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STATE OF MISSOURI )  
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CITY OF ST. LOUIS )

22<sup>ND</sup> JUDICIAL CIRCUIT  
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**MISSOURI CIRCUIT COURT  
TWENTY-SECOND JUDICIAL CIRCUIT  
(City of St. Louis)**

The Reverend Traci Blackmon, *et al.*, )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
State of Missouri, *et al.*, )  
 )  
Respondents. )

Case No. 2322-CC00120

Division No. 18

ORDER

The Court has before it the Motion to Dismiss of Respondents the State of Missouri, Missouri Governor Mike Parson, Missouri Attorney General Andrew Bailey, Marc Taormina of the Missouri State Board of Registration for the Healing Arts, and Paula F. Nickelson—Acting Director of the Missouri Department of Health and Senior Services (“State Respondents”). The Court now rules as follows.

On January 19, 2023, Petitioners brought this case seeking, among other things, injunctive and declaratory relief regarding the restriction and regulation of abortions in Missouri. Petitioners were granted leave to file their First Amended Petition on March 27, 2023. In their First Amended Petition, Petitioners challenge several statutory abortion restrictions, including Sections 188.017, 188.021(2), 188.027, 188.038, 188.039, 188.056, 188.057, 188.058, 188.065, 188.075, and 188.375 RSMo (“the Challenged Provisions”), and seek both a declaration that they violate the Missouri Constitution’s Establishment Clauses and an injunction against their enforcement.

Petitioners include the Reverend Traci Blackmon, the Reverend Barbara Phifer, Maharat Rori Picker Neiss, the Reverend Molly Housh Gordon, the Right Reverend Deon K. Johnson—Eleventh Bishop of the Episcopal Diocese of Missouri, Rabbi James Bennett, the Reverend Holly McKissick, the Reverend Krista Taves, the Reverend Cynthia S. Bumb, Rabbi Susan Talve, Rabbi Douglas Alpert, the Reverend Janice Barnes, Rabbi Andrea Goldstein, and the Reverend Darryl Gray. Petitioners are all suing in their capacity as Missouri taxpayers alleging the Challenged Provisions’ violate their rights under Article I, Sections 5, 6, and 7 of the Missouri Constitution. In addition, Petitioner Reverend Molly Housh Gordon (“Housh Gordon”) is suing based on the alleged substantial risk of harm she faces as a woman of reproductive age arising from the Challenged Provisions.

The Respondents relevant to this Motion to Dismiss are the State of Missouri, Missouri Governor Mike Parson, Missouri Attorney General Andrew Bailey, Marc Taormina of the Missouri State Board of Registration for the Healing Arts, and Paula F. Nickelson—Acting Director of the Missouri Department of Health and Senior Services.

State Respondents have filed the instant Motion to Dismiss Petitioners’ First Amended Petition against them for failure to state a claim because Petitioners lack standing, the claims do not meet the elements required for a declaratory judgment, and the claims are not redressable.

A motion to dismiss for failure to state a claim on which relief can be granted under Rule 55.27(a)(6) is solely a test of the adequacy of the petition. Bromwell v. Nixon, 361 S.W.3d 393, 398 (Mo. banc 2012). The Court assumes that all of plaintiff’s averments are true, and liberally grants to plaintiff all reasonable inferences therefrom. Bosch v. St. Louis Healthcare Network, 41 S.W.3d 462, 464 (Mo. banc 2001). No attempt is made to weigh any facts as to whether they are

credible or persuasive. Id. Instead, the petition is reviewed to see whether the facts alleged meet the elements of a recognized cause of action, or of a cause that might be adopted in that case. Id.

The Court will address the issue of standing first. State Respondents argue that the First Amended Petition should be dismissed in its entirety because Petitioners have failed to demonstrate standing. State Respondents argue that none of the Petitioners have taxpayer standing and Petitioner Housh Gordon does not have nontaxpayer standing because her allegations do not establish a justiciable controversy.

Regardless of an action's merits, unless the parties to the action have proper standing, a court may not entertain the action. E. Missouri Laborers Dist. Council v. St. Louis Cnty., 781 S.W.2d 43, 45–46 (Mo. banc 1989). Standing requires that a party seeking relief have a legally cognizable interest in the subject matter and that he or she has a threatened or actual injury. Id. In addition, a plaintiff must have an actual and justiciable interest susceptible of protection. Metro Auto Auction v. Dir. of Revenue, 707 S.W.2d 397, 400 (Mo. banc 1986). The doctrine of standing is related to the doctrine which prohibits advisory opinions. Id. The party seeking relief has “the burden to establish that they ha[ve] standing to maintain their lawsuit.” Borges v. Mo. Pub. Entity Risk Mgmt. Fund (MOPERM), 358 S.W.3d 177, 181 (Mo. App. W.D. 2012).

