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IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

ST. LOUIS COUNTY, MISSOURI,)
)
 and)
)
 CHARLIE A. DOOLEY, individually and)
 in his capacity as County Executive)
 of St. Louis County, Missouri,)
)
 Plaintiffs,)
)
 v.)
)
 STATE OF MISSOURI,)
)
 Defendant.)

*Sept. 10 -
sugg. opp. due*

Cause No. 04CV32913

Division No. I

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

COME NOW Plaintiffs St. Louis County, Missouri and Charlie A. Dooley, and ask that summary judgment be ordered in their favor. As grounds therefor, Plaintiffs state that:

The Statement of Material Facts Not In Issue (attached hereto in compliance with Rule 74.04(c)(1)) requires the conclusion that Section 571.101 R.S.Mo. (Supp. 2003) operates with regard to St. Louis County as an unfunded mandate in violation of the Missouri Constitution, Article X, Sections 16 and 21. Further, the fee authorized by such statute does not operate to reimburse St. Louis County for the costs of processing applications for a concealed carry endorsement.

WHEREFORE, for the reasons stated above, summary judgment in favor of Plaintiffs is appropriate, and Plaintiffs ask that summary judgment be ordered in their favor, and for such other relief as the Court deems appropriate in the circumstances, including an order that St. Louis County not be required to comport with the provisions of the statute relating to processing applications for and issuing concealed carry endorsements.

PATRICIA REDINGTON
COUNTY COUNSELOR

By: Michael A. Shuman

Michael A. Shuman #32418

Associate County Counselor

Lawrence K. Roos Bldg.

41 S. Central Avenue

Clayton, Missouri 63105

314-615-7042

Fax 314-615-3732

Attorneys for Plaintiffs

A copy of the foregoing was faxed this 9th day of August, 2004 to Jeremiah W. (Jay) Nixon, Attorney General, and to Paul C. Wilson, Deputy Chief of Staff and Assistant Attorney General, and to Alana M. Barragan-Scott, Chief Counsel and Assistant Attorney General, at fax number 573-751-8796.

M Shuman