

**THE CIRCUIT COURT OF ST. LOUIS COUNTY
TWENTY-FIRST JUDICIAL CIRCUIT OF MISSOURI**

THE STATE OF MISSOURI ex rel.
ERIC S. SCHMITT,

Plaintiff,

v.

No. _____

SAM PAGE, in his official capacity as
St. Louis County Executive;

FAISAL KHAN, in his official capacity
as Director of the St. Louis County
Department of Public Health;

ST. LOUIS COUNTY DEPARTMENT
OF PUBLIC HEALTH,

TISHAURA JONES, in her official
capacity as St. Louis City Mayor;

FREDRICK ECHOLS, in his official
capacity as Acting Director, Department
of Health for the City of St. Louis; and

DEPARTMENT OF HEALTH FOR
THE CITY OF ST. LOUIS

Defendants.

PETITION

NATURE OF THE ACTION

1. St. Louis County and St. Louis City seek expanded government power that has failed to protect Missouri citizens living within their boundaries in the past and is not based on sound facts and data.

2. Missouri Attorney General Eric S. Schmitt seeks to protect the liberty and constitutional rights of the people of Missouri.

3. During the previous year, no government in Missouri restricted liberty more than St. Louis County and St. Louis City.

4. Despite having the most restrictive and unconstitutional orders in Missouri, St. Louis County and St. Louis City suffered some of the highest COVID-19 case rates and death rates in Missouri.

5. Even though the most effective defense to COVID-19 is through vaccination, St. Louis City is below the statewide average for vaccination rates.

6. At the time they issued these new Mask Mandates, St. Louis County and St. Louis City trailed below state averages in COVID-19 cases and deaths for the previous seven days.

7. At the time they issued these new Mask Mandates, the Centers for Disease Control had not changed the guidance in effect on masks at the time that St. Louis County and St. Louis City lifted all COVID-19 restrictions on May 14, 2021.

8. Attorney General Schmitt brings this action to prevent unlawful, unconstitutional, arbitrary, capricious, and unreasonable conduct by St. Louis County Executive Sam Page; Director of the St. Louis County Department of Public Health Dr.

Faisal Khan; the St. Louis County Department of Public Health; St. Louis City Mayor Tishaura Jones; Acting Director of the Department of Health of St. Louis City Dr. Fredrick Echols; and the Department of Health for the St. Louis City (“Defendants”).

**HISTORY OF UNCONSTITUTIONAL RESTRICTIONS IN ST. LOUIS COUNTY
AND ST. LOUIS CITY**

9. Attorney General Schmitt has previously stopped St. Louis County from violating fundamental liberties with its COVID-19 restrictions.

10. Starting on November 17, 2020, St. Louis County began enforcing its “Safer at Home” Order, which was so overbearing and restrictive that it only allowed St. Louis County residents to leave their home for nine enumerated reasons and only allowed in-person contact with up to 10 other individuals in a “support bubble.”

11. On April 9, 2021, all adult Missourians became vaccine-eligible. Also on April 9, 2021, the Supreme Court of the United States struck down government COVID-19 restrictions that violated fundamental liberties. *See Tandon v. Newsom*, 141 S. Ct. 1294 (2021).

12. On April 20, 2021, Attorney General Schmitt demanded answers from Dr. Khan about serious constitutional and legal issues the Fifth Amended Safer at Home Order in effect at that time. *See Ex. A* (letter from Attorney General Schmitt to Dr. Khan detailing those issues with respect to St. Louis County’s Fifth Amended Safer at Home Order).

13. On April 27, 2021, counsel for St. Louis County, instead of Dr. Khan, responded to the Attorney General’s letter. Counsel’s letter ignored numerous issues raised

by the Attorney General and failed to satisfactorily answer others. Ex. B (letter from St. Louis County Counselor Beth Orwick to Attorney General Eric Schmitt).

14. The next day, while facing potential litigation from the Missouri Attorney General's Office, County Executive Page announced that St. Louis County planned to lift some COVID-19 restrictions as early as the following Monday, May 3, 2021.

15. On May 3, 2021, St. Louis County rescinded its Fifth Amended Safer at Home Order and replaced it with a new order, referred to as the "Reopen STL Order."

16. Because the new order continued to violate constitutional liberties and was arbitrary and capricious, Attorney General Schmitt filed suit against County Executive Page, Dr. Khan, and the St. Louis County Department of Health on May 11, 2021. Petition, *Missouri ex rel. Schmitt v. Page* (No. 21SL-CC02111).

17. Just three days later, on May 14, 2021, St. Louis County and St. Louis City lifted all COVID-19 restrictions.

COVID-19 DATA IN ST. LOUIS COUNTY AND ST. LOUIS CITY

18. St. Louis County and St. Louis City were the first governmental entities in Missouri to mandate the wearing of face masks, beginning on July 3, 2020.

19. St. Louis County and St. Louis City kept COVID-19 orders in place until May 14, 2021.

20. St. Louis County and St. Louis City had the most restrictive COVID-19 orders in Missouri from July 3, 2020 until the orders were lifted on May 14, 2021.

21. Despite these restrictive orders, dozens of Missouri counties had lower COVID-19 case rates and death rates than St. Louis County and St. Louis City.

22. As of July 25, 2021, St. Louis County had a COVID-19 case rate of 10,649.90 per 100,000 people. *COVID-19 Data and Reports*, SAINT LOUIS CNTY., <https://stlcorona.com/resources/covid-19-statistics> (last visited July 25, 2021).

23. As of July 26, 2021, more than 90 of Missouri's 114 counties had fewer cumulative cases per 100,000 people than St. Louis County's reported rate of 10,649.90 per 100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

24. As of July 25, 2021, St. Louis County reported 229.60 cumulative COVID-19 deaths per 100,000 people. *COVID-19 Data and Reports*, SAINT LOUIS CNTY., <https://stlcorona.com/resources/covid-19-statistics> (last visited July 25, 2021).