“Taxpayers have a legally protectable interest in the proper use and expenditure of tax dollars.” Cope v. Parson, 570 S.W.3d 579, 583 (Mo. banc 2019). “[T]axpayer standing gives taxpayers the opportunity to challenge certain actions of government officials that the taxpayer alleges are unauthorized by law, and it permits challenges in areas where no one individual otherwise would be able to allege a violation of the law. ... Taxpayers must have some mechanism

of enforcing the law.” Id. at 583-84 (citing Lebeau v. Comm'rs of Franklin County, 422 S.W.3d 284, 288 (Mo. banc 2014)).

“A taxpayer need not allege that it suffered a direct personal loss as a result of the challenged act.” State ex rel. Mo. Auto. Dealers Ass'n v. Mo. Dep't of Revenue, 541 S.W.3d 585, 592 (Mo. App. W.D. 2017)(citing Airport Tech Partners, LLP v. State, 462 S.W.3d 740, 745 (Mo. banc 2015)). “But the mere filing of a lawsuit does not confer taxpayer standing upon a plaintiff.” Id. “To show a legally protectable interest as a taxpayer the plaintiff must be able to demonstrate: ‘(1) a direct expenditure of funds generated through taxation; (2) an increased levy in taxes; or (3) a pecuniary loss attributable to the challenged transaction of a municipality.’” Id. (citing Manzara v. State, 343 S.W.3d 656, 659 (Mo. banc 2011)); See also Mo. Coal. for the Env't v. State, 579 S.W.3d 924, 927 (Mo. banc 2019). This case is concerned with only the direct expenditure issue as the First Amended Petition alleges that taxpayer funds are being unlawfully expended in paragraphs 191 through 197.

“[D]irect expenditure of funds generated through taxation, [is] defined as a sum paid out, without any intervening agency or step, of money or other liquid assets that come into existence through the means by which the state obtains the revenue required for its activities.” Mo. Coal. for the Env't, 579 S.W.3d at 927 (quoting Manzara v. State, 343 S.W.3d 656, 660 (Mo. banc 2011)). “[G]eneral operating expenses which [an agency] incurs regardless of the allegedly illegal activity are not direct expenditures, and are insufficient to establish taxpayer standing.” State ex rel. Mo. Auto. Dealers Ass'n v. Mo. Dep't of Revenue, 541 S.W.3d at 593. “Thus, salaries for staff time of [agency] employees, correspondence and telephone calls used to engage in the allegedly unlawful activity are not the type of expenditure of public funds which would give standing, as they are

general operating expenses which would be incurred whether or not the challenged transaction took place.” Id.

In paragraphs 191-197 of the First Amended Petition, Petitioners allege that taxpayer dollars are currently being and will in the future be expended to implement and enforce the Challenged Provisions. Paragraph 197 alleges in part that “[t]hese expenditures of taxpayer dollars would not have been made but for the Challenged Provisions.” Petitioners specifically identify certain expenditures as caused by Senate Bill 5 (related to the Medication-Abortion Regulations) and House Bill 126 (related to the Total Abortion Ban). Petitioners do not need to plead evidentiary or operative facts in their petition and need only allege ultimate facts. See Brock v. Blackwood, 143 S.W.3d 47, 56 (Mo. App. W.D. 2004). The Court notes that in Mo. Coal. for the Env’t v. State, a case relied on by Respondents, the motion to dismiss for lack of taxpayer standing was granted only after petitioner had conducted discovery on the issue. 579 S.W.3d at 926. Because the Court takes the averments as true, and liberally grants to a petitioner all reasonable inferences therefrom on a motion to dismiss, the Court finds that Petitioners have sufficiently alleged taxpayer standing in their First Amended Petition such that they should be granted the ability to do discovery on the issue of the expenditure of public funds before their case is dismissed on this ground.

Accordingly, the Court will deny State Respondents motion to dismiss on the issue of taxpayer standing without prejudice to renew their motion following some limited discovery.

