

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
TWENTY-SECOND JUDICIAL CIRCUIT
STATE OF MISSOURI**

ST. LOUIS POST-DISPATCH, ET AL.,

Plaintiffs,

v.

ST. LOUIS METROPOLITAN POLICE
DEPARTMENT, ET AL.,

Defendants.

Case No. 2422-CC00778

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

COMES NOW the Plaintiffs, St. Louis Post-Dispatch and Jacob Barker, and pursuant to Rule 74.04 move this Court to enter summary judgment in their favor and against the Defendants, St. Louis Metropolitan Police Department (“the Department”) and its Custodian of Records, Barbara Manuel-Crossman (“the Custodian”). In support of this Motion the Plaintiffs file herewith a Statement of Uncontroverted Material Facts, and a Memorandum in Support of the Motion. The bases for the Plaintiffs’ Motion for Summary Judgment are as follows:

1. The uncontroverted facts show that the Defendants have committed two distinct violations of the Sunshine Law: (1) withholding public records—or parts of public records—without identifying a statute that expressly authorized the withholding; and (2) failing to provide a written explanation

for denying Mr. Barker's request that specifically addressed his request for "investigative reports" as opposed to his request for "incident reports."

2. The Defendants' violations were knowing and/or purposeful because they had been clearly informed that their redactions were unlawful and that they had not identified a legitimate basis for withholding the public information they had redacted.
3. The Defendants' first affirmative defense is unavailing because a police officer narrative submitted after responding to an incident is, as a matter of law, within the statutory definition of "incident report" because the police officer narrative includes "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 [law enforcement] agency." § 610.100.1(4), RSMo. (emphasis added).
4. The Defendants' second affirmative defense is unavailing for two separate reasons. First, at no point prior to the initiation of this lawsuit did the Defendants argue that the requested records were exempt from disclosure pursuant to § 610.100.1(5) on the basis either that the Defendants did not consider the police narrative to involve "a crime or suspected crime" or that the narrative was not developed "in response to evidence developed by law enforcement officers in the course of their duties;" consequently, the Defendants waived this argument. Second, this affirmative defense fails on

the merits because the nature of the incident (a fatal fall from a building) could only have allowed the Defendants to conclude the fall was “accidental” if the police first conducted some investigation into the facts and circumstances that led to the fall.

5. Finally, this Court must reject the Defendants’ request that they be awarded “their costs of litigation” or any other form of monetary relief. The Missouri Supreme Court has expressly held (1) the Sunshine Law does not permit public governmental bodies to recover costs against citizen plaintiffs in cases brought under § 610.027, RSMo., and (2) the Sunshine Law constitutes “a different provision made by law” such that costs are unavailable under § 514.060, RSMo., in Sunshine Law cases. *Roland v. St. Louis City Bd. of Election Comm’rs*, 590 S.W.3d 315, 322-24 (Mo. banc 2019).
6. Because there is no legitimate dispute as to the facts in this case and the facts show that the Defendants violated the Sunshine Law in the ways the Plaintiffs have alleged, the Plaintiffs are entitled to summary judgment.

WHEREFORE, the Plaintiffs respectfully ask this Court to enter Summary Judgment in their favor and to grant all appropriate relief authorized by § 610.027, RSMo.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that an electronic copy of the foregoing was served upon all counsel of record by operation of the Court's electronic filing system on October 2, 2025

/s/ David E. Roland
