

**IN THE SIXTEENTH JUDICIAL CIRCUIT COURT  
OF JACKSON COUNTY AT KANSAS CITY  
STATE OF MISSOURI**

STATE OF MISSOURI ex rel.  
ANDREW BAILEY, in his official  
capacity as Missouri Attorney  
General,

*Plaintiff,*

v.

CITY OF KANSAS CITY,  
2300 City Hall  
414 E. 12<sup>th</sup> Street  
Kansas City, MO 64106

*Defendant.*

Case: \_\_\_\_\_

**PETITION FOR DECLARATORY, INJUNCTIVE, AND OTHER  
RELIEF UNDER CHAPTER 610 – THE MISSOURI SUNSHINE LAW**

The City of Kansas City has failed to respond to records requests. To enforce the public’s right to transparent government, the Missouri Attorney General brings this petition for declaratory, injunctive, and other relief under Chapter 610, RSMo<sup>1</sup>, the “Missouri Sunshine Law,” against the City of Kansas City for its failure to timely respond to multiple records requests, and states:

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<sup>1</sup> Statutory citations are to the Revised Statutes of Missouri, as updated, unless otherwise noted.

### *Parties*

1. The Plaintiff is Andrew Bailey, in his official capacity as the Missouri Attorney General, on behalf of the State of Missouri (“Attorney General”).

2. The Defendant is the City of Kansas City, MO (“City”), including its subdivisions: Law Department – City of Kansas City, Office of Kansas City Mayor Quinton Lucas, Office of City Manager Brian Platt, and City of Kansas City Finance Department.

### *Jurisdiction*

3. Section 610.030 provides that circuit courts shall have jurisdiction to issue injunctions to enforce the provisions of §§ 610.010 to 610.115.

### *Venue*

4. Pursuant to Section 610.027, suits to enforce Sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the public governmental body has its principal place of business.

### *Legal Standard*

5. Section 610.023.3, RSMo, provides:

Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are

requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

### *Facts*

6. On March 3, 2025, the Attorney General's Office, by First Assistant Attorney General James S. Atkins, submitted three separate Sunshine Requests to the City. A true and accurate copy of these requests is included as **Exhibit A**.

7. The three requests were directed to Tara M. Kelly, Senior Associate City Attorney and submitted to the Law Department via the City of Kansas City Sunshine Requests Center, with a cover letter requesting that the three subsequent letters be forwarded to the indicated parties. Ex. A.

8. Request one, dated March 3<sup>rd</sup>, 2025, directed to the Custodian of Records, Office of Kansas City Mayor Quinton Lucas at City Hall, 414 E. 12<sup>th</sup> St., Kansas City, MO 64016, sought the following records:

A. All Mayor's office receipts and documents relating to the selection of and payment for outside counsel relating to:

1. *Gwendolyn Grant v. Kansas City Board of Police Commissioners, et al.*

2. Billing statements from Wilmer Hale LLP and Tueth Keeney PC and any records showing payment.
3. *Lucas v. Ashcroft*, 688 S.W. 3d 204 (Mo. banc 2024)
4. Any litigation relating to § 84.730, RSMo.
5. Any litigation relating to subsection 2 of section 21 of article X of the Constitution of the state of Missouri.

The time period for this request is January 1, 2021 through the date of this request.

Ex. A, p. 2.

9. Request two, dated March 3rd, 2025, directed to the Custodian of Records, Office of City Manager Brian Platt, 29<sup>th</sup> Floor, City Hall, 414 E. 12<sup>th</sup> St., Kansas City, MO 64016, sought the following records:

B. All Office of City Manager receipts and documents relating to the selection of and payment for outside counsel relating to:

6. *Gwendolyn Grant v. Kansas City Board of Police Commissioners, et al.*
7. Billing statements from Wilmer Hale LLP and Tueth Keeney PC and any records showing payment.
8. *Lucas v. Ashcroft*, 688 S.W. 3d 204 (Mo. banc 2024)
9. Any litigation relating to § 84.730, RSMo.

10. Any litigation relating to subsection 2 of section 21 of article X of the Constitution of the state of Missouri.

The time period for this request is January 1, 2021 through the date of this request.

Ex A, p. 4.

