



Post-Dispatch from providing its readers with information of public interest and importance. **Achkar Affidavit, ¶ 2.**

**Response: Uncontroverted to the extent that the Post-Dispatch is outlining its personal beliefs. Respondent lacks knowledge pertaining to Post-Dispatch’s beliefs.**

3. Plaintiff Jacob Barker is a taxpayer to and resident of the State of Missouri and a journalist for the St. Louis Post-Dispatch. **Barker Affidavit, ¶ 1.**

**Response: Uncontroverted.**

4. Barker asked the Defendants to provide him copies of “incident reports” and “investigative records” regarding a matter investigated by the SLMPD. **Barker Affidavit, ¶ 2.**

**Response: Uncontroverted to the extent that the Plaintiffs are referring to the sunshine request submitted by Mr. Barker on January 19, 2024.**

5. As part of his work as a reporter for the St. Louis Post-Dispatch, Mr. Barker wanted to learn more about the death of A.C., who fell from a building on Washington Avenue on May 30, 2020. **Barker Affidavit, ¶ 3.**

**Response: Uncontroverted. Defendants lack knowledge pertaining to Mr. Barker’s work-related objectives.**

6. At all times relevant to this matter Defendant Barbara Manuel-Crossman was the Department's Custodian of Records. **Petition ¶ 23; Answer ¶ 23.**

**Response: Uncontroverted.**

7. On or about January 19, 2024, Mr. Barker submitted to the SLMPD a request for records under the Sunshine Law. **Barker Affidavit, ¶ 4.**

**Response: Uncontroverted.**

8. Specifically, Barker requested (1) incident reports related to a fatal fall that occurred in the 1500 block of Washington Avenue on May 30, 2020, and (2) investigative reports "related to a May 30, 2020 fatal fall from a building in the 1500 block of Washington Avenue." A true and accurate copy of this request is attached as Plaintiff's Motion Exhibit 1. **Barker Affidavit, ¶ 5.**

**Response: Uncontroverted.**

9. Ms. Manuel-Crossman received Mr. Barker's January 19, 2024 request for public records no later than January 22, 2024, because she responded to his request on that date. **Barker Affidavit, ¶ 6.**

**Response: Uncontroverted.**

10. On January 22, 2024, Ms. Manuel-Crossman provided Mr. Barker with a two-page version of a document labeled "St. Louis Metropolitan Police Incident

Report CN 20-022974.” A true and accurate copy of this document is attached as Plaintiff’s Motion Exhibit 2. **Barker Affidavit, ¶ 7.**

**Response: Uncontroverted.**

11. This two-page version of the Incident Report included information in the fields designated for the name of the victim, his marital status, his resident status, and the injury type; it also identified the name of the officer that prepared the report, the name of his supervisor/commander, and the names of two assisting officers. **Motion Ex. 2; Barker Affidavit, ¶ 8.**

**Response: Uncontroverted.**

12. Although the two-page version of the Incident Report included fields for the victim’s home address, race, sex, date of birth, age, social security number, and ethnicity, each of these spaces was blank in this version of the Incident Report. **Motion Ex. 2; Barker Affidavit, ¶ 9.**

**Response: Uncontroverted.**

13. In the space designated “Status/Date,” the document provided on January 22, 2024, said “INACTIVE 06/08/2020.” **Motion Ex. 2; Barker Affidavit, ¶ 10.**

**Response: Uncontroverted.**

14. On January 23, 2024, Mr. Barker sent an email asking Ms. Manuel-Crossman whether, apart from an unredacted version of Incident Report CN 20-

022974, there were any other investigative reports related to his request. **Barker Affidavit, ¶ 11.**

**Response: Uncontroverted.**

15. The following day Mr. Barker sent Ms. Manuel-Crossman another message in which he invoked his right under § 610.023.4 for “a written statement of the grounds for denial of the investigative records of a closed investigation.” **Barker Affidavit, ¶ 12.**

