IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

RICHARD VON GLAHN, and PEOPLE NOT POLITICIANS,	)	
Plaintiffs,	)	
v.	)	Case No. 26AC-CC00248
CATHERINE HANAWAY, in her official capacity as Attorney General, and DENNY HOSKINS, in his official capacity as Secretary of State,	)	
Defendants.	)	

STATE DEFENDANTS' MOTION TO QUASH NOTICE OF HEARING

The gist of Plaintiffs' lawsuit is their belief that Secretary of State Denny Hoskins should make a certification decision on a proposed redistricting referendum before the statutory deadline of August 4, 2026. § 116.150.3, RSMo. Although all agree the statutory review process for signatures is ongoing, Plaintiffs suggest Secretary Hoskins could have made a certification decision in December 2025 or March 2026. *See* Pet. ¶¶ 141–42, 145.

Plaintiffs, of course, did not bring this suit in December 2025 or March 2026. Instead, they inexplicably waited until May 18—a quintessential example of laches. *See Lin v. Clark*, 666 S.W.3d 270, 278 n.10 (Mo. App. W.D. 2023); *Ewing v. Ewing*, 901 S.W.2d 330, 333 (Mo. App. W.D. 1995) ("Laches is the neglect for an unreasonable and unexplained length of time, under circumstances permitting diligence, to do what in law should have been done."). Nevertheless, Plaintiffs demand that this Court

immediately hear the merits of their suit on June 3. *See* Notice of Hearing (filed May 27, 2026). The Court should quash this proposed hearing and set a reasonable case schedule—for several reasons.

First, Plaintiffs' proposed hearing is highly prejudicial to the State Defendants. The undersigned is unavailable for a hearing on June 3 because, as Plaintiffs' counsel knows, the undersigned has a federal hearing in Boston on June 2 and will not return to St. Louis until the afternoon of June 3. Even if the undersigned could find a flight from Boston to Columbia on the afternoon of June 2, there will be practically no time to prepare for the hearing. Before that, the undersigned has a trial before Judge Limbaugh on Friday, May 29—concerning proposed income tax reform. More generally, State Defendants have not had time to file a motion to dismiss or find witnesses—who can speak to the extraordinary harm Plaintiffs' proposed remedies would inflict on Missouri's ongoing elections.

Second, the Court should not consider a preliminary injunction until it considers and decides the State Defendants' forthcoming motion to dismiss. Plaintiffs' suit is doomed on a large number of procedural, threshold grounds. Among other problems, Plaintiffs' suit is barred by laches, lack of standing, lack of cause of action, estoppel, and the *Purcell-Hadley* principle, which prohibits judicial alterations to ongoing elections. *See Hadley v. Junior Coll. Dist. of Metro. Kansas City*, 460 S.W.2d 1, 2–3 (Mo. banc 1970). It makes no sense for the Court to consider the merits before considering a motion to dismiss that would eliminate the need to consider the merits. Even if the Court ultimately denies the motion to dismiss, that course would

give the State Defendants reasonable time to find election officials who can provide testimony to the Court.

Third, it would be extraordinarily inequitable to bend typical procedural rules to quickly consider Plaintiffs' claims. Plaintiffs' own petition reveals they could have filed this lawsuit in December 2025, *see* Pet. ¶¶ 141–42, *seven months ago*. Indeed, Plaintiffs made most of their current arguments to the press in December 2025. *See, e.g.*, Jen Rice, *Missouri Referendum Backers Say They Can Still Block GOP Gerrymander*, Democracy Docket (Dec. 17, 2025);[1] Jason Rosenbaum, *Missouri's stack of redistricting lawsuits expected to grow over whether new map is in effect*, St. Louis Public Radio (Dec. 16, 2025).[2]

Yet Plaintiffs waited—apparently for the Missouri Supreme Court's decision in *Maggard*, which unambiguously rejected Plaintiffs' legal position and held that the Secretary may implement the 2025 congressional map despite the submission of a proposed referendum. *See Maggard v. State*, No. SC101581, 2026 WL 1361506, at *7 (Mo. banc 2026) (upholding the Secretary of State's decision "to move forward with his statutory review process under the assumption HB 1 was not referred to the people and went into effect on December 11, 2025"); *see also id.* at *1, 8 (affirming the trial court's denial of "an injunction preventing use of HB 1's congressional map until voters approve the map through the referendum process"). In the interim, the State

[1] https://www.democracydocket.com/news-alerts/missouri-referendum-backers-say-they-can-still-block-gop-gerrymander/

[2] https://www.stlpr.org/government-politics-issues/2025-12-16/missouris-redistricting-lawsuits-whether-new-map-effect

implemented the congressional map enacted by the General Assembly in 2025 and upheld by the Missouri Supreme Court *three separate times*. *See id.*; *Healey v. State*, No. SC101570, 2026 WL 1328378 (Mo. banc 2026); *Luther v. Hoskins*, 730 S.W.3d 567 (Mo. banc 2026). Candidate filing concluded under that map on March 31, 2026. *See* § 115.349.1, RSMo. Also, local election officials have now implemented that map—as required to do so by the May 26 state-law deadline for final certification and notice of the August primary election. *See* §§ 115.125, 115.127, 115.387 RSMo; *2026 Mo. Election Calendar*, Mo. Sec'y of State, https://www.sos.mo.gov/elections/calendar/2026cal (accessed May 27, 2026) (listing May 26 as final certification date for the August primary). Competitive primary elections are taking place under that map. Precedent about the *Purcell-Hadley* principle demonstrates it was too late to bring this suit in *March*—when candidate filing closed. *See Hadley*, 460 S.W.2d at 3 (holding that illegal district lines cannot be altered shortly *before* the end of candidate filing); *Abbott v. LULAC*, 146 S. Ct. 418, 419 (2025) (applying the *Purcell* principle *during* the candidate filing period in Texas); *Robinson v. Callais*, 144 S. Ct. 1171 (2024) (applying the *Purcell* principle to stay a federal district court's injunction against a congressional map two months before the candidate-qualifying period even *opened*). It is now *obviously* too late to grant Plaintiffs the relief they seek. Under such circumstances, granting a quick preliminary injunction hearing—one that violates the State Defendants' ordinary procedural rights—makes no sense and would be highly inequitable.

Under ordinary procedures, State Defendants have until June 18 to file a

motion to dismiss. § 509.060, RSMo. But as State Defendants *offered* during their meet-and-confer with Plaintiffs, State Defendants are willing to move faster and file a motion to dismiss that could be heard during the June 10 hearing this Court already scheduled. The Court could then decide—at the June 10 hearing—whether it wishes to schedule briefing and a hearing on Plaintiffs' preliminary injunction request.

* * *

If Plaintiffs wanted a preliminary injunction, they should have sued back in December 2025, when they publicly claimed that the Secretary's implementation of the HB 1 map was unlawful. But Plaintiffs chose to sit on their hands—and they now demand that the Court and State Defendants engage in a last-minute scramble to accommodate their foot-dragging. The Court should quash the proposed hearing.

Date: May 27, 2026

Respectfully submitted,

CATHERINE L. HANAWAY
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2026, a true and accurate copy of the above 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