

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CONSTITUTION PARTY OF  
MISSOURI, et al.,

Plaintiffs,

v.

ST. LOUIS COUNTY, et al.,

Defendants.

Case No. 4:15-cv-207

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**JOINT MOTION FOR ENTRY OF A CONSENT JUDGMENT**

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Come now the parties and jointly move this Court for entry of a proposed consent judgment. In support of this motion, the parties state the following:

1. In this suit the Plaintiffs Constitution Party of Missouri, Cynthia Redburn, and seven voter plaintiffs, have brought facial and as-applied challenges to St. Louis County Charter § 2.150, which by its plain terms only permits Defendant St. Louis County Board of Election Commissioners to accept nominees from “the two parties casting the highest vote for governor in the last election” as candidates in a special election to fill a vacancy on the St. Louis County Council. (Doc. #1).
2. The parties have conferred and jointly request that this Court enter the proposed consent judgment. The proposed consent judgment would prohibit the Defendants from enforcing the terms of St. Louis County Charter § 2.150 for the purposes of the upcoming April 7, 2015, special election to fill the vacant Sixth County Council District

- seat on the St. Louis County Council, and would have the Defendants accept from Plaintiff Redburn her Declaration of Candidacy, Missouri Department of Revenue Form 5120, and her letter indicating the Constitution Party of Missouri's nomination for the Sixth County Council District seat on the St. Louis County Council. Defendant St. Louis County Board of Elections would then certify Redburn for the ballot as the Constitution Party's candidate in the April 7, 2015, special election.
3. In accepting the consent judgment, the Defendants would not be conceding the unconstitutionality of St. Louis County Charter § 2.150; the Defendants would maintain the position that in the future § 2.150 would require them to exclude minor parties and independent candidates from special elections to fill vacancies on the St. Louis County Council.
  4. The proposed consent judgment would resolve the as-applied portion of the Plaintiffs' challenge to St. Louis County Charter § 2.150, but would not moot the Plaintiffs' facial challenge to that section because enforcement of that provision to the detriment of the Plaintiffs or other minor parties and would-be independent candidates would be capable of repetition, yet evading review.
  5. Entry of the proposed consent judgment would obviate the need for the Temporary Restraining Order and Preliminary Injunction sought by the Plaintiffs. (Doc. #3).
  6. The proposed consent judgment would not, however, fully resolve the issues in this case. The Court would still need to resolve the question of whether St. Louis County Charter § 2.150 is facially unconstitutional.

WHEREFORE the parties ask that this Court enter the proposed consent judgment.

Respectfully submitted,

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**Certificate of Service**

I certify that a copy of the forgoing was filed electronically on February 10, 2015, and made available to counsel of record.

/s/ David E. Roland