25. As of July 26, 2021, more than 90 of Missouri's 114 counties had fewer cumulative deaths per 100,000 people than St. Louis County's reported rate of 229.60 per 100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

26. As of July 25, 2021, St. Louis City had a COVID-19 cumulative case rate of 7,603.90 per 100,000 people. *COVID-19 Data*, CITY OF ST. LOUIS, <https://www.stlouis-mo.gov/government/departments/health/communicable-disease/covid-19/data/index.cfm> (last visited July 25, 2021).

27. As of July 26, 2021, more than 30 of Missouri's 114 counties had fewer cumulative cases per 100,000 people than St. Louis City's reported rate of 7,603.90 per

100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

28. As of July 25, 2021, St. Louis City reported 172.8 COVID-19 cumulative deaths per 100,000 people. *COVID-19 Data*, CITY OF ST. LOUIS, <https://www.stlouis-mo.gov/government/departments/health/communicable-disease/covid-19/data/index.cfm> (last visited July 25, 2021).

29. As of July 26, 2021, more than 60 of Missouri's 114 counties had fewer cumulative deaths per 100,000 people than St. Louis City's reported rate of 172.8 per 100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

30. St. Louis County and St. Louis City COVID-19 case infection rates for the seven days before they issued their new orders on July 26, 2021—when they had no mask mandates—were below state averages.

31. In the seven days before St. Louis County and St. Louis City issued these orders on July 26, 2021, Missouri reported 183 new COVID-19 cases per 100,000 people, ranking 25th in the country for new cases. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

32. In the seven days before St. Louis County issued its new mask order on July 26, 2021, it reported 121 new cases per 100,000 people. According to the state dashboard,

69 other jurisdictions had higher cases per 100,000 people than St. Louis County. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

33. In the seven days before St. Louis City issued its new mask order on July 26, 2021, it reported 138 new cases per 100,000 people. According to the state dashboard, 64 other jurisdictions had higher cases per 100,000 people than St. Louis City. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

34. St. Louis County's and St. Louis City's COVID-19 death rates for the seven days before they issued their orders on July 26, 2021—when they had no mask requirements—fall below state averages.

35. In the seven days before St. Louis County and St. Louis City issued these orders on July 26, 2021, Missouri reported 18 new COVID-19 deaths for a rate of 0.30 deaths per 100,000 people, which ranked the state 25th in the country for new deaths. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

36. In the seven days before St. Louis County issued this new order on July 26, 2021, St. Louis County reported two deaths for a rate of 0.20 deaths per 100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS.,

<https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

37. In the seven days before St. Louis City issued this new order on July 26, 2021, St. Louis City reported zero deaths for a rate of 0 deaths per 100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

38. Unlike St. Louis County and St. Louis City, many counties never imposed mask mandates.

39. For example, neighboring St. Charles County never imposed a government mask mandate. As of July 26, 2021, St. Charles County had a lower COVID-19 cumulative case rate than St. Louis County's 9,022 per 100,000 people, and a lower COVID-19 cumulative death rate than St. Louis County's 119 per 100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

40. As another example, Reynolds County never imposed a government mask mandate. As of July 26, 2021, Reynolds County had the lowest COVID-19 case rate and death rate in the state, reporting 4,593 cumulative cases per 100,000 people and 48 deaths per 100,000 people. *COVID-19 in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php> (last visited July 26, 2021).

VACCINE DATA IN ST. LOUIS

41. Just 41.9% of people in St. Louis City have had the first vaccination dose (compared to 47.1% of Missourians) and only 35.3% of people in St. Louis City have completed vaccination (compared to 40.8% of Missourians). *COVID-19 Vaccinations in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/vaccine.php> (last updated July 26, 2021). St. Louis County is slightly above the state percentage rate with 51.2% and 45.0%, respectively. *Id.*

42. Counties such as Atchison (42.9%), Boone (52.7%), Cole (43.9%), Franklin (45.6%), Gasconade (42.0%), Jackson (44.3%), and St. Charles (49.5%) have higher first vaccination dose rates than St. Louis City. *COVID-19 Vaccinations in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/vaccine.php> (last updated July 26, 2021). The City of Joplin has a 52.9% rate. *See id.*

43. Counties such as Atchison (39.5%), Boone (46.6%), Cole (38.7%), Franklin (40.6%), Gasconade (37.6%), Greene (35.6%), Jackson (39.1%), Nodaway (35.8%), and St. Charles (44.6%) have higher vaccination completion rates than St. Louis City. *COVID-19 Vaccinations in Missouri*, DEP'T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/vaccine.php> (last updated July 26, 2021). The City of Joplin has a 44.8% rate. *See id.*

44. St. Louis City’s vaccination rate is about the same as Shelby County’s 35.2% vaccination rate. *COVID-19 Vaccinations in Missouri*, DEP’T OF HEALTH & SENIOR SERVS., <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/vaccine.php> (last updated July 26, 2021).

JUSTIFICATIONS FOR LIFTING RESTRICTIONS IN MAY 14, 2021

45. When St. Louis County and St. Louis City lifted all COVID-19 restrictions on May 14, 2021, they relied on several data points that do not support new entry of a mask mandate now.

46. St. Louis County and St. Louis City removed their original mask mandates because the CDC announced that fully vaccinated people could stop wearing masks outdoors in crowds and in most indoor settings. Sam Clancy and Dori Olmos, *Mask mandates lifted in St. Louis as city, county align with CDC guidance*, KSDK (May 13, 2021), <https://www.ksdk.com/article/news/health/coronavirus/st-louis-county-updated-health-guidelines/63-d081f91a-8fc6-4a0c-bbcc-ea3bf36ed0cb>.

47. County Executive Page said that the St. Louis County and St. Louis City health departments would “make sure all of our recommendations are in line with the CDC guidance.” Gregg Palermo, Zara Barker, & Blair Ledet, *St. Louis City & County announce new COVID guidelines*, FOX2NOW (May 13, 2021). <https://fox2now.com/news/st-louis-city-county-set-friday-announcement-on-covid-guidelines-following-new-cdc-mask-guidance/>.

