

**CIRCUIT COURT OF COLE COUNTY  
19<sup>TH</sup> JUDICIAL CIRCUIT COURT  
STATE OF MISSOURI**

ARTICLE III INSTUTE, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 24AC-CC08732
	)	
STATE OF MISSOURI, et al.,	)	
	)	
Defendants.	)	

**ANSWER TO PLAINTIFFS’  
FIRST AMENDED PETITION FOR  
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

In accordance with Rule 55.07 of the Missouri Rules of Civil Procedure, Defendants State of Missouri, Governor Mike Kehoe, and Attorney General Catherine L. Hanaway<sup>1</sup>, answer Plaintiffs’ First Amended Petition for Declaratory Judgment and Injunctive Relief (“First Amended Petition”). On information and belief, the Defendants state as follows:

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<sup>1</sup> Mike Parson was the governor of Missouri when this action was filed, but because Parson was sued in his official capacity, his successor, Governor Mike Kehoe, is automatically substituted as a defendant under Missouri Supreme Court Rule 52.136(d). Catherine L. Hanaway was appointed Attorney General to replace Andrew Bailey upon his resignation and is automatically substituted as a defendant and as the State’s attorney under Supreme Court Rule 52.13(d).

## INTRODUCTION

The Introduction paragraph is not a properly pleaded factual allegation, so no answer is required. To the extent the Introduction is construed as an allegation, it is an improper legal conclusion and is denied.

## PARTIES

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of this allegation and therefor deny.

2. Defendants are without knowledge or information sufficient to form a belief as to the truth of this allegation and therefor deny.

3. Admit that Missouri has officers and offices that enforce the law. Defendants object to the rest of this allegation as vague.

4. Deny that the legislation is unconstitutional. Furthermore, paragraph 4 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants admit that Michael Parson was the Governor of Missouri when the legislation at issue was passed and that he signed Senate Bill 754 (SB 754). The allegation is otherwise denied.

5. Admit that Andrew Bailey was the Attorney General of Missouri and was charged, in whole or in part, with enforcement of the legislation at issue. In further answering, Defendants refer this court to footnote 1,

explaining the automatic substitution of Attorney General Hanaway as a defendant in this case.

### **JURISDICTION AND VENUE**

6. Paragraph 6 contains a legal conclusion to which no response is required. Additionally, Plaintiffs failed to allege any facts that could show a cause of action has accrued. To the extent that a response is required, Defendants deny the allegations in the paragraph.

7. Paragraph 7 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the text of § 508.010, RSMo, speaks for itself and deny any allegations inconsistent therewith.

8. Deny this Court has jurisdiction because Plaintiffs lack standing to bring this case. Additionally, paragraph 8 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the text of §§ 526.030 and 527.010, RSMo, speak for themselves and deny any allegations inconsistent therewith.

9. Paragraph 9 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the text of § 516.500, RSMo, speaks for itself and deny any allegations inconsistent therewith.

## STANDING

10. Paragraph 10 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

11. Paragraph 11 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

12. Paragraph 12 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

13. Paragraph 13 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations in the paragraph.

14. Paragraph 14 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

15. Paragraph 15 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

16. Paragraph 16 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

17. Paragraph 17 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

18. Admit.

19. Paragraph 19 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the fiscal note for SB 754 speaks for itself.

20. Paragraph 20 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the fiscal note for SB 754 speaks for itself.

21. Paragraph 21 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the fiscal note for SB 754 speaks for itself.

22. Paragraph 22 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the fiscal note for SB 754 speaks for itself.

23. Paragraph 23 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the fiscal note for SB 754 speaks for itself.

### COUNT I

24. Paragraph 24 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the text of the Missouri Constitution the cited case speak for themselves and deny any allegation inconsistent therewith.

25. Paragraph 25 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

26. Paragraph 26 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

27. Paragraph 27 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

28. Paragraph 28 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

29. Paragraph 29 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

30. Paragraph 30 contains a legal conclusion to which no response is required. To the extent a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

31. Admit SB 754 was truly agreed to and finally passed May 17, 2024.

32. Admit.

33. Admit.

34. Paragraph 34 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

35. Paragraph 35 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in this paragraph.

36. Paragraph 36 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in this paragraph.

37. Paragraph 37 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

38. Paragraph 38 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

39. Paragraph 39 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

40. Paragraph 40 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

41. Paragraph 41 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

42. Paragraph 42 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

43. Admit.

44. Paragraph 44 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

45. Paragraph 45 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

46. Paragraph 46 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

47. Paragraph 47 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

48. Paragraph 48 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

49. Paragraph 49 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

50. Paragraph 50 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

51. Paragraph 51 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

52. Paragraph 52 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

## COUNT II

53. Paragraph 53 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

54. Paragraph 54 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

55. Paragraph 55 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

56. Admit.

57. Paragraph 57 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 516.500 speaks for itself and deny any allegation inconsistent therewith.

58. Admit.

59. Paragraph 59 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the cited case speaks for itself and deny Plaintiffs' characterization of the opinion.

60. Paragraph 60 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 1.090 speaks for itself and deny any allegation inconsistent therewith.

61. Paragraph 61 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

62. Paragraph 62 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph. Answering further, no phrase appears in statute § 97.720 because no such statute exists. Defendants further deny the allegations in footnote 1.

63. Paragraph 63 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in this paragraph because § 97.720, cited in this paragraph, does not exist.

64. Paragraph 64 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the

text of § 140.160 speaks for itself and deny any allegation inconsistent therewith.

65. Paragraph 65 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 141.080 speaks for itself and deny any allegation inconsistent therewith.

66. Paragraph 66 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 516.010 speaks for itself and deny any allegation inconsistent therewith.