Next, the Court will address the unique standing issue presented by Petitioner Housh Gordon. State Respondents argue that Housh Gordon’s allegations do not establish a justiciable controversy because they do not establish a real, substantial, presently existing controversy. State

Respondents argue that Housh Gordon's allegations do not meet her burden because her injuries are not actual or imminent.

"A party bringing litigation establishes standing by showing a personal stake in the litigation that arises from a threatened or actual injury." Roberts v. BJC Health Sys., 391 S.W.3d 433, 438 (Mo. banc 2013). "Plaintiffs must show they have some legally protectable interest in the litigation so as to be directly and adversely affected by its outcome." Id. However, a party does not need to "await the imposition of penalties under an unconstitutional enactment" prior to having standing. Planned Parenthood of Kan. & Mid-Mo., Inc. v. Nixon, 220 S.W.3d 732, 739 (Mo. banc 2007). "[O]nce the gun has been cocked and aimed and the finger is on the trigger, it is not necessary to wait until the bullet strikes to invoke the Declaratory Judgment Act." Id.

In this case, Housh Gordon alleges that the Challenged Provisions put her life, health, and well-being at risk because they adversely impact her ability to obtain abortion care. Petitioner Housh Gordon suffers from auto-inflammatory issues and other medical issues that cause a high likelihood of severe pregnancy-related complications and pregnancy would create a substantial risk to her life and well-being. In addition, paragraph 7 of the First Amended Petition alleges that Missouri hospitals may be unwilling to provide reproductive health care despite the medical emergency exception due in part to the exception being in the form of an affirmative defense. In other words, the medical emergency *exception* is actually an *excuse*, meaning the burden is shifted to the accused to assert it as a defense instead of requiring a prosecutor to prove why certain conduct did not qualify for the medical emergency exception. Thus, when the Court considers Housh Gordon's personal stake arising from an actual or threatened injury, it is proper to consider the chilling effect of the Challenged Provisions on providing abortions to a woman whose health

is endangered by continuing a pregnancy. While it is a difficult call, the Court finds under this legal framework that Housh Gordon has met her burden to show she has a threatened injury sufficient to confer standing.

However, another argument asserted to challenge Housh Gordon's right to bring these claims is ripeness. State Respondents argue that Petitioner Housh Gordon's claims are unripe as speculative future claims.

"In order that a controversy be ripe for adjudication a sufficient immediacy must be established." Buechner v. Bond, 650 S.W.2d 611, 614 (Mo. banc 1983). "Ripeness does not exist when the question rests solely on a probability that an event will occur." Id.; See also Mo. Soybean Ass'n v. Mo. Clean Water Comm'n, 102 S.W.3d 10, 26 (Mo. banc 2003).

State Respondents argue that Housh Gordon's claims rely on many future contingencies, including that it is impossible to determine when or if she would become pregnant, if she would still be living in Missouri at the time, if her medical conditions will persist permanently or if they may be treated in the future. In addition, State Respondents contend that the medical emergency exception would be available to Housh Gordon if she needed an abortion under the allegations in the First Amended Petition.

The Court has reviewed Housh Gordon's allegations and finds that they are ripe as sufficiently certain for the same reasons the Court finds that Housh Gordon has standing. Paragraphs 36, 40, 41, 42, and 43, sufficiently allege a substantial harm with sufficient immediacy. As previously stated, "[o]nce the gun has been cocked and aimed and the finger is on the trigger, it is not necessary to wait until the bullet strikes to invoke the Declaratory Judgment Act." Planned Parenthood of Kan. & Mid-Mo., Inc., 220 S.W.3d at 739. In addition, the First Amended Petition

sufficiently addresses the potential that hospitals and individual doctors may be unwilling to perform abortions even in a medical emergency due to the exception being an affirmative defense.

Further, the Court is cognizant of the Supreme Court's reasoning when discussing mootness, a concept closely related to ripeness, in similar circumstances:

[W]hen, as here, pregnancy is a significant fact in the litigation, the normal 266-day human gestation period is so short that the pregnancy will come to term before the usual appellate process is complete. If that termination makes a case moot, pregnancy litigation seldom will survive much beyond the trial stage, and appellate review will be effectively denied. Our law should not be that rigid. Pregnancy often comes more than once to the same woman, and in the general population, if man is to survive, it will always be with us. Pregnancy provides a classic justification for a conclusion of nonmootness. It truly could be capable of repetition, yet evading review.

