



CIVIL PROCEDURE FORM NO. 8-A(2)

IN THE 19th JUDICIAL CIRCUIT, COLE COUNTY, MISSOURI

Judge or Division: Hon. Jon E. Beetem, Division I	Circuit Court Case Number: 23AC-CC03167	
Plaintiff/Petitioner: Dr. Anna Fitz-James	Appellate Number:	<input type="checkbox"/> Filing as an Indigent
vs.	Date of Judgment/Decree/Order: (ATTACH A COPY) September 25, 2023	Court Reporter: Kaye Asel
Defendant/Respondent: John R. Ashcroft	Date Post Trial Motion Filed: N/A	<input type="checkbox"/> Sound Recording Equipment
	Date Ruled Upon: N/A	The Record on Appeal will consist of: ___ Legal File only or <input checked="" type="checkbox"/> Legal File and Transcript <small>(Date File Stamp)</small>

Notice of Appeal to Missouri Court of Appeals - Civil

District: Western Eastern Southern

Notice is given that Defendant John R. Ashcroft appeals from the judgment/decree/order entered in this action on September 25, 2023.	
Appellant's Name (If multiple, list all or attach additional pages) John R. Ashcroft	Respondent's Name (If multiple, list all or attach additional pages) Dr. Anna Fitz-James
Address 600 West Main St. Jefferson City, MO 65101	Address 906 Olive St. Suite 1130 St. Louis, MO 63101
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Jason Lewis, #66725	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Anthony Rothert, #44827 Tori Schafer, #74359 Jonathan Schmid, #74360
Address P.O. Box 861 St. Louis, MO 63188	Address 906 Olive St. Suite 1130 St. Louis, MO 63101
E-mail Address jason.lewis@ago.mo.gov	E-mail Address arothert@aclu-mo.org tschafer@aclu-mo.org jschmid@aclu-mo.org
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Brief Description of Case (May be completed on a separate page) Secretary of State John R. Ashcroft certified official ballot titles pursuant to Section 116.180 for six ballot initiatives proposed by Plaintiff Dr. Anna Fitz-James. Plaintiff filed six lawsuits—one for each initiative petition—under Section 116.190 claiming that the Secretary of State's summary statements, which form part of the official ballot titles, are unfair and insufficient. The circuit court consolidated the cases into the lead case number, 23AC-CC03167. After a bench trial on stipulated facts and exhibits, the circuit court concluded that the summary statements were unfair and insufficient and rewrote new summary-statement language.	

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)
The circuit court erred in concluding that the Secretary of State's summary statements were unfair and insufficient, in determining the measures' central features, and in writing entirely new summary-statement language instead of performing minimal revisions to any language deemed unfair and insufficient.

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Docket Fee Information

- The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.
- No docket fee is being tendered because:
 - a docket fee is not required by law pursuant to *Carpenter v. King*, 679 S.W.2d 866 (Mo. banc 1984).
 - a motion to prosecute the appeal in forma pauperis has been or will be filed.
 - a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant
/s/ Jason K. Lewis

Date
September 25, 2023

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on _____ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(j). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by regular mail registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

DAVID C DRURY, 10004 BELLEFONTAINE, ST LOUIS MO 63137-1934

ANTHONY EDWARD ROTHERT, AMERICAN CIVIL LIBERTIES OF MO, 906 OLIVE ST STE 1130, ST LOUIS MO 63101

GERARD ANTHONY NIETERS, 19 OSPEREY WAY, OFALLON MO 63368-8039

JONATHAN DAVID SCHMID, 906 OLIVE STREET, STE. 1130, ST. LOUIS MO 63101

BRADLEE LUVERNE BLAKE, SUITE 105, 13421 MANCHESTER ROAD, ST LOUIS MO 63131

TORI MAE C. SCHAFER, 906 OLIVE STREET, SUITE 1130, ST. LOUIS MO 63101

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, Western District.

Docket fee in the amount of \$70.00 was received by this clerk on _____ (date) which will be disbursed as required by statute.

No docket fee was received.

Wednesday, September 27, 2023

Date

Maura A. Eichholz
Clerk