**Response: Controverted. Legal conclusions cannot be pleaded as ultimate facts in Missouri and “cannot support the entry of summary judgment.” *Jordan v. Peet*, 409 S.W.3d 553, 560 (Mo. App. W.D. 2013). Subject to and without waiving this objection, § 610.023.4 speaks for itself and there are no investigative records responsive to Plaintiff Barker’s Sunshine Law request. *Manuel-Crossman Affidavit, ¶ 11.***

16. In a message sent on January 25, 2024, Ms. Manuel-Crossman acknowledged the Department’s obligation to provide “a written statement of the grounds” for denying a citizen’s records request. **Barker Affidavit, ¶ 13.**

**Response: Controverted. A statement of uncontroverted facts must contain “specific references to the pleadings, discovery, exhibits or affidavits that demonstrate the lack of a genuine issue as to such facts.” Mo. Sup. Ct. R. 74.04(c)(1). Here, no email message is provided in the affidavit referenced herein by Plaintiffs.**

17. Ms. Manuel-Crossman's January 25, 2024 message did not deny that the Department retained "investigative records" responsive to Barker's request. **Barker Affidavit, ¶ 14.**

**Response: Controverted. A statement of uncontroverted facts must contain "specific references to the pleadings, discovery, exhibits or affidavits that demonstrate the lack of a genuine issue as to such facts." Mo. Sup. Ct. R. 74.04(c)(1). Here, no email message is provided in the affidavit referenced herein by Plaintiffs. Subject to and without waiving this objection, there are no investigative records responsive to Plaintiff Barker's Sunshine Law request. *Manuel-Crossman Affidavit, ¶ 11.* Further, Ms. Manuel-Crossman's alleged silence does not constitute cognizable evidence that Defendants possessed any "investigatory records" responsive to Plaintiff Barker's sunshine request.**

18. Instead, Ms. Manuel-Crossman stated that the Defendants' "basis for denial has been provided to you." **Barker Affidavit, ¶ 15.**

**Response: Controverted. A statement of uncontroverted facts must contain "specific references to the pleadings, discovery, exhibits or affidavits that demonstrate the lack of a genuine issue as to such facts." Mo. Sup. Ct. R. 74.04(c)(1). Here, no email message is provided in the affidavit referenced herein by Plaintiffs.**

19. In the following weeks, Mr. Barker asked Attorney Dave Roland to help him follow up with the Defendants regarding his records request. **Barker Affidavit, ¶ 16.**

**Response: Uncontroverted.**

20. On March 19, 2024, Attorney Roland sent an email to Ms. Manuel-Crossman regarding Mr. Barker's request. A true and accurate copy of that email is attached as Plaintiff's Motion Exhibit 3. **Barker Affidavit, ¶ 17.**

**Response: Uncontroverted.**

21. Roland's email noted that the Defendants had provided Mr. Barker a copy of an incident report, but that it had not included statements from officers named in the report, nor did it acknowledge that the incident report had been redacted in any way, nor did it indicate what kind of information might have been redacted or the legal basis for any such redactions. **Motion Ex. 3.**

**Response: Uncontroverted.**

22. Roland's email further emphasized that Mr. Barker had requested not only an "incident report," but also "investigative reports" related to the fatal fall in May 2020. **Motion Ex. 3.**

**Response: Uncontroverted.**

23. Roland's email asserted that "officer statements or narratives that might have been submitted in relation to the incident report" were public records that the Defendants were required either to produce to Mr. Barker or to "identify the

specific provision of law that the SLMPD is relying upon to justify the redaction/withholding of that information.” **Motion Ex. 3.**

**Response: Controverted. Legal conclusions cannot be pleaded as ultimate facts in Missouri and “cannot support the entry of summary judgment.” *Jordan v. Peet*, 409 S.W.3d 553, 560 (Mo. App. W.D. 2013).**

24. Roland’s email pointed out that the relevant investigation appeared to be “inactive,” under which circumstances the investigative records related to the event would be open public records under the Sunshine Law. **Motion Ex. 3.**