Roe v. Wade, 410 U.S. 113, 125 (1973), rev'd on other grounds by Dobbs v. Jackson Women's Health Org., 142 S. Ct. 2228 (2022). While State Respondents suggested during oral argument that Housh Gordon's proper remedy if she becomes pregnant and decides to seek an abortion and is unable to obtain one is to file an emergency temporary restraining order to have a court rule that she is entitled to an abortion under her circumstances. However, the Court finds that is not a realistic remedy in the face of a medical emergency. In other words, the possibility of an emergency temporary restraining order does not adequately address Housh Gordon's threatened injury to make it reasonable preclude Housh Gordon from having standing or to preclude her claim from being ripe under her unique circumstances.

Having found Petitioners are entitled to limited discovery to determine if they have taxpayer standing and that Housh Gordon has standing and a ripe claim based on the unique nature of her situation, next the Court will turn to the question of whether Petitioners can meet the elements to seek a declaratory judgment here. "A declaratory judgment action requires a judiciable



controversy.” Trophy Room v. City of St. Louis, 534 S.W.3d 340, 350 (Mo. App. E.D. 2017). “A case presents a justiciable controversy if: (1) the plaintiff presents a real, substantial, presently existing controversy admitting of specific relief, as distinguished from an advisory decree upon a purely hypothetical situation; (2) the plaintiff has a legally protectable interest at stake, consisting of a pecuniary or personal interest directly at issue and subject to immediate or prospective consequential relief; (3) the controversy is ripe for judicial determination; and (4) the plaintiff has an inadequate remedy at law.” Id. at 351 (citing Schaefer v. Koster, 342 S.W.3d 299, 300 (Mo. banc 2011)).

Article I, Section Five of the Missouri Constitution states in part “that to secure a citizen's right to acknowledge Almighty God according to the dictates of his or her own conscience, neither the state nor any of its political subdivisions shall establish any official religion, nor shall a citizen's right to pray or express his or her religious beliefs be infringed; ...”

Article I, Section Six of the Missouri Constitution states that “no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion...”

Article I, Section Seven of the Missouri Constitution states:

That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.

First, State Respondents argue that Petitioners’ claims are unripe as to all statutes but two<sup>1</sup> because those statutes are currently inoperative. Petitioners contend that all of their claims are ripe

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<sup>1</sup> Respondents do not argue that Petitioners’ claims are unripe as to Section 188.017 RSMo (identified in the First

because each of the Challenged Provisions are codified in the Missouri Code and are currently in force and remain the law of Missouri, and none of the Challenged Provisions have been repealed or enjoined.

“A court cannot render a declaratory judgment unless the petition presents a controversy ripe for judicial determination.” Schweich v. Nixon, 408 S.W.3d 769, 774 (Mo. banc 2013). “Ripeness is determined by whether the parties' dispute is developed sufficiently to allow the court to make an accurate determination of the facts, to resolve a conflict that is presently existing, and to grant specific relief of a conclusive character.” Id.

“[A] pre-enforcement challenge to a law is sufficiently ripe to raise a justiciable controversy when: ‘(1) the facts necessary to adjudicate the underlying claims [are] fully developed and (2) the laws at issue [are] affecting the plaintiffs in a manner that [gives] rise to an immediate, concrete dispute.’” Tupper v. City of St. Louis, 468 S.W.3d 360, 370 (Mo. banc 2015)(citing Foster v. State, 352 S.W.3d 357, 360 (Mo. banc 2011)).

Section 188.017.2 RSMo states:

**Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman, except in cases of medical emergency.** Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this subsection.

(emphasis supplied)

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Amended Petition as the Total Abortion Ban) and Section 188.021 RSMo and its accompanying regulations (identified in the First Amended Petition as the Medication-Abortion Regulations).

In this case, Petitioners challenge the validity of Section 188.017 RSMo, as well as Sections 188.056, 188.057, 188.058, and 188.375 RSMo (identified in the First Amended Petition as the Gestational Age Regulations), Sections 188.038(2), 188.038(3), and 188.052(1) RSMo (identified as the Reason Ban), Sections 188.027 and 188.039 RSMo (identified as the 72-Hour Delay and Same Physician Requirements).