48. County Executive Page previously said that “St. Louis County certainly plans to adopt CDC recommendations into our public health protocols, and we’ll have an

announcement soon.” Sarah Fentem, *St. Louis, St. Louis County Could Lift Some Coronavirus Restrictions Next Week*, ST. LOUIS PUBLIC RADIO (Apr. 28, 2021), <https://news.stlpublicradio.org/coronavirus/2021-04-28/st-louis-st-louis-county-plan-to-lift-some-coronavirus-restrictions>.

49. The CDC has not changed its guidance since May 14, 2021, and as of July 26, 2021, advises that fully vaccinated people can “resume activities without wearing masks or physically distancing,” unless required by law or a business. CDC, *Interim Public Health Recommendations for Fully Vaccinated People* (updated July 21, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

50. Neither the St. Louis County nor St. Louis City Mask Mandates issued July 26, 2021 exempt fully vaccinated people from compliance.

51. The Mask Mandates issued by St. Louis County and St. Louis City on July 26, 2021 are not consistent with current CDC guidance for fully vaccinated people.

52. After receiving Attorney General Schmitt’s letter, County Executive Page said that “[t]he easing of restrictions is made possible as more people get vaccinated, and I urge everyone to get vaccinated as early as possible.” Sarah Fentem, *St. Louis, St. Louis County Could Lift Some Coronavirus Restrictions Next Week*, ST. LOUIS PUBLIC RADIO (Apr. 28, 2021), <https://news.stlpublicradio.org/coronavirus/2021-04-28/st-louis-st-louis-county-plan-to-lift-some-coronavirus-restrictions>.

53. When St. Louis County and St. Louis City removed their COVID-19 restrictions, St. Louis County had vaccination rates of 41.9% with the first vaccination dose and 33.2% fully vaccinated, and St. Louis City had vaccination rates of 33.1% with the

first vaccination dose and 26% fully vaccinated. Sam Clancy & Dori Olmos, *Mask mandates lifted in St. Louis as city, county align with CDC guidance*, KSDK (May 13, 2021) <https://www.ksdk.com/article/news/health/coronavirus/st-louis-county-updated-health-guidelines/63-d081f91a-8fc6-4a0c-bbcc-ea3bf36ed0cb>.

54. St. Louis County and St. Louis City both have higher first vaccination dose rates and fully vaccinated rates on July 26, 2021 than they did on May 14, 2021.

THE NEW MASK MANDATES

55. On July 26, 2021, Defendants issued the “Mask Mandates,” which require all individuals aged five and older to wear masks while indoors regardless of vaccination status with very limited exceptions.

56. But there is no evidence that Defendants considered the underlying data, science, and evidence that fail to justify issuing mask mandates at this time.

57. Similarly, Defendants imposed the Mask Mandates on schoolchildren, ignoring that those children are less likely to get COVID-19, less likely to get seriously ill if they do get it, and are less likely to transmit the disease while, at the same time, suffering disproportionately from masking requirement.

58. The Defendants’ Mask Mandates are a continuation of a series of arbitrary, capricious, unlawful, and unconstitutional COVID-19 related restrictions. There is no reason to allow such orders to continue.

JURISDICTION AND VENUE

59. This Court has jurisdiction under Mo. Const. art V, § 14(a), § 536.150, RSMo, §§ 527.010 et seq., RSMo, and other applicable law.

60. Venue is proper in this Court under § 508.010.2(2) RSMo.

PARTIES

61. Plaintiff State of Missouri is a sovereign State of the United States of America.

62. Eric S. Schmitt is the 43rd Attorney General of the State of Missouri. Attorney General Schmitt is authorized to “institute, in the name and on the behalf of the state, all civil suits and other proceedings at law or in equity requisite or necessary to protect the rights and interests of the state, and enforce any and all rights, interests or claims against any and all persons, firms or corporations in whatever court or jurisdiction such action may be necessary; and he may also appear and interplead, answer or defend, in any proceeding or tribunal in which the state's interests are involved.” § 27.060, RSMo.

63. Attorney General Schmitt sues to vindicate Missouri’s sovereign interest in controlling the exercise of sovereign power over individuals and entities within its borders; Missouri’s sovereign interest in ensuring the enforcement of Missouri law within Missouri’s borders; and Missouri’s quasi-sovereign and *parens patriae* interest in the freedom, health, and physical, psychological, educational, and economic well-being of a significant segment of its populace, including but not limited to their rights to religious freedom. This interest includes, but is not limited to, preventing the spread of the COVID-19 virus within the state.

64. Attorney General Schmitt sues to vindicate Missouri’s sovereign interest in ensuring that its municipal authorities do not exercise authority vested in them under state law in a fashion that violates the Missouri Constitution or Missouri law.

65. Attorney General Schmitt sues to vindicate Missouri's interest in ensuring that the children of the State receive an appropriate education.

66. Dr. Sam Page ("Page") is the County Executive of St. Louis County. He is sued in his official capacity.

67. Dr. Faisal Khan ("Khan") is the Director of the St. Louis County Department of Public Health. He is a "local health authority" under Missouri Department of Health and Senior Services' regulation 19 CSR 20-20.010(26). He is sued in his official capacity.

68. The St. Louis County Department of Public Health ("County DPH") is an agency of St. Louis County acting under the direction of Defendants Page and Khan. County DPH constitutes a "local public health agency" under Missouri Department of Health and Senior Services' regulation 19 CSR 20-20.010(27).

69. Together, Page, Khan, and County DPH are the "County Defendants."

70. Mayor Tishaura Jones ("Jones") is the Mayor of the City of St. Louis. She is sued in her official capacity.

71. Dr. Fredrick Echols ("Echols") is the Acting Director of the Department of Health for the City of St. Louis. He is a "local health authority" under Missouri Department of Health and Senior Services' regulation 19 CSR 20-20.010(26). He is sued in his official capacity.