**Response: Controverted. Legal conclusions cannot be pleaded as ultimate facts in Missouri and “cannot support the entry of summary judgment.” *Jordan v. Peet*, 409 S.W.3d 553, 560 (Mo. App. W.D. 2013). Subject to and without waiving this objection, there are no investigative records responsive to Plaintiff Barker’s Sunshine Law request. *Manuel-Crossman Affidavit*, ¶ 11.**

25. Roland noted that “[f]ailure either to produce these records or to provide a written statement identifying the statutory basis for withholding them is a violation of the Sunshine Law.” **Motion Ex. 3.**

**Response: Controverted. Legal conclusions cannot be pleaded as ultimate facts in Missouri and “cannot support the entry of summary judgment.” *Jordan v. Peet*, 409 S.W.3d 553, 560 (Mo. App. W.D. 2013).**

26. Roland’s email also explained the consequences § 610.027 provides for knowingly or purposefully violating the Sunshine Law. **Motion Ex. 3.**

**Response: Controverted. Legal conclusions cannot be pleaded as ultimate facts in Missouri and “cannot support the entry of summary judgment.” *Jordan v. Peet*, 409 S.W.3d 553, 560 (Mo. App. W.D. 2013). Subject to and without waiving this objection, § 610.027 speaks for itself.**

27. When nearly a week passed without any response from the Defendants, Attorney Roland sent Ms. Manuel-Crossman another email, which included “a formal demand pursuant to § 610.023.4 for ‘a written statement of the grounds’ upon which” the Defendants were denying Mr. Barker’s request. **Barker Affidavit, ¶ 18.**

**Response: Controverted. Legal conclusions cannot be pleaded as ultimate facts in Missouri and “cannot support the entry of summary judgment.” *Jordan v. Peet*, 409 S.W.3d 553, 560 (Mo. App. W.D. 2013).**

28. On March 27, 2024, Ms. Manuel-Crossman provided Mr. Barker with additional documents. **Barker Affidavit, ¶ 19.**

**Response: Uncontroverted.**

29. The first of these additional documents was a five-page version of “St. Louis Metropolitan Police Incident Report CN 20-022974.” A true and accurate copy of this document is attached as Plaintiff’s Motion Exhibit 4. **Barker Affidavit, ¶ 20.**

**Response: Uncontroverted.**

30. The five-page version of the Incident Report includes information that was omitted from the two-page version, such as information concerning the victim’s race, sex, age, and ethnicity. **Motion Ex. 4; Barker Affidavit, ¶ 21.**

**Response: Uncontroverted.**

31. The five-page version of the Incident Report also shows that information has been redacted concerning the victim's home address, date of birth, and social security number. **Motion Ex. 4; Barker Affidavit, ¶ 22.**

**Response: Uncontroverted.**

32. The five-page version of the Incident Report also shows several pages' worth of redactions having been made, which includes the names of the two "assisting officers" that were included in the two-page version of the Incident Report, and, upon information and belief, the redacted material includes the narrative reports provided by the police officers who responded to the incident. **Motion Ex. 4; Barker Affidavit, ¶ 23.**

**Response: Uncontroverted.**

33. The second of the additional documents Ms. Manuel-Crossman provided on March 27, 2024, is a two-page document labeled "St. Louis Metropolitan Police Supplemental Report," which is dated June 1, 2020. A true and accurate copy of this document is attached as Plaintiff's Motion Exhibit 5. **Barker Affidavit, ¶ 24.**

**Response: Uncontroverted.**

34. The Supplemental Report identifies the officer who submitted it and her supervisor/commander; each of these names are different from those in similar fields in the Incident Report. **Motion Ex. 5; Barker Affidavit, ¶ 25.**

**Response: Uncontroverted.**

35. The first page of the Supplemental Report does not appear to include any redacted information, but the second page is redacted in its entirety. **Motion Ex. 5; Barker Affidavit, ¶ 26.**

**Response: Uncontroverted.**

36. The third and final additional document Ms. Manuel-Crossman provided on March 27, 2024, is a one-page document labeled “Redaction Log.” A true and accurate copy of this document is attached as Plaintiff’s Motion Exhibit 6. **Barker Affidavit, ¶ 27.**

