

**IN THE CIRCUIT COURT OF BOONE COUNTY  
THIRTEENTH JUDICIAL CIRCUIT OF MISSOURI**

The State of Missouri ex rel.,	)	
Eric S. Schmitt,	)	
	)	
Plaintiff,	)	
v.	)	No.: 21BA-CV02754
	)	
	)	
COLUMBIA PUBLIC SCHOOLS, and all others	)	
similarly situated, et al.,	)	
	)	
Defendants.	)	

**MOTION TO INTERVENE AS PARTY-DEFENDANTS**

Come now A.M., by her parent and next friend Ashley Irwin, M.L., by his parent and next friend Christopher LaCour, and A.D., by her parent and next friend Alison Durphy, pursuant to Rule 52.12, and request this Court grant them leave to intervene in this case as Party-Defendants either as a matter of right or permissively. In support, they state:

1. This action was filed on August 24, 2021.
2. Responsive pleadings are due on September 27, 2021.
3. In this case, the State of Missouri seeks to bar Missouri public schools from instituting mask mandates to protect school communities from illness, death, and long-term side effects caused by COVID-19.
4. Upon information and belief, no current party to this case is an individual who will actually be affected by the disposition of this case, namely: students, and more specifically, students with disabilities.
5. Proposed intervenor A.M. is a child who attends kindergarten in the Blue Springs School District in Blue Springs, Missouri. A.M. has cystic fibrosis, a condition that causes her to have chronic lung infections and lung disease and increases her risk of severe illness, long-term

side effects, possible death if she contracts COVID-19, and substantially limits one or more of her major life activities.

6. Proposed intervenor M.L. is a child who attends sixth grade in the Park Hill School District in Kansas City, Missouri. M.L. has Langerhans Cell Histiocytosis (LCH), a rare disorder that damages tissue and causes lesions on the body. The cells affected by this disorder are the cells that normally help a person's body fight infection. LCH is treated with chemotherapy. M.L. is immunocompromised. M.L.'s condition increases his risk of severe illness, long-term side effects, possible death if he contracts COVID-19, and substantially limits one or more of his major life activities.

7. Proposed intervenor A.D. is a child who attends fifth grade in the St. Louis City School District in St. Louis, Missouri. A.D. was born with microcephaly (missing brain matter). A.D. has a seizure disorder, is grossly developmentally delayed, and has a history of aspiration pneumonia. A.D. cannot walk, talk, or care for herself. She requires assistance with all major life functions and is completely depending on the care of others for survival. A.D.'s condition puts her at heightened risk of serious illness due to COVID-19, long-term effects from COVID-19, possible death if she contracts COVID-19, and substantially limits one or more of her major life activities.

8. If the State is successful in this action, the students will be excluded from participation in public education, or, at a minimum, they and their parents will have to choose between risking their physical health and their lives by attending in-person school or their education, mental health, and development by finding a remote learning option. If the State is not successful, A.M., M.L., and A.D. will be afforded equal access to the benefits of a public education by attending in-person schools with mask mandates in place with their teachers and

peers. Because the State seeks to impose a detriment of the proposed intervenors, the disposition of this action may impair or impede the proposed intervenors' ability to protect their interests.

9. Defendants in this action are a proposed class of school districts, school boards, and superintendents whose interests in this case are the education of all Missouri's students and the efficient management of their schools. While the State seeks to impose burdens on the named defendants, those burdens are distinct from the burdens that the State asks this Court to impose on the proposed intervenors. Therefore, the interests of the proposed intervenors are not adequately represented by the existing parties.

10. In the alternate, the proposed intervenors' defenses present questions of law and fact in common with the defendants.

11. The basis for this motion is more fully described in the suggestions in support filed herewith.

12. This motion is accompanied by a pleading as required by Rule 52.12(c).

WHEREFORE A.M., by her parent and next friend Ashley Irvin, M.L., by his parent and next friend Christopher LaCour, and A.D. by her parent and next friend Alison Durphy, move this Court for entry of an order sustaining their motion to intervene as party-defendants.

Respectfully submitted,

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