67. Paragraph 67 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 516.030 speaks for itself and deny any allegation inconsistent therewith.

68. Paragraph 68 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in this paragraph. Answering further, § 97.720, does not function as a statute of limitations - or any other type of law - because no such statute exists.

69. Paragraph 69 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

70. Paragraph 70 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 1.090 and the cited case speak for themselves and deny any allegation inconsistent therewith.

71. Paragraph 71 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

72. Paragraph 72 contains a legal conclusion to which no response is required. To the extent that a response is required, the cited cases speak for themselves and Defendants deny the allegations in the paragraph.

73. Paragraph 73 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

74. Paragraph 74 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190 speaks for itself and deny any allegation inconsistent therewith.

75. Paragraph 74 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190.1 speaks for itself and deny any allegation inconsistent therewith.

76. Paragraph 76 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190.2 speaks for itself and deny any allegation inconsistent therewith.

77. Paragraph 77 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190.3 speaks for itself and deny any allegation inconsistent therewith.

78. Paragraph 78 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190.4(1) speaks for itself and deny any allegation inconsistent therewith.

79. Paragraph 79 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190.4(2) speaks for itself and deny any allegation inconsistent therewith.

80. Paragraph 80 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190.5 speaks for itself and deny any allegation inconsistent therewith.

81. Paragraph 81 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 116.190 speaks for itself and deny any allegation inconsistent therewith.

82. Paragraph 82 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

83. Paragraph 83 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of § 516.500 speaks for itself and deny any allegation inconsistent therewith.

84. Paragraph 84 contains allegations to which no response is required. To the extent a response is required, Defendants deny all allegations contained in Paragraph 84.

### COUNT III

85. Paragraph 85 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the

text of Article I, § 1 of the Missouri Constitution speaks for itself and deny any allegation inconsistent therewith.

86. Paragraph 86 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of Article I, § 3 of the Missouri Constitution speaks for itself and deny any allegation inconsistent therewith.

87. Paragraph 87 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of Article III of the Missouri Constitution speaks for itself and deny any allegation inconsistent therewith.

88. Paragraph 88 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants assert that the text of Article III, §§ 21 and 23 of the Missouri Constitution speaks for itself and deny any allegation inconsistent therewith.

89. Paragraph 89 contains a legal conclusion to which no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny the allegations in the paragraph.

90. Paragraph 90 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

91. Paragraph 91 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants assert that the text of Article II, § 1 and Article V, § 5 of the Missouri Constitution speak for themselves and deny any remaining allegations in the paragraph.

92. Paragraph 92 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny any remaining allegations in the paragraph.

93. Paragraph 93 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny any remaining allegations in the paragraph.

94. Paragraph 94 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny any remaining allegations in the paragraph.

95. Paragraph 95 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants admit that Plaintiffs original petition in this matter was filed October 15, 2024, but deny any remaining allegations in the paragraph.

96. Paragraph 96 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

97. Paragraph 97 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

98. Paragraph 98 contains a legal conclusion to which no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny the allegations in the paragraph.

99. Paragraph 99 contains a legal conclusion to which no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny the allegations in the paragraph.

100. Paragraph 100 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

101. Paragraph 101 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

102. Paragraph 102 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

103. Paragraph 103 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

104. Paragraph 104 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in the paragraph.

105. Paragraph 105 contains a legal conclusion to which no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny the allegations in the paragraph.

106. Paragraph 106 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

107. Paragraph 107 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

108. Paragraph 108 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

109. Paragraph 109 contains a legal conclusion to which no response is required. To the extent that a response is required, the cited case speaks for itself and Defendants deny the allegations in the paragraph.

110. Paragraph 110 is not a properly pled factual allegation, and therefore no response is required. To the extent that a response is required, Defendants deny any remaining allegations in the paragraph.

111. Plaintiffs' wherefore clause contain allegations to which no response is required. To the extent a response is required, Defendants deny all allegations contained in Plaintiffs' wherefore clauses. Defendants deny each and every allegation not specifically admitted above. Defendants request that the Court deny Plaintiffs' First Amended Petition with prejudice at Plaintiffs' cost, and that the Court provide Defendants with all other relief that is proper.

### **AFFIRMATIVE DEFENSES**

In pleading the following additional and affirmative defenses, Defendants reserve their position that Plaintiffs retain the burden of proof on all matters necessary to state the claims they attempt to bring forth in their First Amended Petition to establish any entitlement to relief.

1. Plaintiffs' First Amended Petition fails to state a claim upon which relief can be granted.
2. Plaintiffs lack standing to bring their claim against Defendants.
3. Plaintiffs cannot establish the existence of any damages that will necessarily result as a consequence of SB 754.

4. Plaintiffs failed to demonstrate how SB 754 affronts fundamental law embodied in the constitution. “A statute is presumed to be constitutional and will not be invalidated unless it ‘clearly and undoubtedly violates some constitutional provision and palpably affronts fundamental law embodied in the constitution.’” *Carpenter v. Countryside Home Loans, Inc.*, 250 S.W.3d 697, 701 (Mo. banc 2008) (citing *Bd. of Educ. of City of St. Louis v. State*, 47 S.W.3d 366, 368-69 (Mo. banc 2001)).

5. In bringing a facial challenge, Plaintiffs seek overbroad relief.

6. Defendants reserve the right to amend these affirmative defenses, in the event additional information relevant to any possible affirmative defenses become known.

Respectfully submitted,

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Attorney General

/s/ Mary L. Moulton

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6<sup>th</sup> day of November, 2025, a true and accurate copy of the foregoing was served by operation of the Court's electronic filing system upon all parties of record.

/s/ Mary L. Moulton  
Mary L. Moulton