**Response: Uncontroverted.**

37. The Redaction Log purports to identify the legal basis the Defendants relied upon in regard to each of the redactions made to the Incident Report and the Supplemental Report. **Motion Ex. 6; Barker Affidavit, ¶ 28.**

**Response: Uncontroverted.**

38. The Redaction Log identifies only two statutes: § 610.100.1(4) and § 610.100.2(1). **Motion Ex. 6.**

**Response: Controverted. The Redaction Log also identifies *State ex rel. Goodman v. St. Louis Bd. of Police Comm’rs*, 181 S.W.3d 156 (Mo. App. E.D. 2005).**

39. On April 11, 2024, Attorney Roland sent another email to Ms. Manuel-Crossman on Mr. Barker’s behalf. A true and accurate copy of that email is attached as Plaintiff’s Motion Exhibit 7. **Barker Affidavit, ¶ 29.**

**Response: Uncontroverted.**

40. Roland's April 11, 2024 email noted that the Defendants' responses to Mr. Barker had only addressed his request for an "incident report," but did not address his request for "investigative records" nor account for the fact that the Department's records showed that the relevant investigation was inactive. **Motion Ex. 7.**

**Response: Uncontroverted in part and controverted in part. It is uncontroverted that Mr. Roland noted the above statement in his email. It is controverted that there are investigative records responsive to Plaintiff Barker's Sunshine Law request. *Manuel-Crossman Affidavit*, ¶ 11.**

41. Attorney Roland offered "one final opportunity to provide a written statement of the grounds for denying Mr. Barker's request for 'investigative records,'" stating that if the Defendants failed to comply with their obligation to explain why they were withholding investigative records related to an investigation that plainly was inactive, Mr. Barker would have no alternative but to ask the courts to enforce the Sunshine Law against them and to seek the maximum penalties available under § 610.027. **Motion Ex. 7.**

**Response: Controverted. Legal conclusions cannot be pleaded as ultimate facts in Missouri and "cannot support the entry of summary judgment." *Jordan v. Peet*, 409 S.W.3d 553, 560 (Mo. App. W.D. 2013).**

42. On April 16, 2024, Ms. Manuel-Crossman responded with an email that

stated: “The requested report was released to Mr. Barker with redactions. As previously stated, you may disagree; however, we believe we have fulfilled our obligation under the statute.” A true and accurate copy of this email is attached as Plaintiff’s Exhibit 8. **Barker Affidavit, ¶ 30.**

**Response: Uncontroverted.**

## **LEGAL STANDARDS**

### **I. Legal standard for summary judgment.**

“Summary judgment is proper only if the moving party establishes that there is no genuine issue of material fact and that the movant is entitled to judgment as a matter of law.” *Templeton v. Orth*, 685 S.W.3d 371, 374 (Mo. banc 2024) (citing *Green v. Fotoohigham*, 606 S.W.3d 113, 115 (Mo. banc 2020)). “A genuine issue of fact exists when the record contains competent evidence that two plausible, but contradictory, accounts of essential facts exist.” *Id.* (citing *ITT Comm. Fin. Corp v. Mid-Am. Marine Supply Corp.*, 854 S.W.2d 371, 382 (Mo. banc 1993)). “A ‘genuine issue’ is a dispute that is real, not merely argumentative, imaginary or frivolous.” *Hargis v. JLB Corp.*, 357 S.W.3d 574, 577 (Mo. banc 2011) (internal quotations and citations omitted).

### **II. Legal standard for statutory interpretation**

“When construing statutes, this Court ascertains the intent of the legislature from the language used and gives effect to that intent.” *State, Missouri Dept. of Social Services, Div. of Aging v. Brookside Nursing Center, Inc.*, 50 S.W.3d 273, 276 (Mo. banc 2001) (citing *Gott v. Dir. of Revenue*, 5 S.W.3d 155, 158 (Mo. banc 1999)). “The provisions of a legislative act are not read in isolation but construed together and

read in harmony with the entire act.” *Id.* “The language of a statute is given its plain and ordinary meaning.” *Id.* (citing *Spradlin v. City of Fulton*, 982 S.W.2d 255, 258 (Mo. banc 1998)).

