondent/Intervenor.

Appellants nonetheless argue that their compressed schedule is necessary to ensure resolution before May 26, 2026. Respondent/Intervenor shares the goal of timely resolution and have proposed a schedule that achieves it. However, Appellants' proposed schedule — which would require Respondent/Intervenor to file its briefs only twelve days after Appellants' opening brief — unreasonably compresses Respondent/Intervenor's preparation time on a complex constitutional question, with minimal corresponding gain in resolution time. Respondent and Respondent/Intervenor's proposed schedule, by contrast, allows meaningful preparation while still enabling oral argument and decision expeditiously.

This Court has scheduled oral arguments in the *Healey v. State*, No. SC101570 and *Wise v. State*, No. SC101572 cases for May 12, 2026. The briefing schedule in those two cases, which are the same, as set by this Court is as follows:

Appellants' Brief: April 16, 2026

Respondents' Brief(s): May 6, 2026

Reply Brief: May 11, 2026

The schedule proposed by Respondents and Respondent/Intervenor is in fact **more** expedited than that already set by this Court in *Healey* and *Wise*. The schedules that this Court set in *Healey* and *Wise* are reasonable and serve to move those cases forward expeditiously. A comparable schedule in this

matter would similarly be reasonable, would allow meaningful briefing of a complex constitutional question, and would result in full resolution well before Appellants' preferred date of May 26, 2026.

Such an expedited schedule will not prejudice any party or create judicial inefficiencies. Appellants will suffer no prejudice from the schedule proposed by Respondents State of Missouri, et al., and Respondent/Intervenor Put Missouri First, and the public interest is equally served by a schedule that allows this Court sufficient time to prepare for and conduct meaningful oral argument on May 12, 2026. With this Court already setting oral arguments in other redistricting-related cases (*Healey* and *Wise*) for May 12, 2026, there is no basis to depart from a similarly reasonable schedule in this matter.

Therefore, the schedule proposed by Respondents State of Missouri, et al., and Respondent/Intervenor Put Missouri First should be adopted.

WHEREFORE, Respondent/Intervenor, for the reasons set forth above, in accordance with this Court's Order, responds to Appellants' Motion to Expedite and prays that this Court adopt the schedule proposed by Respondents State of Missouri, et al., and Respondent/Intervenor Put Missouri First.

Respectfully submitted,

ELLINGER BELL LLC

By: /s/ Marc H. Ellinger

Marc H. Ellinger, #40828

Stephanie S. Bell, #61855

308 East High Street, Suite 300

Jefferson City, MO 65101

Telephone: (573) 750-4100

Facsimile: (314) 334-0450

E-mail: mellinger@ellingerlaw.com

E-mail: sbell@ellingerlaw.com

*Attorneys for Respondent/Intervenor
Put Missouri First*

Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system on April 3, 2026 on all parties of record.

Not an Official Court Document Not an Official Court Document Not an Official Court Document

/s/ Marc H. Ellinger

Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

al Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

an Official Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

nt Not an Official Court Document Not an Official Court Document Not an Official Court Document

t Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

cial Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

ot an Official Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

ent Not an Official Court Document Not an Official Court Document Not an Official Court Document

ut Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

ficial Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

ot an Official Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

ment Not an Official Court Document Not an Official Court Document Not an Official Court Document

urt Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

fficial Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

Not an Official Court Document Not an Official Court Document Not an Official Court Document

Not an Official Court Document Not an Official Court Document Not an Official Court Document

