

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

STATE OF MISSOURI, ex rel.)
ANDREW BAILEY, ATTORNEY)
GENERAL,)
)
Petitioner,)
) Case No.
v.)
) Division:
MEDIA MATTERS FOR AMERICA,)
)
Serve Registered Agent At:)
Angelo Carusone)
800 Maine Avenue SW)
Suite 500)
Washington, DC 20024)
)
Respondent.)

**PETITION FOR ORDER TO ENFORCE
CIVIL INVESTIGATIVE DEMAND**

The State of Missouri, by and through Attorney General Andrew Bailey, petitions the Court pursuant to Missouri Revised Statutes section 407.090, to enforce its Civil Investigative Demand directed to Media Matters for America (hereinafter “Media Matters”), and upon information and belief states in support as follows:¹

INTRODUCTION

Media Matters, a self-styled not-for-profit “progressive research and

¹ All statutory citations are to RSMo 2016 unless otherwise noted.

information center,” envisions itself monitoring, analyzing, and correcting “conservative misinformation” in the U.S. media. In fact, this description falls far short of reality for this political activist organization. Instead, rather than passively “monitoring,” Media Matters has used fraud to solicit donations from Missourians in order to trick advertisers into removing their advertisements from X, formerly Twitter, one of the last platforms dedicated to free speech in America.

Media Matters has pursued an activist agenda in its attempt to destroy X, because they cannot control it. And because they cannot control it, or the free speech platform it provides to Missourians to express their own viewpoints in the public square, the radical “progressives” at Media Matters have resorted to fraud to, as Benjamin Franklin once said, mark X “for the odium of the public, as an enemy to the liberty of the press.” Missourians will not be manipulated by “progressive” activists masquerading as news outlets, and they will not be defrauded in the process.

Based on serious allegations of false and deceptive behavior, the Attorney General’s Office has issued a Civil Investigative Demand (“CID”), as authorized by Missouri Law, to Media Matters to investigate possible violations of the Missouri Merchandising Practices Act. Because Media Matters has refused such efforts in other states and made clear that it will refuse any such efforts, the Attorney General seeks an order from the Court,

pursuant to section 407.090, compelling Media Matters to comply with the CID within 20 days.

PARTIES

1. Andrew Bailey is the Attorney General of the State of Missouri and files this petition in his official capacity pursuant to chapter 407 and section 27.060 of the Missouri Revised Statutes, as well as the authority granted to the Attorney General at common law.

2. Respondent Media Matters is incorporated under the laws of, and has its principal place of business in the District of Columbia, and engages in media activity as well as fundraising throughout the United States, including in Missouri. Specifically, Media Matters engages in internet and email solicitations, phone solicitations, and in-person solicitations for fundraising—listing Missouri in its public financial disclosures as a state in which it “is registered or licensed to solicit contributions or has been notified it is exempt from registration.”

JURISDICTION

3. This Court has subject matter and personal jurisdiction over this action under the Missouri Constitution Article. V, § 14 and section 506.500.

VENUE

4. This Court has authority over this action pursuant to section 407.090, which allows the Attorney General to file in the trial court of general

jurisdiction of a county or judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of such CID.

5. Media Matters transacts business in this county.

MISSOURI MERCHANDISING PRACTICES ACT

6. Section 407.020 of the Missouri Merchandising Practices Act (“MMPA”) provides in pertinent part:

The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice... Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement, or solicitation.

7. The words in the statute are “unrestricted, all-encompassing and exceedingly broad.” *Ports Petroleum Co., Inc. of Ohio v. Nixon*, 37 S.W.3d 237, 240 (Mo. banc 2001). “[T]he literal words cover every practice imaginable and every unfairness to whatever degree.” *Id.*

8. “Person” is defined as “any natural person or his legal representative, partnership, firm, for-profit or not-for-profit corporation, whether domestic or foreign, company, foundation, trust, business entity or

association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.” § 407.010(5).

9. “Merchandise” is defined as “any objects, wares, goods, commodities, intangibles, real estate, or services.” § 407.010(4).

10. “Trade” or “commerce” is defined as the “advertising, offering for sale, sale, or distribution, or any combination thereof, of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated. The terms ‘trade’ and ‘commerce’ include any trade or commerce directly or indirectly affecting the people of this state.” § 407.010(7).

11. Respondent Media Matters has engaged in trade or commerce within the meaning of section 407.010.

12. Pursuant to section 407.145, the Attorney General has promulgated rules explaining and defining terms in sections 407.010-407.145 of the Merchandising Practices Act. The rules relevant to the Merchandising Practices Act allegations herein include the provisions of 15 CSR 60.