10. Request three, dated March 3rd, 2025, directed to the Custodian of Records, City of Kansas City Finance Department, City Hall, 3<sup>rd</sup> Floor, 414 E. 12<sup>th</sup> St., Kansas City, MO 64016, sought the following records:

C. All Finance Department receipts and documents relating to the selection of and payment for outside counsel relating to:

11. *Gwendolyn Grant v. Kansas City Board of Police Commissioners, et al.*
12. Billing statements from Wilmer Hale LLP and Tueth Keeney PC and any records showing payment.
13. *Lucas v. Ashcroft*, 688 S.W. 3d 204 (Mo. banc 2024)
14. Any litigation relating to § 84.730, RSMo.
15. Any litigation relating to subsection 2 of section 21 of article X of the Constitution of the state of Missouri.

The time period for this request is January 1, 2021 through the date of this request.

Ex A, p. 6.

11. On March 3, 2025, the KCMO Public Records Center returned an email providing the request with tracking number R016775-030325, indicating, in relevant part:

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request.

If your Sunshine Request is for documents, the city will provide you a cost estimate within 15 business days. The City will provide the requested documents within 20 business days (in most cases) after receipt of payment.

If your sunshine request is for emails, the Information Technology Department will provide you a cost estimate within 20 business days (in most cases). If you accept the charges, the City's Law Department needs to review the emails and will produce them within 90 days (in most cases) after receipt of payment. If the City does not meet any of its stated goal times, please contact Caniece Dameron at 816-513-1064 or by email at Caniece.Dameron@kcmo.org so she can find out the new estimated completion date.

12. A true and accurate copy of KCMO Public Records Center's reply, sent to an email at the Attorney General's office, is attached as **Exhibit B**.

13. At the bottom of KCMO Public Records Center's response, a link to "monitor the progress or update this request" is present. Ex. B.

14. As of April 16, 2025, there was no update available via the Public Records Center regarding the cost estimate or the requested records. A true

and accurate copy of the status page of the KCMO Public Records Center as of April 16, 2025 at 2:33 p.m., is attached as **Exhibit C**.

15. As of April 17, 2025, the date of this petition, the City has failed to respond to the Attorney General's Sunshine Requests with a cost estimate.

16. The difference between March 3, 2025, the date of the request, and April 17, 2025, the date of this petition, is 45 days.

17. The City has not provided a cost estimate within 15 business days of the three requests, the time provided by their March 3, 2025 response. Ex. B.

18. The Attorney General is entitled to the requested records under the Sunshine Law.

19. The City failed to provide the requested records or deliver a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection within the three day period required by Section 610.023.3.

20. In addition, the City did not communicate or attempt to provide a reasonable cause for exceeding three days in providing the requested records, pursuant to Section 610.023.3.

21. As a result of its failure to respond to the requests within the three day time period allowed by Section 610.023.3, the City failed to meet its obligations under the Sunshine Law.

22. Pursuant to Section 610.027.3, the City is subject to a civil penalty in an amount up to \$1,000 for each knowing violation of Sections 610.010 to 610.026.

23. Pursuant to Section 610.027.4, the City is subject to a civil penalty in an amount up to \$5,000 for each purposeful violation of Sections 610.010 to 610.026.

24. The City has knowingly and purposely violated its obligations by failing to produce records in response to the Attorney General's three requests from March 3, 2025.

*Request for Relief*

WHEREFORE, the Attorney General requests that the court:

- (1) enter declaratory judgment finding the City of Kansas violated the Sunshine Law in three instances by knowingly and purposely not providing the required information within three days pursuant to Section 610.023.3;
- (2) order the City to produce the records as required by the Sunshine Law;
- (3) award the Attorney General the costs and reasonable attorney fees incurred; and



(4) provide all other and further relief as shall be necessary to achieve the ends of justice and promote the right of the public to open government records.

Dated: April 17, 2025

Respectfully submitted,

**ANDREW BAILEY**  
MISSOURI ATTORNEY GENERAL

JAMES S. ATKINS  
FIRST ASSISTANT ATTORNEY GENERAL

/s/ Matthew J. Tkachuk  
Matthew J. Tkachuk, #74874  
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*Attorneys for Plaintiff*

**DESIGNATION OF LEAD ATTORNEY OF RECORD**

Pursuant to Local Rule 3.5, the Attorney General designates Assistant Attorney General Matthew J. Tkachuk as lead attorney for this matter.