

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS,

AMERICAN CIVIL LIBERTIES UNION
OF MISSOURI FOUNDATION

and

CHRISTOPHER S. MCDANIEL,

Plaintiffs,

v.

MISSOURI DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. 14AC-CC00254

MOTION FOR JUDGMENT ON THE PLEADINGS

Plaintiffs move pursuant to Mo.R.Civ.P. 55.27(b) for entry of judgment in their favor as a matter of law, including a declaration that the records sought by Plaintiffs should be produced under the Missouri Sunshine Law.

In support, plaintiffs state:

1. The Missouri Sunshine Law, § 610.010, RSMo., et seq., was intended to provide access to broad categories of government documents. Sunshine law access rights are to be interpreted broadly, and its exemptions are to be read very narrowly. § 610.011, RSMo.
2. Plaintiffs have requested disclosure of public records relating to pharmacies that have supplied drugs to the State for use in executions. The State has

denied these requests, based on a claim that such information is exempt under a statute that exempts identification of the “execution team.” However, no statute exempts information regarding the supply of drugs for use in executions, and a state regulation or interpretation cannot serve as a Sunshine law exemption.

3. The State’s claim of exemption for the requested information is unmeritorious. A supplier of a product cannot fairly be considered as akin to an executioner who administers or directly supports the execution. Companies that produce the supplies eventually used for executions have never been considered part of an execution team, nor have their identities ever been shielded from public view. Rather, executions are matters of serious public interest and concern, and information about equipment and processes used in executions has traditionally been recognized as public information.

4. The information Plaintiffs have requested should be accessible under the Sunshine Law, § 610.010, RSMo., et seq. As is more fully explained in the Memorandum submitted herewith, Defendant has improperly withheld records contrary to the language and intent of the Missouri Sunshine Law.

WHEREFORE, the Court should enter judgment on the pleadings in favor of Plaintiffs and against Defendants, declare that the requested records are not exempt from disclosure under the Sunshine law, order Defendant to produce the requested documents to Plaintiffs, and provide for such other relief as is just and proper under the circumstances.

Respectfully submitted,

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