72. The Department of Public Health for the City of St. Louis ("City DPH") is an agency of St. Louis City acting under the direction of Defendants Jones and Echols. City DPH constitutes a "local public health agency" under Missouri Department of Health and Senior Services' regulation 19 CSR 20-20.010(27).

73. Together, Jones, Echols, and City DPH, are the “City Defendants.”

FACTUAL ALLEGATIONS

74. Missouri incorporates by reference the allegations in all preceding paragraphs.

75. St. Louis County is a charter county of the State of Missouri. St. Louis City is a charter city of the State of Missouri.

76. Defendants cite some legal authority to support the Mask Mandates, but to the extent any authority is provided, the authority is not unlimited.

77. First, the authority cited by Defendants provides only for “creation and enforcement of adequate orders to prevent the spread of the disease and other measures . . . as appropriate disease control measures based upon the disease . . . and any other available information related to . . . the disease or infection.” 19 C.S.R. 20.040(2)(G).

78. Second, any restrictions cannot be “unconstitutional, unlawful, unreasonable, arbitrary, or capricious § 536.150.1, RSMo. Government action is arbitrary, capricious, and unreasonable when it is based on *post hoc* rationalization, when it fails to consider an important part of the problem it is addressing, and when it fails to consider less restrictive alternatives before infringing on citizens’ liberty. *See, e.g., Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1905, 1909 (2020); *Michigan v. EPA*, 135 S. Ct. 2699, 2706 (2015). “[A]n agency which completely fails to consider an important aspect or factor of the issue before it may also be found to have acted arbitrarily and capriciously.” *Barry Serv. Agency Co. v. Manning*, 891 S.W.2d 882, 892

(Mo. App. W.D. 1995) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). In addition, agencies must consider whether there are less restrictive policies that would achieve their goals. See *Regents of the Univ. of Calif.*, 140 S. Ct. at 1912 (quoting *State Farm Mut. Auto.*, 463 U.S. at 51).

79. The County Defendants have a history of transgressing those limits, as well as other constitutional prohibitions against religious discrimination, in their orders related to the COVID-19 emergency. See Ex. A (detailing those issues); Petition, *Missouri ex rel. Schmitt v. Page* (No. 21SL-CC02111) (pointing out similar deficiencies in St. Louis County's Reopening STL Order); cf. Ex. B (failing to address the points Attorney General Schmitt raised with respect to the Fifth Amended Safer at Home Order).

80. The City Defendants have moved in lock-step with the County Defendants and engaged in a similar history of transgressing statutory and constitutional bounds in the COVID-19 orders they have issued.

81. Indeed, on information and belief, the County Defendants and the City Defendants worked together to alter or rescind their COVID-19 restrictions to avoid scrutiny and to avoid lawsuits by the Attorney General.

82. The Defendants' Mask Mandates are no different. They exceed Defendants' statutory and constitutional authority and trample the rights of their citizens.

I. The Mask Mandates

83. The County Defendants' and City Defendants' Mask Mandates are slightly different (the "County Mask Mandate," attached as Exhibit C, and the "City Mask Mandate," attached as Exhibit D). They both coincide, however, on their main

requirement: Everyone over the age of five must wear a mask when indoors, even if they are vaccinated.

84. Specifically, each order requires individuals over the age of five to wear a “face covering” while “in indoor and enclosed public buildings and spaces and public transportation vessels.” *See* Ex. C § III.1; Ex. D § 1.

- a. The County Mask Mandate defines “face covering” as “a device, usually made of cloth, that covers the nose and mouth.” Ex. C, § III.1. The City Mask Mandate does not define “face covering,” but on information and belief, it defines “face covering” no differently.
- b. The County Mask Mandate clarifies that “indoor and enclosed public buildings and spaces” “include[s] all indoor and enclosed spaces other than private dwellings or private transportation vehicles.” Ex. C, § III.1. The City Mask Mandate has no similar clarification, but it also does not suggest that the order has a more limited scope. Thus, both Mask Mandates have wide application; they cover schools and places of worship as well as restaurants, bars, public transportation, grocery stores, hospitals, and more.
- c. The Mask Mandates apply regardless of whether social distancing is possible in the indoor area.

85. Both Mask Mandates provide for similar exceptions.

- a. Both Mask Mandates exempt those who have trouble breathing with a mask, or who “are unconscious, incapacitated, or otherwise unable

to remove” the mask. Ex. C § III.3.iv; Ex. D § 2.c.

- b. Both Mask Mandates exempt those consuming food and drink. Ex. C, § III.3.vii; Ex. D § 2.b. The County Mask Mandate specifically excludes consumption for religious purposes. Ex. C § III.3.vii.
- c. Both Mask Mandates exempt those who need to remove masks for “obtaining a service” that involves “the nose or face.” Ex. C. § III.3.viii; Ex. D § 2.d. The County Mask Mandate specifically includes instances where removal “is necessary to perform the service.” § Ex. III.3.viii.

86. However, the two Mask Mandates’ exemptions do differ in some ways.

- a. The County Mask Mandate exempts those “with health conditions that prohibit wearing a Face Covering.” Ex. C § III.3.iii. By contrast, the City Mask Mandate requires “an official order or documentation from a medical or behavioral health provider” that they should not wear face coverings to be exempt. Ex. D § 2.a.
- b. The County Mask Mandate exempts deaf and hard-of-hearing individuals, and those communicating with such individuals, “where the ability to see the mouth is essential for communications.” Ex. C § III.3.v. There is no equivalent exemption in the City Mask Mandate.
- c. The County Mask Mandate exempts people “who are alone in a separate room, office, or interior space.” Ex. C § III.3.vi. There is no equivalent exemption in the City Mask Mandate.

87. Neither Mask Mandate has a sunset provision.

88. The County Mask Mandate expressly says it does not meet the requirements of § 67.265.1(1), RSMo. Ex. C § I.A. The City Mask Mandate makes no such claim.