## ARGUMENT

### **I. Plaintiffs’ Sunshine Law violation claims fail as a matter of law because Missouri law allows Defendants to redact certain parts of incident reports.**

Section 610.100.2(1), RSMo,<sup>1</sup> states that “[a]ll incident reports ... shall be open records.” Section 610.100.1(4) defines an incident report as:

a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency[.]

“The rule of statutory interpretation requires us to determine and give effect to the legislative intent of the Sunshine Law.” *State ex rel. Goodman v. St. Louis Bd. of Police Comm'rs*, 181 S.W.3d 156, 159 (Mo. App. E.D. 2005) (citing *Colombo v. Buford*, 935 S.W.2d 690, 697 (Mo. App. W.D. 1996)). “Our guides include the legislative purpose and text of the statute.” *Id.* (citing *Hyde v. City of Columbia*, 637 S.W.2d 251, 262 (Mo. App. W.D. 1982)). “The legislature conveys this balance and their intent to us through the express words and implied meaning of the statute.” *Id.*

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<sup>1</sup> All statutory citations are to the current Revised Statutes of Missouri, unless otherwise indicated.

See also *Tribune Pub. Co. v. Curators of Univ. of Mo.*, 661 S.W.2d 575, 583 (Mo. App. W.D. 1983).

The issue in this case is substantially similar to the issue in *Goodman*: “whether statutory provisions in the Sunshine Law protect the disclosure of the information redacted by the Police Department.” *Id.* In *Goodman*, Jacob Goodman made two Sunshine Law requests to the St. Louis Police Department. *Id.* at 158. Specifically, Mr. Goodman requested accident reports from August 10, 2004 to August 30, 2004, and accident reports from August 28, 2004, to September 7, 2004. *Id.* The St. Louis Police Department produced the requested incident reports “with redactions of the drivers [sic] license numbers, license plate numbers, addresses, telephone numbers, and month and date of birth (but not year) of the parties to the accident.” *Id.* Mr. Goodman filed a petition for enforcement and for writ of mandamus asking the circuit court to enjoin the Board from redacting information and to order the Board to provide the unredacted reports. *Id.* The Board filed a motion to dismiss. *Id.* The circuit court dismissed Mr. Goodman’s petition, holding “the Board is not bound by the Sunshine Law to respond to general “bulk” records requests, such as Goodman's, for vehicular incident reports.” *Id.*

The Missouri Court of Appeals, Eastern District affirmed the circuit court’s judgment. *Id.* at 161. The court reasoned that “[t]he express words ‘consisting of,’ [in § 610.100.1(4)] are unambiguous when construed in their plain and ordinary meaning.” *Id.* at 159 (citing *Booth v. Greene*, 75 S.W.3d 864, 869 (Mo. App. W.D. 2002)). Further, “[t]he term ‘consisting of’ makes clear that the list is exhaustive.” *Id.*

(quoting *Booth*, 75 S.W.3d at 869). Because the list in § 610.100.1(4) is exhaustive, the Eastern District held that “the license plate numbers, addresses, telephone numbers, and month and date of birth (but not year) of the parties to the accident are not part of the exhaustive definition of an incident report[,]” and therefore could be redacted by the St. Louis Police Department. *Id.* at 160.

