



ATTORNEY GENERAL OF MISSOURI

ANDREW BAILEY

November 21, 2024

Jeanie Lauer
Legislature Chairman, 5th District Legislator
Jackson County Legislature
415 E 12th Street
Kansas City, MO 64106
Set via email to: jlauer@jacksongov.org

Re: Litigation Hold Notice

Dear Chairman Lauer,

This letter serves as a formal document hold notice under federal and Missouri law.

The Attorney General has reason to believe that the Jackson County Legislature's recent override of County Executive Frank White's veto of Ordinance 5865 violated Missouri law, including the state constitution and statutes that prohibit political subdivisions of the state, including counties, from passing ordinances "*concerning in any way the sale, purchase . . . transfer, ownership . . . possession . . . or other controls on firearms[.]*" §21.750.2 RSMo. The Attorney General is especially concerned that the Jackson County legislature's actions have openly flouted Missouri law and are an attempt to undermine State authority.

The legislature is well aware of the folly of its actions. On July 25, 2024, County Counselor, Bryan Corvinsky, advised the legislature that Ordinance 5865 was proscribed by Missouri's firearms preemption statute and would subject the county to liability should it pass. The Legislature nonetheless passed Ordinance 5865 forcing County Executive Frank White to veto what he called a, "fundamentally flawed, unlawful, and counterproductive" law.¹ Despite the sound legal advice of the county counselor, and Executive White's veto, the legislature enacted Ordinance 5865 on November 18, 2024, and, in the words of County Executive White, put "performative politics over honest public service," and did a "dangerous disservice to [the people of Jackson County.]"²

¹ <https://www.kctv5.com/2024/11/14/frank-white-vetoes-gun-restriction-ordinance/>

² Frank White letter to Jackson County Legislature available at <https://jacksonco.legistar.com/LegislationDetail.aspx?ID=6789091&GUID=146A0E9F-48D2-4B5F-BD2A-FD58906BB5BB>

Given the county legislature's flagrant disregard of Missouri law, you are hereby instructed to **preserve all records that may relate to** the legislature's passage of Ordinance 5865, and its subsequent override of County Executive White's veto of the same. You are instructed in particular to preserve all records that may relate to communication between legislators who have, or may have, conspired to pass an unlawful and dangerous ordinance for mere political gain. The records you must preserve include but are not limited to:

- Internal communications regarding your strategy to draft, pass and ultimately override the veto of unlawful Ordinance 5865.
- Communications with third parties regarding your strategy to draft, pass and ultimately override the veto of unlawful Ordinance 5865.
- Communications with members of any 401(c)(3) organizations regarding the drafting, passage and veto override of unlawful Ordinance 5865.
- All public records, as defined in § 610.010 RSMo, related to the drafting, passage and veto override of unlawful Ordinance 5865.

Your obligation to preserve evidence extends to documents kept in any form, both physical and electronic. This includes letters, emails, instant messages, text messages, drafts, informal files, desk files, handwritten notes, faxes, memoranda, forms, calendar entries, address book entries, and voicemails. Your obligation applies to both hardcopy documents and electronic ones, including those kept on computers, laptops, tablets, smartphones, and any other electronic device, including both work and personal devices, personal email accounts and personal computers and tablets. Please ensure that all employees and contractors of Jackson County are aware of their obligations to preserve evidence in this case.

You and your staff are further instructed to **cease any protocol for the automatic deletion of emails or backup files** on your computer systems. Please forward a copy of this letter to Jackson County IT managers and instruct them to suspend any such protocols.

Be advised that any failure to preserve documents of probative value to this case, even if inadvertent, will constitute spoliation of evidence and may result in a finding of contempt from the court or sanctions.

Your cooperation in this matter is appreciated. Please feel free to contact me with any questions or concerns.

Respectfully,



ANDREW BAILEY
Missouri Attorney General