89. The County Mask Mandate was signed on July 26, 2021.

90. The City Mask Mandate was signed on July 23, 2021.

II. Justification for the Mask Mandates

91. The City Mask Mandate provides no explicit justification for its order. To be sure, the order points to “a resurgence of COVID-19 cases;” increased transmission, hospitalization, and deaths; and the fact that less than half of St. Louis City has been vaccinated. Ex. D. But the City Mask Mandate does not then discuss how the order would ameliorate any of those issues.

92. The County Mask Mandate purports to justify the order, first, by discussing the spread of COVID-19 cases in the county. *See* Ex. C § I.B. The order highlights claims that the COVID-19 variants, particularly the delta variant, could spread more easily. *See id.* It also claims that “[s]urges are increasingly impacting [*sic*] younger adults and children.” *Id.* The order does not discuss hospitalizations or death rates.

93. The County Mask Order then claims that masks prevent transmission of COVID-19 in two ways. One is through “source control,” which refers to the alleged ability of masks to “prevent infected persons from exposing others to [COVID-19] by blocking exhalation of virus-containing droplets into the air.” Ex. C § I.C. The other is by protecting uninfected wearers by “forming a barrier to large respiratory droplets . . . and partially filtering out small droplets and particles from inhaled air.” *Id.* The County Mask

Order then points to studies it claims supports those conclusions. *See id.*

94. Both Mask Mandates claim, as their purpose, the goal of slowing the spread of COVID-19. *See* Ex. C § II; Ex. D. The County Mask Mandate also notes that its recommendation is supposedly consistent with federal and local experts. *See* Ex. C § II.

III. Authorization

95. The City Mask Mandate relies on the Charter of St. Louis City and 19 C.S.R. § 20-20.050(c) to authorize its restrictions. *See* Ex. D. However, 19 C.S.R. § 20-20.050(c) does not exist; and 19 C.S.R. § 20-050 only provides for isolating or closing certain areas of assembly.

96. The County Mask Mandate relies on more authorities than the City Mask Mandate. But those authorities do not authorize the County’s Mask Mandate. Notably, the County Mask Mandate does not cite § 192.300, RSMo (providing when county health officials may make additional health rules), as authorizing the order.

COUNT ONE – DECLARATION THAT THE MASK MANDATES ARE SUBJECT TO § 67.265.1(1), RSMo

97. Missouri incorporates by reference the allegations in all preceding paragraphs.

98. Missouri seeks a declaration that the Mask Mandates are subject to the requirements of § 67.265.1(1), RSMo.

99. There is an emergency order declared pursuant to chapter 44, RSMo.

100. Both the County Mask Mandate and the City Mask Mandate are orders that “directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more business organizations, churches, schools, or other places of

public or private gathering or assembly, including any order, ordinance, rule, or regulation of general applicability or that prohibits or otherwise limits attendance at any public or private gathering” § 67.265.1(1), RSMo.

101. First, both Mask Mandates place restrictions on access to “business organizations, churches, schools, or other places of public or private gathering or assembly,” § 67.265.1(1), RSMo, because they limit access to those entities only to masked individuals or individuals who fall under an exception to the mask requirement.

102. Second, both Mask Mandates will indirectly close those “business organizations, churches, schools, or other places of public or private gathering or assembly,” § 67.265.1(1), RSMo, that wish to provide personal choice to their customers about whether they wear a mask or not. Furthermore, the Mask Mandates will also close those entities where masking is impossible or so uncomfortable as to be impossible.

103. As a result, both Mask Mandates are subject to § 67.265.1(1), RSMo, and expire after thirty days absent authorization by a majority vote of St. Louis County’s or St. Louis City’s governing body.

COUNT TWO – DECLARATION THAT THE MASK MANDATES ARE NOT IN EFFECT PER § 67.265.4, RSMo

104. Missouri incorporates by reference the allegations in all preceding paragraphs.

105. As discussed above, both Mask Mandates are subject to § 67.265.1(1), RSMo.

106. Missouri also seeks a declaration that the County Mask Mandate and the City Mask Mandate are not in effect per the terms of § 67.265, RSMo.

107. Specifically, under § 67.265.4, RSMo, “the health officer, local public health agency, public health authority, or executive shall provide a report to the governing body containing information supporting the need for such order.”

108. On information and belief, neither Page, Khan, Jones, nor Echols provided the required report under § 67.265.4, RSMo.

109. As a result, the Mask Mandates are not effective, as that information must be provided “[p]rior to or concurrent with” the issuance of any order subject to § 67.265.1(1), RSMo.

110. In addition, the authority cited by both the County Mask Mandate and the City Mask Mandate is insufficient to support those orders.

111. Neither the County nor the City cited to § 192.300, RSMo, because they improperly sought to avoid being subject to § 67.265 through § 192.300.5.

**COUNT THREE – DECLARATION THAT THE MASK MANDATES ARE
ARBITRARY AND CAPRICIOUS AS APPLIED TO SCHOOLCHILDREN,
§ 536.150.1, RSMo**

112. Missouri incorporates by reference the allegations in all preceding paragraphs.

113. The State of Missouri challenges the validity of the Mask Mandates, and seeks a declaration that they are “unreasonable, arbitrary, or capricious.” § 536.150.1, RSMo. The Mask Mandates are not subject to administrative review. *Id.*

114. The Mask Mandates impose a duty on all elementary schoolchildren (defined as all children who are of the age to attend K-12 school) in St. Louis County and the City of St. Louis to wear a mask with few exceptions when they are at school. They are therefore an agency decision that determines “legal rights, duties, or privileges.” § 536.150.1, RSMo.

115. The schoolchildren of St. Louis County and the City of St. Louis are not validly subject to the Mask Mandates because they are “unreasonable, arbitrary, or capricious,” § 536.150.1, RSMo, for a number of reasons.

116. First, the masking requirement for schoolchildren is unreasonable, arbitrary, and capricious. Schoolchildren are generally not at risk of serious illness even if they get COVID-19, thus reducing the need for harsher non-pharmaceutical intervention. *See, e.g.,* Marty Makary, Opinion, *The Flimsy Evidence Behind the CDC’s Push to Vaccinate Children*, WALL ST. J. (July 19, 2021) (“Our report found a mortality rate of zero among children without a pre-existing medical condition such as leukemia.”). On information and belief, Defendants failed to consider that fact in deciding to promulgate the Mask Mandates.