Here, like the Plaintiff in *Goodman*, Plaintiffs ask this Court to “[e]nter an injunction requiring the Defendants to provide unredacted copies.” *Petition*, p. 22, ¶ 12. But Defendants provided Plaintiff Barker with Exhibits A and B, which included information of the victim’s name, the location, name of the victim, and an Incident Summary outlining the immediate facts and circumstances of the incident. *Ex. A; Ex. B; Statement of Uncontroverted Facts (“SUF”)* ¶¶ 4–9. Plaintiffs argue that the police officer narratives are the “facts and circumstances” of the incident. *Pltf SIS MSJ* at 11, 16. But Plaintiffs misconstrue the statute. It is not “all facts and circumstances” of the incident, but only the “*immediate* facts and circumstances.” § 610.100.1(4) (emphasis added). Black’s Law Dictionary defines “immediate” as (1) “[o]ccurring without delay; instant;” (2) “[n]ot separated by other persons or things;” (3) “[h]aving a direct impact; without an intervening agency[.]” *Immediate*, Black’s Law Dictionary (12th ed. 2024).

The “Incident” and “Incident Summary” sections of Exhibits A and B describe the date, time, location, name of the victim, the type of incident, the victim’s injury, whether there were any suspects, whether there were any weapons, whether were any weapons discharged by an officer, and whether there were any officers injured.

*Ex. A; Ex. B; SUF*, ¶ 5, 9; *Manuel-Crossman Affidavit*, ¶ 5, 8. Taken together, these facts and circumstances constitute the facts and circumstances that “have a direct impact” on the incident. *Immediate*, Black’s Law Dictionary (12th ed. 2024). Consequently, these facts and circumstances constitute the “*immediate* facts and circumstances” for purposes of § 610.100.1(4). (emphasis added). Under *Goodman* and the plain language of § 610.100.1(4), the information in Exhibit A and Exhibit B fulfill Defendants’ obligations under § 610.100.1(4).

Defendants expect Plaintiffs to argue that *Goodman* is limited to “the narrow context of the facts and procedural posture of that case,” or, in the alternative, *Goodman* was wrongly decided. *Petition*, ¶¶ 83–84. As an initial matter, this Court has no authority to overrule Court of Appeals precedent. See *U.S. Life Title Ins. Co. v. Brents*, 676 S.W.2d 839, 841 (Mo. App. W.D. 1984) (explaining the doctrine of *stare decisis* that where “the same or an analogous issue was decided[,] the case stands as authoritative precedent to be followed until and unless it is overruled.”). Additionally, *Goodman* directly interpreted § 610.100.1(4) and held that § 610.100.1(4) is an exhaustive list. *Goodman*, 181 S.W.3d at 159 (quoting *Booth*, 75 S.W.3d at 869). This is “the same or an analogous issue” in this case: whether the redacted incident report Defendants provided to Plaintiff Barker satisfied Defendants’ obligations under the Sunshine Law. *Brents*, 676 S.W.2d at 841. Consequently, *Goodman* applies to this case and is binding precedent on this Court.

Therefore, Defendants are entitled to summary judgment because Missouri law allows Defendants to redact incident reports. Defendants respectfully ask this

Court to deny Plaintiffs’ motion for summary judgment and grant Defendants’ motion for summary judgment.

**II. Plaintiffs’ Sunshine Law violation claims fail as a matter of law because lawfully redacted portions of incident reports do not become investigatory reports as a result of redaction.**

Plaintiffs also argue that, if *Goodman* does apply to this case – which it does – then the redacted police officer narrative are investigatory reports for purposes of § 610.100.1(5). *Petition*, ¶ 85. The plain language of § 610.100.1(5) directly refutes this argument. Section § 610.100.1(5) defines an “Investigative report” as:

a record, *other than an arrest or incident report*, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties (emphasis added).

The redacted police officer narratives referred to by Plaintiffs are in the five-page Incident Report provided by Defendants. *SUF*, ¶ 9; *Ex. B*. Under the plain language of § 610.100.1(5), police officer narratives in an incident report are not investigatory reports because police officer narratives in an incident report are not “records, other than an arrest or incident report.” § 610.100.1(5). Put differently, redacting parts of an incident report not expressly stated in § 610.100.1(4), *Goodman*, 181 S.W.3d at 159, does not convert those parts of an incident report into an investigatory report as a matter of law. Such an argument renders the “other than an arrest or incident report” language in § 610.100.1(5) superfluous. *See Dubinsky v. St. Louis Blues Hockey Club*, 229 S.W.3d 126, 130 (Mo. App. E.D. 2007) (citing *Abbott Ambulance v. St. Charles Cty. Ambulance Dist.*, 193 S.W.3d 354, 358 (Mo. App. E.D.

