

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

STEPHEN D. WEBBER,

Plaintiff,

v.

REPUBLICAN SENATORIAL
COMMITTEE FOR THE 19TH
DISTRICT, *et al.*,

Defendants.

Case No. 24AC-CC04243

PROPOSED
ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER

The Court, having reviewed Plaintiff's Motion for Temporary Restraining Order and having taken arguments on the same, hereby denies the request for a Temporary Restraining Order.

The Court first finds that Petitioner lacks standing to bring this action. Section 115.526, RSMo, provides for the exclusive method by which a candidate may challenge the declaration of candidacy and qualifications of a candidate. This provision only allows a candidate of another political party to bring such an action after the primary election, as prior to the primary election the candidates are seeking a party nomination and not the office in question. As Plaintiff is seeking the Democrat Party nomination for the 19th Senatorial District, he cannot challenge the candidacy of a candidate seeking the Republican Party nomination.

Next, the Court considers the *Gabbert* factors: the movant's probability of success on the merits, the threat of irreparable harm to the movant absent the injunction, the balance between this harm and the injury that the injunction's issuance would inflict on other interested parties, and the public

interest. *State ex rel. Dir. of Rev. v. Gabbert*, 925 S.W.2d 838, 839 (Mo. banc 1996).

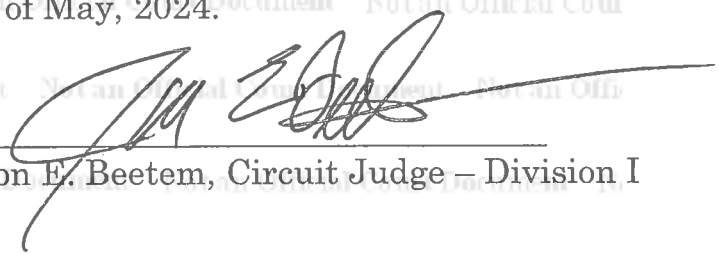
As noted above, the Plaintiff lacks standing and cannot prevail on the merits.

Plaintiff has failed to establish any irreparable harm in that his only basis for harm is past actions, not the risk of harm in the future. As a candidate for the Democrat nomination, he has until August 6, 2024, to raise money for the primary (in which he is unopposed) and then again until November 5, 2024, to raise money for the general election if he is certified after the primary as the Democrat candidate. There is no harm to a candidate in having to run for office and raising money is a well-known aspect of running for office.

The Court finds that James Coyne is a necessary party and is unwilling to enter an order removing James Coyne from the ballot without him being heard. See Rule 52.04.

WHEREFORE, for these reasons, this Court finds that Plaintiff has not carried his burden and that the Motion for Temporary Restraining Order is DENIED.

So ordered this 24 day of May, 2024.



Jon E. Beetem, Circuit Judge – Division I