117. Second, on information and belief, Defendants failed to consider a number of important factors relating to masking for schoolchildren:

- a. To start, the Mask Mandates fail to account for the fact that children are less likely to contract COVID-19 and, if they do contract it, display less severe symptoms. *See, e.g.,* Nicholas G. Davies, *Age-Dependent Effects in the Transmission and Control of COVID-19 Epidemics*, 26

NATURE MED. 1205, 1205 (2020) (concluding that susceptibility of infection in those under twenty is half that for those over twenty and that those under twenty do not manifest clinical symptoms as often). That suggests that children are also less likely to transmit the virus, *see id.* at 1208–09, which appears to be the consensus position.¹ There is thus a much less pressing need for masking among young children. That includes within schools. One study found “an infection rate of 0.13% among students and 0.24% among staff” after analyzing in-school infection data from over 47 states. Patrick Boyle, *Kids, School, and COVID-19: What We Know—and What We Don’t*, AAMC (Nov. 5, 2020). Rather, schools are more likely to be affected by COVID-19 rates in the community than be sites of super-spreader events. *See id.*²

¹ *See, e.g.*, Eun Young Cho et al., Letter to the Editor, *Interpreting Transmissibility of COVID-19 in Children*, 26 EMERGING INFECTIOUS DISEASES 3106, 3107 (2020) (interpreting data); Patrick Boyle, *Kids, School, and COVID-19: What We Know—and What We Don’t*, AAMC (Nov. 5, 2020), <https://bit.ly/3kQDvyG> (“Several studies have found that children transmit the virus, but perhaps not as often as adults, especially in younger age groups. It’s not clear why.”); Eli Somekh et al., *The Role of Children in the Dynamics of Intra Family Coronavirus 2019 Spread in Densely Populated Areas*, 39 PEDIATRICS INFECTIOUS DISEASE J. 202, 203–04 (2020) (noting studies indicating that children are less likely to get COVID-19, and finding similar results).

² *See also, e.g.*, CDC, *Science Brief: Transmission of SARS-CoV-2 in K-12 Schools and Early Care and Education Programs—Updated* (updated July 9, 2021), <https://bit.ly/3rxQeaR>; *Questions and Answers on COVID-19: Children Aged 1–18 Years and the Role of Schools Settings*, European Centre for Disease Prevention & Control (updated Jan. 25, 2021), <https://bit.ly/3j3yHDJ>. *But see* Zoe Hyde, *Perspectives, COVID-19, Children and Schools: Overlooked and at Risk*, 213 MED. J. AUSTL. 444, 446 (2020) (arguing that schools play a bigger role in transmission than assumed, but conceding that

- b. But while the risks schoolchildren face from COVID-19, as well as the risk that they transmit the virus, are relatively low, there is a significant cost to forcing them to mask. For one, masks hinder “verbal and non-verbal communication.” Jonas F. Ludvigsson, Editorial, *Little Evidence for Facemask Use in Children Against COVID-19*, 110 ACTA PAEDITRICA 742, 742 (2021); see Harris, *supra* (“Some child development researchers also worry that widespread mask-wearing may hamper children’s linguistic and emotional development.”). Indeed, one of the studies the County Mask Mandates cites says as much. See John T. Brooks, et al., *Effectiveness of Mask Wearing to Control Community Spread of SARS-CoV-2*, Journal of the American Medical Association, Feb. 10, 2021, at 7 (finding that “children were less accurate with faces that wore a mask compared to faces that were not covered,” but not cited for that proposition, see Ex. C § C). And the same risks associated with mask use in adults—namely, that the masks may create a false sense of security and improper use of face masks, especially touching of the masks will eliminate any, if not exceed, any benefit achieved by having students wear masks. See *id.*

“[w]hether young and older children transmit the virus similarly is unknown and requires urgent clarification”).

- c. There are also common-sense concerns with having schoolchildren wear a face mask all day while at school, such as general discomfort. *See Harris, supra* (“In a self-selected survey of German schoolchildren, more than half of the participants reported headaches.”).
- d. Finally, children with special needs may find it especially difficult to wear masks, thus jeopardizing their ability to be in public places under the Mask Mandate. *See The Challenge of Face Masks, supra*. While the Mask Mandate’s exempts those who are not able to wear a mask, that exemption is vague. It is therefore unclear whether it would exempt all special needs children—for example, all of those on the autism spectrum. *See id.*

118. On information and belief, Defendants failed to consider those factors in applying the Mask Mandates to schoolchildren. They therefore failed to engage in reasoned decision-making, and, as a result, subjected schoolchildren in the St. Louis area to unnecessary, burdensome, and harmful mask mandates.

119. For those reasons, the Mask Mandates are unreasonable, arbitrary, and capricious and the schoolchildren of St. Louis County and St. Louis City should not be subject to them.

**COUNT FOUR – DECLARATION THAT THE MASK MANDATES ARE
UNLAWFUL AS TO SCHOOLCHILDREN, § 536.150.1, RSMo**

120. Missouri incorporates by reference the allegations in all preceding paragraphs.

121. The State of Missouri challenges the validity of the Mask Mandates, and seeks a declaration that they are “unlawful” and therefore the people of St. Louis County and St. Louis City cannot be lawfully subjected to them. § 536.150.1, RSMo. The Mask Mandates are not subject to administrative review. *Id.*

122. By law, local health authorities may create and enforce only orders “adequate . . . to prevent the spread of [a] disease and other measures considered by the . . . local health authority as appropriate disease control measures based upon the disease” 19 C.S.R. § 20-20.040.2(G).

123. For the reasons discussed in Count Three, the Mask Mandates are not an appropriate disease control measure for schoolchildren and are not adequate to prevent the spread of COVID-19 in that group.