2006); *State ex rel. Womack v. Rolf*, 173 S.W.3d 634, 638 (Mo. banc 2005) (“[w]e presume that the legislature intended that each word, clause, sentence, and provision of a statute have effect and should be given meaning.”). This Court should reject Plaintiffs’ interpretation of §§ 610.100.1(4) and (5).

Defendants also note that they pled in their *Answer* that “no investigative report was prepared or produced.” *Answer*, ¶ 98. That remains Defendants’ position: the only report produced as a result of this incident is the one Defendants provided to Plaintiff Barker with lawful redactions. *Ex. A; Ex. B*. Nevertheless, Plaintiffs and their counsel continue to claim, without evidence, that there is some investigatory report floating out there in the ether that Defendants refuse to turn over. *See Pltf MSJ SIS* at 13 (“[t]he Sunshine Law exists so that the people of this state will not have to simply trust their public officials when they say, ‘There is nothing to see here’”). But there is no investigatory report for Defendants to turn over. *SUF*, ¶ 13; *Manuel-Crossman Affidavit*, ¶ 11. On the contrary, Defendants have provided Plaintiffs with everything from their request that they are entitled to see under the Sunshine Law. Claiming otherwise without evidence is completely improper.

Therefore, because the redacted parts of the Incident Report are not an investigatory report subject to disclosure under § 610.100, this Court should deny Plaintiffs’ motion for summary judgment and grant Defendants’ motion for summary judgment.

**III. Plaintiffs' Sunshine Law violation claims fail as a matter of law because Defendants provided a Redaction Log citing specific provisions of law that would justify the withholding.**

Section 610.023.4 states:

If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

On March 27, 2024, Defendants provided Plaintiff Barker with a Redaction Log identifying the legal grounds for denial. *Ex. C; SUF*, ¶ 10; *Manuel-Crossman Affidavit*, ¶ 9. The three grounds for denial were: (1) § 610.100.1(4); (2) § 610.100.1(5); and *State ex rel. Goodman v. St. Louis Bd. of Police Com'rs*, 181 S.W.3d 156 (Mo. App. E.D. 2005). Plaintiffs claim that *Goodman* cannot not be a legal ground for withholding records because the ground for denial “requires a reference to state statute.” *Pltf SIS MSJ* at 14, n.1. This is incorrect for two reasons. *First*, the cases Plaintiffs reference for this proposition interpret the phrase “except as otherwise provided by law” in §§ 610.026 and 610.015, respectively, not § 610.023. Indeed, § 610.023 does not contain the phrase “except as provided by law.” *See generally* § 610.023. As such, Plaintiffs case law is irrelevant to § 610.023. *Second*, *Goodman's* principal holding interprets the scope of incident reports under § 610.100.1(4). A citation to *Goodman*, taken together with the citation to the statute *Goodman* interprets, provides helpful context for the statutory grounds that Defendants cited

in their Redaction Log. The idea Defendants violated the Sunshine Law by providing both statutory citations *and* supporting case law is patently absurd.

Therefore, this Court should deny Plaintiffs' motion for summary judgment and grant Defendants' motion for summary judgment because Defendants' Redaction Log complied with § 610.023 by providing specific statutory provisions and supporting case law to justify their redactions.

**IV. Defendants did not commit a knowing or purposeful Sunshine Law violation because Defendants' redactions were based on a good faith interpretation of the law.**

A “knowing” violation of the Sunshine Law “requires proof that the public entity knew that its failure to produce the report violated the Sunshine Law.” *Laut v. City of Arnold*, 491 S.W.3d 191, 193 (Mo. banc 2016) (citing § 610.027.3). A “purposeful” violation of the Sunshine law is “a ‘conscious design, intent, or plan’ to violate the law and [the public entity] d[id] so ‘with awareness of the probable consequences.’” *Id.* (quoting *Spradlin v. City of Fulton*, 982 S.W.2d 255, 262 (Mo. banc 1998)). “[B]eing wrong is not the same as knowing one is violating the law or acting purposely to violate the law.” *Id.* at 201 (citing *Spradlin*, 982 S.W.2d at 263; *R.L. Polk & Co. v. Missouri Dep’t of Revenue*, 309 S.W.3d 881, 886-87 (Mo. App. W.D. 2010)).