It is uncontroverted that Section 188.017 RSMo is a statute that is currently operative, in force and has not been repealed or enjoined. It is further uncontroverted that Section 188.017 RSMo clearly and unequivocally precludes all elective abortions except in the case of a medical emergency notwithstanding any other law to the contrary. Finally, it is uncontroverted that the Gestational Age Regulations, the Reason Ban, 72-Hour Delay, and Same Physician Requirements only apply to elective abortions. Accordingly, these provisions regulate abortions that are currently not allowed in Missouri. The Court cannot find that Petitioners' claims related to these provisions are sufficiently ripe here, because the laws at issue simply cannot affect the Petitioners in a manner that gives rise to an immediate, concrete dispute as required. See Tupper v. City of St. Louis, 468 S.W.3d at 370.

Petitioners also challenge § 1.205 RSMo which states:

The general assembly of this state finds that:

- (1) The life of each human being begins at conception;
- (2) Unborn children have protectable interests in life, health, and well-being;
- (3) The natural parents of unborn children have protectable interests in the life, health, and well-being of their unborn child.

2. Effective January 1, 1988, the laws of this state shall be interpreted and construed to acknowledge on behalf of the unborn child at every stage of development, all the rights, privileges, and immunities available to other persons,

citizens, and residents of this state, subject only to the Constitution of the United States, and decisional interpretations thereof by the United States Supreme Court and specific provisions to the contrary in the statutes and constitution of this state.

3. As used in this section, the term "unborn children" or "unborn child" shall include all unborn child or children or the offspring of human beings from the moment of conception until birth at every stage of biological development.

4. Nothing in this section shall be interpreted as creating a cause of action against a woman for indirectly harming her unborn child by failing to properly care for herself or by failing to follow any particular program of prenatal care.

State Respondents argue that Petitioners' claims regarding Section 1.205 RSMo are unripe because Petitioners' alleged injuries do not stem from it and because holding that Section 1.205 RSMo is invalid would not grant specific relief of a conclusive character. State Respondents note that enjoining Section 1.205 RSMo would not stop the State from enforcing the other laws Petitioners challenge.

The United States Supreme Court has previously considered the constitutionality of Section 1.205 RSMo and found that it "does not by its terms regulate abortion . . ." Webster v. Reprod. Health Servs., 492 U.S. 490, 506 (1989). The Supreme Court declined to consider the constitutionality of Section 1.205 RSMo because it "is not empowered to decide . . . abstract propositions, or to declare, for the government of future cases, principles or rules of law which cannot affect the result as to the thing in issue in the case before it." Id. at 507.

This Court finds the analysis of the United States Supreme Court both persuasive and controlling on the issue before it. Section 1.205 RSMo does not regulate abortion but merely expresses a "value judgment" regarding "the State's view about when life begins." Webster v. Reprod. Health Servs., 492 U.S. at 506. Section 1.205 RSMo contains no affirmative duties and provides no means of enforcement. The Court cannot find that Petitioners' claims regarding

Section 1.205 RSMo are sufficiently ripe here, because the law does not affect the Petitioners in a manner that gives rise to an immediate, concrete dispute. See 468 S.W.3d at 370.

Petitioners also seek injunctive relief regarding Section 1.205 RSMo, the Gestational Age Regulations, the Reason Ban, the 72-Hour Delay and Same Physician Requirements. “The purpose of an injunction is to prevent actual or threatened acts that constitute real injury.” State ex rel. Gardner v. Stelzer, 568 S.W.3d 48, 51 (Mo. App. E.D. 2019). “To be entitled to an injunction, a party must demonstrate: 1) no adequate remedy at law; and 2) irreparable harm will result if the injunction is not awarded.” Id. “An injunction is a remedy, not a cause of action; thus, an injunction must be based on a recognized and pleaded legal theory.” Id. The Court finds that Petitioners’ claims for injunctive relief regarding these sections fail for the same reasons that their claims for declaratory judgment fail. Petitioners cannot show the requisite harm to establish their right injunctive relief with respect to Section 1.205 RSMo, the Gestational Age Regulations, the Reason Ban, the 72-Hour Delay and Same Physician Requirements

Therefore, the Court finds that it should grant Respondents’ motion to dismiss as to Petitioners’ claims regarding Section 1.205 RSMo, the Gestational Age Regulations, the Reason Ban, the 72-Hour Delay and the Same Physician Requirements because they are not ripe for judicial determination.

Finally, State Respondents argue that Petitioners’ claims are non-justiciable for three reasons: First, the discovery needed to prove Petitioners’ claims under their legal theory cannot be obtained constitutionally. Second, the relief Petitioners request would itself violate the Missouri and U.S. Constitutions. Third, the relief Petitioners request would be unconstitutional under their own theory.