124. For those reasons, the Mask Mandates are an unlawful order and the schoolchildren of St. Louis County and St. Louis City should not be subject to them.

**COUNT FIVE – DECLARATION THAT THE MASK MANDATES ARE
ARBITRARY AND CAPRICIOUS, § 536.150.1, RSMo**

125. Missouri incorporates by reference the allegations in all preceding paragraphs.

126. The State of Missouri challenges the validity of the Mask Mandates, and seeks a declaration that they are “unreasonable, arbitrary, or capricious.” § 536.150.1, RSMo. The Mask Mandates are not subject to administrative review. *Id.*

127. The Mask Mandates impose a duty on all citizens in St. Louis County and the City of St. Louis to wear a mask with few exceptions when they are in a public space. It therefore is an agency decision that determines “legal rights, duties, or privileges.” § 536.150.1, RSMo.

128. The citizens of St. Louis County and the City of St. Louis are not validly subject to the Mask Mandates because they are “unreasonable, arbitrary, or capricious,” § 536.150.1, RSMo, for a number of reasons.

129. To start, the City Mask Mandate clearly fails the requirement of reasoned decision-making. It provides no discussion of why the mandate addresses the harms it identifies. *See Ex. D.* The City Mask Mandate therefore suggests that the City Defendants failed to grapple at all with *any* relevant science, data, statistics, studies, or alternatives, or that they were aware of such things.

130. Both Mask Mandates are arbitrary and capricious because they fail to account for over a year of data that showed the previous St. Louis County and St. Louis City restrictions were less effective than counties that had no restrictions.

131. The Mask Mandates are arbitrary and capricious because they require vaccinated individuals to wear masks, despite the CDC guidance that this is not necessary. The Mask Mandates fail to address this issue.

132. On information and belief, Defendants failed to consider whether the Mask Mandates—because they treat vaccinated individuals like unvaccinated ones—discourage people from receiving the vaccine by implying that vaccines have limited efficacy. *Cf.* Rachel Holloway et al., *Updated Preparedness and Response Framework for Influenza Pandemics*, MORBIDITY & MORTALITY WEEKLY REPORT, Sept. 26, 2014, at 6 (saying vaccine availability is a consideration when determining what actions to take during a pandemic).

133. For those reasons, the Mask Mandates are unreasonable, arbitrary, and capricious and the people of St. Louis County and St. Louis City should not be subject to them.

COUNT SIX – DECLARATION THAT THE MASK MANDATES ARE UNLAWFUL, § 536.150.1, RSMo

134. Missouri incorporates by reference the allegations in all preceding paragraphs.

135. The State of Missouri challenges the validity of the Mask Mandates, and seeks a declaration that they are “unlawful” and therefore the people of St. Louis County and St. Louis City cannot be lawfully subjected to them. § 536.150.1, RSMo. The Mask Mandates are not subject to administrative review. *Id.*

136. By law, local health authorities may create and enforce only orders “adequate . . . to prevent the spread of [a] disease and other measures considered by the . . . local health authority as appropriate disease control measures based upon the disease” 19 C.S.R. § 20-20.040.2(G).

137. For the reasons discussed in Count Five, the Mask Mandates are not an appropriate disease control measure and are not adequate to prevent the spread of COVID-19.

138. For those reasons, the Mask Mandates are an unlawful order and the people of St. Louis County and St. Louis City should not be subject to them.

COUNT SEVEN – DECLARATION THAT THE MASK MANDATES ARE UNCONSTITUTIONAL AS VOID FOR VAGUENESS, § 536.150.1, RSMo

139. Missouri incorporates by reference the allegations in all preceding paragraphs.

140. The State of Missouri challenges the validity of the Mask Mandates, and seeks a declaration that the Mask Mandates are “unconstitutional” and therefore the people of St. Louis County and St. Louis City cannot be lawfully subjected to them. § 536.150.1, RSMo. The Mask Mandates are not subject to administrative review. *Id.*

141. The Missouri Constitution prohibits government restrictions that are unconstitutionally vague. “The test in enforcing the doctrine is whether the language conveys to a person of ordinary intelligence a sufficiently definite warning as to the proscribed conduct when measured by common understanding and practices.” *Feldhaus v. State*, 311 S.W.3d 802, 806 (Mo. banc 2010). And “[t]here must be sufficient guidance provided by the statute so as to avoid arbitrary and discriminatory applications.” *State v. Stokely*, 842 S.W.2d 77, 81 (Mo. banc. 1992).

142. The County Mask Mandate is vague and self-contradictory on many points, including but not limited to the following:

- a. The County Mask Mandate exempts “private dwellings” from the definition of “public building and spaces,” but it does not define “dwelling.” Ex. C § III.1. Thus, it is ambiguous whether the order applies to non-public buildings that are not dwellings—for example, private office spaces or clubs. Such places are not “public” but they are not traditionally considered “dwellings” either.
- b. The order does not define what health conditions permit an individual to avoid wearing a mask, or even provide exemplars beyond suggesting (without being clear the suggestion is part of the exemption) that the health condition must be “contrary to [the individual’s] health and safety.” *See* Ex. C § III.3.iii. As a result, the order is vague and vests too much discretion in officials to make on-the-spot determinations of whether a health condition falls within the exemptions scope.
- c. The order does not define when, for deaf and hard-of-hearing people and those communicating with them, “the ability to see the mouth is essential for communication.” Ex. C § III.3.v. As a result, the order is vague and vests too much discretion in officials to make on-the-spot determinations of whether seeing a communicator’s mouth is essential for communication.
- d. The order does not define when a person is alone in “an interior space.” Ex. C § III.3.vi. That phrase is ambiguous; for example, it

could cover, or not cover, two people, at opposite ends of a 100-foot hall.

