

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

SR. KATE REID, *et al.*,

Plaintiffs-Appellees,

v.

DOE RUN RESOURCES
CORPORATION, *et al.*,

Defendants-Appellants.

No. 23-1625

**AMICUS STATE OF MISSOURI'S RESPONSE
IN OPPOSITION TO PLAINTIFF-
APPELLEES' MOTION TO CORRECT, OR IN
THE ALTERNATIVE TO STRIKE**

Appellees spend much time and effort quibbling over a single footnote that they admit is accurate. The motion is not worth this Court's time and should be rejected for several independent reasons: (1) Appellees complain about contributions they say were given to a political organization not affiliated with the State, nor even with any candidate; (2) the footnote is accurate; and (3) the footnote imposes no harm on anybody.

1. The State of Missouri lacks knowledge of the contributions Appellees allege, but Appellees' own exhibits undercut their assertions.

Appellees identify a contribution made to “the Liberty and Justice PAC,” which Appellees’ materials state is a political action committee run by a private resident in Missouri. Ex. C. A contribution to a private political organization is not a contribution to the “State of Missouri” (the amicus party in this matter). Nor is it a contribution to the campaign of a candidate for Attorney General of Missouri, much less a contribution to the Office of the Attorney General, which prepared and submitted the amicus brief. Under Missouri law, a political action committee is “a committee of continuing existence which is *not* formed, controlled, or directed by a candidate.” Mo. Const. art. VII § 23 (emphasis added).

There is simply no basis for striking any part of the State of Missouri’s brief. According to Appellees’ own statements, these funds were given neither to the State of Missouri, nor to the Attorney General authorized to represent the State in court.

2. The footnote in the amicus brief is accurate. As per custom, the footnote states, in relevant part, “No person other than amicus curiae made a monetary contribution to the preparation or submission of this brief.” This boilerplate, entirely standard footnote simply reflects that the State paid printing costs, but nobody else did. Appellees provide no

reason to think this footnote is inaccurate. There is no evidence at all that anybody other than Missouri paid for the filing. The contributions Appellees identify did not occur until months *after* the filing of this brief and were given neither to the State nor to the Attorney General.

3. The footnote also imposes no harm on anybody. As Appellees admit, this footnote is boilerplate and common to amicus briefs filed across the country every day. Although it appears the footnote is not required when a State files a brief, there is no harm to including it, and Appellees cite none. While the State of Missouri ultimately does not care one way or another about including or excluding a footnote like this, the State opposes any suggestion that the boilerplate footnote is misleading or prejudicial to anybody and for that reason opposes striking the footnote.

October 19, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this response complies with the typeface and formatting requirements of Fed. R. App. P. 27 and 32, in that it is written in Century Schoolbook 14-point font, and that it contains 447 words as determined by the word-count feature of Microsoft Word, excluding the parts exempted by Rule 27. The hard copies submitted to the clerk are exact copies of the CM/ECF submission.

/s/ Joshua M. Divine
Joshua M. Divine

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was electronically filed on October 19, 2023, with the Clerk of Court for the United States Court of Appeals for the Eighth Circuit using the CM/ECF system; that all participants are registered CM/ECF users; and that service will be accomplished by the CM/ECF system.

/s/ Joshua M. Divine
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