Here, Plaintiffs argue that Defendants knowingly and purposely violated the Sunshine Law because (1) Defendants “were amply informed” that the police officer narratives in the incident report were open public records; (2) Defendants failed to identify a state statute allowing Defendants to redact the incident report; and (3) courts have previously found Defendants liable for Sunshine Law violations. *Pltf SIS*

*MSJ* at 16-17. Yet, there is not one citation to the record to support these arguments. Indeed, the record shows the exact opposite.

Defendants believed in good faith that the police officer narratives could be redacted under § 610.100.1(4) and *Goodman. SUF*, ¶ 14; *Manuel-Crossman Affidavit*, ¶ 12. Defendant Manuel-Crossman stated to Plaintiffs' counsel in email "you may disagree; however, we believe we have fulfilled our obligation under the statute." *Pltf MSJ Ex. 8*. Far from being a knowing or purposeful violation, Defendants relied on § 610.100.1(4) and Court of Appeals precedent interpreting § 610.100.1(4) to make its redactions and informed Plaintiffs of this basis in the redaction log. *Ex. C; SUF*, ¶ 10; *Manuel-Crossman Affidavit*, ¶ 9. As such, even if Plaintiffs' interpretation of the law is correct – which it is not – there is no evidence of a knowing or purposeful violation of the Sunshine Law.

Plaintiff's entire argument that Defendants committed a knowing and purposeful violation is predicated upon their assertions that Defendants were "amply informed" Plaintiff's counsel interpretation of § 610.100.1(4) and *Goodman*. Defendant Manuel-Crossman, however, was also amply informed of SLMPD legal counsel's interpretation of § 610.100.1(4) and *Goodman. SUF*, ¶ 14; *Manuel-Crossman Affidavit*, ¶ 12. The differing legal opinion of Plaintiffs' counsel possesses no authority and creates no obligation for Defendants to reinterpret their redaction process, especially a redaction process vetted by Defendants' own legal counsel. *Id.* Plaintiffs may disagree, but Defendants fulfilled their obligation under the Sunshine Law. And, even if Defendants were wrong, that alone does not make any violation

knowing or purposeful. *Laut*, 491 S.W.3d at 201; *Spradlin*, 982 S.W.2d at 263; *R.L. Polk*, 309 S.W.3d at 886-87; *Pltf MSJ Ex. 8*.

In sum, Defendants provided Plaintiff Barker with an Incident Report outlining “the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident.” § 610.100.1(4). Defendants redacted the remaining information in good faith because § 610.100.1(4) is an exhaustive list. *Goodman*, 181 S.W.3d at 159. While Plaintiffs’ counsel may interpret of the Sunshine Law differently than Defendants, that alone is not enough to establish that Defendants knowingly ignored or purposefully flaunted the Sunshine Law. Plaintiffs’ arguments are meritless and unsupported by the record. Therefore, this Court should deny Plaintiffs’ motion for summary judgment and grant Defendants’ motion for summary judgment.

WHEREFORE, Defendants respectfully request that this Court enter an order sustaining Defendants’ motion for summary judgment, entering summary judgment in their favor, denying Plaintiffs’ motion for summary judgment, denying Plaintiffs all the relief they requested, and for such other relief as this Court deems just and proper.

Respectfully Submitted,

**CATHERINE L. HANAWAY**  
Attorney General

/s/ Bradley R. Baker  
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**Certificate of Service**

The undersigned hereby certifies that on October 29, 2025, a true and accurate copy of the foregoing was submitted to all parties of record via Missouri CaseNet.

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