143. The City Mask Mandate is vague and self-contradictory on many points, including but not limited to the following:

- a. What is an “indoor and enclosed public building[] or space[]” is not defined in the order. Ex. D § 1. As a result, the order’s scope is vague and ambiguous. For example, that phrase could be read to cover all indoor and enclosed spaces, which would mean it applies to private dwellings; alternatively, it could be read only to cover buildings open to the public; or, alternatively, it could be read to cover all spaces, public or private, that are not dwellings.
- b. The City Mask Mandate does not define what form an order or documentation from a medical or behavioral health provider must look like in order to be exempt from the masking requirement. Ex. D § 2.a. Nor does it say how an individual is to prove they have such documentation. As a result, the scope of this exemption is unconstitutionally vague and ambiguous, and it vests significant enforcement discretion in officials to determine what documentation is sufficient.
- c. What is a “disability” that “[p]revent[s a person] from wearing or taking off face coverings” or “prevent[s them] from communicating while wearing face coverings” is not defined. Ex. D § 2.e. As a result,

the scope of that exception is vague and ambiguous. For example, it could be read as covering certain individuals—especially children—who fall on the autism spectrum, and therefore have trouble wearing masks. *See, e.g., The Challenge of Face Masks*, ORG. FOR AUTISM RES. (Nov. 12, 2020), <https://bit.ly/3eVYRa3>. Alternatively, it could be read to cover only those for whom it is impossible to wear or communicate with masks—which would also indicate that the exception is, in part, superfluous with the exception for those who are “unable to remove the Face Covering without assistance.” Ex. D § 2.c. It could also mean that people may remove their masks simply to communicate better or more effectively; or it could only cover instances where communication is impossible.

- d. What is “actively engaged in consuming food or drink” is also not defined in the order. Ex. D. § 2.b. But the scope of that exception is also incredibly vague. It is unclear, for example, whether it requires masking between bites or sips, or whether it permits people to remain unmasked throughout the meal, or something in between.

144. For those reasons, the Mask Mandates are unconstitutional and the people of St. Louis County and St. Louis City should not be subject to them.

COUNT EIGHT – DECLARATION THAT THE MASK MANDATES ARE ARBITRARY AND CAPRICIOUS AS TO RELIGIOUS INSTITUTIONS AND

THOSE WHOSE RELIGIOUS EXERCISE THE MASK MANDATES BURDEN,
§ 536.150.1, RSMo

145. Missouri incorporates by reference the allegations in all preceding paragraphs.

146. The State of Missouri challenges the validity of the Mask Mandates, and seeks a declaration that they are “unreasonable, arbitrary, or capricious,” as well as “unlawful” and “unconstitutional,” as to those individuals whose religious exercise the mandate burdens. § 536.150.1, RSMo. The Mask Mandates are not subject to administrative review. *Id.*

147. By law, Defendants “may not restrict a person’s free exercise of religion, unless: (1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and (2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is not unduly restrictive considering the relevant circumstances.” § 1.302.1, RSMo (Missouri RFRA).

148. On information and belief, Defendants did not consider whether the Mask Mandates would restrict religious exercise, furthers a compelling government interest, and is not unduly restrictive considering the relevant circumstances. That, they had to do, or to otherwise provide an exemption for religious exercise; their failure was arbitrary and unlawful. *Cf. Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 2395–96 (2020) (Alito, J., concurring) (discussing this point in the context of the federal Religious Freedom and Restoration Act).

149. The County Mask Mandate also violates Missouri RFRA because it “discriminate[s] against religion, or among religions.” § 1.302.1(1), RSMo. That is so because the order requires officials to determine when removal of a mask “is necessary to perform” a religious service. Ex. C § III.3.viii. Thus, the County Mask Mandate facially requires officials to draw arbitrary and discriminatory lines between different religious practices and beliefs to determine if a service is necessary or not.

150. Furthermore, because that exception requires officials to evaluate the sincerity of a religious belief, the County Mask Mandate violates the Free Exercise Clause of the United States and Missouri constitutions. *See Thomas v. Review Bd. of the Ind. Emp’t Sec. Division*, 450 U.S. 707, 716 (1981) (“[I]t is not within the judicial function and judicial competence to inquire whether the petitioner or his fellow worker more correctly perceived the commands of their common faith.”).

151. For those reasons, the Mask Mandates are unreasonable, arbitrary, and capricious, and possibly unlawful. Religious institutions and those seeking to exercise their religion who are burdened by the Mask Mandates in St. Louis County and St. Louis City should not be subject to them.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Declare that Defendants’ Mask Mandates are unconstitutional, unlawful, arbitrary, capricious, unreasonable, and invalid under Missouri law as to schoolchildren (Counts Three and Four); that Defendants’ Mask Mandates are unconstitutional, unlawful, arbitrary, capricious,

unreasonable, and invalid under Missouri law (Counts Five, Six, and Seven); declare that Defendants' Mask Mandates are unconstitutional, unlawful, arbitrary, capricious, unreasonable, and invalid under Missouri law as to religious institutions and those whose religious exercise the Mask Mandate burdens (Count Eight);

- b. Grant relief by injunction, certiorari, mandamus, prohibition, or other appropriate action, providing that Defendants' Mask Mandates are unconstitutional, unlawful, arbitrary, capricious, unreasonable, and invalid under Missouri law as to schoolchildren (Counts Three and Four); grant relief by injunction, certiorari, mandamus, prohibition, or other appropriate action, providing that Defendants' Mask Mandates are unconstitutional, unlawful, arbitrary, capricious, unreasonable, and invalid under Missouri law (Counts Five, Six, and Seven); grant relief by injunction, certiorari, mandamus, prohibition, or other appropriate action, providing that Defendants' Mask Mandates are unconstitutional, unlawful, arbitrary, capricious, unreasonable, and invalid under Missouri law as to religious institutions and those whose religious exercise the Mask Mandate burdens (Count Eight);
 - c. Declare that Defendants' Mask Mandates are subject to § 67.265, RSMo, (Count One) and are not in effect under that section (Count Two);
 - d. Enter a final judgment in Plaintiff's favor on all Counts in this Complaint;
- and

e. Grant such other and further relief as the Court deems just and proper under the circumstances.

Dated: July 26, 2021

Respectfully submitted,

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