State Respondents argue that even if Petitioners' theory of the case is correct, proving it would require discovery barred by the Missouri Constitution's Speech or Debate Clause, Mo. Const. art. III, Section 19. Mo. Const. art. III, Section 19, states in pertinent part that "[s]enators and representatives... shall not be questioned for any speech or debate in either house in any other place."

Petitioners in this case have not sued any senators or representatives and claim that they do not need any discovery from senators or representatives to proceed with their case. The Court will not assume that Petitioners must engage in specific discovery in order to proceed with their case. State Respondents do not cite to any case in which a lawsuit was dismissed because a party might seek discovery from state legislators. The Court finds, at this time, that it must deny State Respondents' motion on this issue.

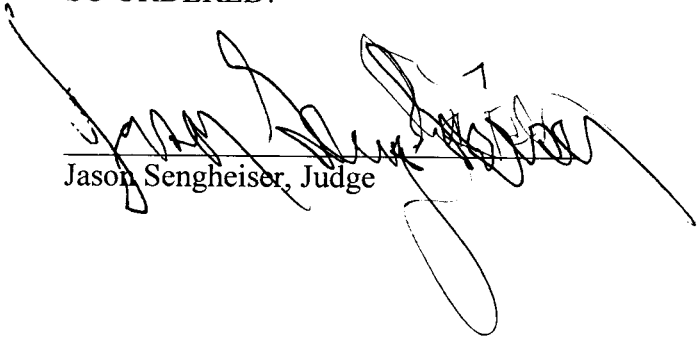
State Respondents argue that Petitioners' injuries are unredressable because issuing relief on the basis of Petitioners' view of the law would violate the Establishment Clause of the Missouri Constitution. State Respondents contend that Petitioners seek an order from this Court that would impose Petitioners' religious beliefs on all other Missourians. Petitioners counter that they merely seek an Order that would allow people to act on their own beliefs. It does not appear from the pleadings that Petitioners seek an Order that would violate the Establishment Clause of the Missouri Constitution. The Court will not assume that Petitioners seek an unconstitutional order when it is not apparent from the record that they do so. In addition, this Court would not enter such an order. The Court finds, at this time, that it must deny State Respondents' motion on this issue.

Acting Director of the Missouri Department of Health and Senior Services' Motion to Dismiss is hereby GRANTED IN PART.

Petitioners' claims regarding Section 1.205 RSMo, Sections 188.056, 188.057, 188.058, and 188.375 RSMo (identified in the First Amended Petition as the Gestational Age Regulations), Sections 188.038(2), 188.038(3), and 188.052(1) RSMo (identified as the Reason Ban), Sections 188.027 and 188.039 RSMo (identified as the 72-Hour Delay and Same Physician Requirements) are hereby dismissed.

In all other respects, Respondents' motion is denied.

SO ORDERED:



Jason Sengheiser, Judge

Dated: June 30, 2023

Finally, State Respondents argue that Petitioners' injuries are unredressable because agreeing with their argument would violate the Equal Protection and Free Exercise Clauses of the U.S. Constitution. State Respondents argue that Petitioners' argument would force courts to intervene when religious legislators pass or vote for a bill that corresponds with their ethical or moral beliefs, but not when nonreligious legislators pass or vote for identical bills.

State Respondents rely in part on the United States Supreme Court's decision in Tandon v. Newsom, 141 S. Ct. 1294 (2021). "[G]overnment regulations are not neutral and generally applicable, and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they treat any comparable secular activity more favorably than religious exercise." Tandon v. Newsom, 141 S. Ct. at 1296.

Petitioners counter that they understand that legislators are influenced by their religions and their views in how they vote. Petitioners recognize in their briefing that legislators may vote based on their religious beliefs. The record does not support a finding that Petitioners seek treatment of religious legislators that is worse than nonreligious legislators. The Court will not assume that Petitioners seek such relief. The Court finds that it must deny State Respondents' motion on this issue.

Accordingly, this Court finds that it should grant State Respondents' motion to dismiss in part, as stated above.

WHEREFORE, IT IS ORDERED AND DECREED that Respondents State of Missouri, Missouri Governor Mike Parson, Missouri Attorney General Andrew Bailey, officers and members of the Missouri State Board of Registration for the Healing Arts, and Paula F. Nickelson,