13. Section 407.040 provides in pertinent part:

When it appears to the attorney general that a person has engaged in or is engaging in any method, act, use, practice or solicitation declared to be unlawful by this chapter or when he believes it to be in the public interest that an investigation should be made to ascertain whether a

person in fact has engaged in or is engaging in any such method, act, use, practice or solicitation, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material, or physical evidence relevant to the alleged or suspected violation, a civil investigative demand requiring such person to appear and testify, or to produce relevant documentary material or physical evidence or examination, at such reasonable time and place as may be stated in the civil investigative demand, concerning the advertisement, sale or offering for sale of any goods or services or the conduct of any trade or commerce or the conduct of any solicitation that is the subject matter of the investigation. Service of any civil investigative demand, notice, or subpoena may be made by any person authorized by law to serve process or by any duly authorized employee of the attorney general.

14. Section 407.070 provides in pertinent part:

At any time before the return date specified in a civil investigative demand issued under section 407.040, or within twenty days after the civil investigative demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside the civil investigative demand, stating good cause, may be filed in the circuit court of the county where the parties reside or in the circuit court of Cole County.

ALLEGATIONS OF FACT

15. On March 25, 2024, the Office of the Missouri Attorney General served upon Media Matters, through its Registered Agent, Angelo Carusone, 800 Maine Avenue SW, Suite 500, Washington DC, 20024, Civil Investigative Demand Number (“Investigative Demand”) CID No. 24-10. A true and accurate copy of the Investigative Demand is attached hereto as Exhibit 1 and

incorporated herein. A true and accurate copy of proof of service is attached hereto as Exhibit 2 and incorporated herein.

16. Pursuant to section 407.040, Investigative Demand No. CID No. 24-10 identified the statute of the suspected violation and the general subject matter of the investigation.

17. Specifically, Investigative Demand CID No. 24-10 requests information relevant to whether Media Matters has engaged in or is engaging in any merchandising practices declared to be unlawful by section 407.020 with regard to Media Matters' fraudulent manipulation of data on X.com (formerly known as Twitter).

18. The return date to produce all requested documentation and information and submit the Certification of Compliance to the Attorney General's Office is no later than 10:00 a.m. April 15, 2024.

19. Media Matters has expressed its intent not to comply with CIDs like this one.

20. For example, the State of Texas served on Media Matters a virtually identical civil investigative demand in December of 2023, which Media Matters refused to comply with and instead filed a lawsuit to block compliance and disclosure of information and materials. *See* Exhibit 3 (Texas CID); Exhibit 4 (Media Matters complaint); *see generally Media Matters for*

America, et al. v. Paxton, 1:24-cv-00147-APM (United States District Court for the District of Columbia).

COUNT I-REQUEST FOR ORDER ENFORCING INVESTIGATIVE DEMAND

21. Petitioner incorporates all of the allegations contained in Paragraphs 1 through 20 above.

22. The Attorney General has reason to believe that Media Matters has engaged in methods, acts, uses, or practices that violate chapter 407, and that it is in the public's interest that an investigation should be made. *See* § 407.040.1.

23. Investigative Demand CID No. 24-10 meets all of the statutory requirements of section 407.040.2.

24. The CID does not run afoul of the statutory prohibitions of section 407.040.3, RSMo, or of the Missouri or U.S. Constitutions.

25. Media Matters has failed or will fail to comply with the Investigative Demand CID No. 24-10, as it has expressed that it will not comply with similar investigative demands.

26. Accordingly, Petitioner is entitled to an order pursuant to section 407.090 requiring Media Matters to produce responses to Investigative Demand CID No. 24-10.

WHEREFORE, Petitioner State of Missouri ex rel. Attorney General Andrew Bailey, prays this Court for an Order enforcing the Civil Investigative

Demand, and ordering Media Matters to produce complete responses to Civil Investigative Demand No. 24-10 within twenty (20) days of the entry of its Order.

Respectfully submitted,

ANDREW BAILEY
Attorney General

/s/ Jeremiah J. Morgan
Jeremiah J. Morgan, MO 50387
Deputy Attorney General – Civil
Jeremiah.Morgan@ago.mo.gov
Steven Reed, MO 40616
Chief Counsel – Consumer Protection
Steven.Reed@ago.mo.gov
Kathryn Monroe, MO 76022
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102
(573) 751-1800; Fax: (573) 751-0774

ATTORNEYS FOR PETITIONER