

**IN THE CIRCUIT COURT OF JACKSON COUNTY  
STATE OF MISSOURI**

COMPREHENSIVE HEALTH OF )  
PLANNED PARENTHOOD GREAT )  
PLAINS, PLANNED PARENTHOOD )  
GREAT RIVERS-MISSOURI )  
)  
Plaintiffs, )  
)  
v. )  
)  
MISSOURI, et al., )  
)  
Defendants. )

Case No. 2416-CV31931

**MOTION TO DISMISS**

Under Rule 55.27(a)(1) and (6), the State Defendants move the Court to dismiss the Plaintiffs’ Petition. For the reasons stated in the State’s Response in Opposition to Motion for Preliminary Injunction and In Support of Motion to Dismiss, there are overlapping and independent reasons to dismiss all of Plaintiffs’ claims.

*First*, the Court should dismiss Counts II–XIII because Plaintiffs failed to plead adequate facts to establish a facial constitutional challenge. Plaintiffs fails to plead facts “establish[ing] that *no set of circumstances* exists under which the Act would be valid.” *State v. Kerr*, 905 S.W.2d 514, 515 (Mo. banc 1995) (quoting *United States. v. Salerno*, 481 U.S. 739, 745 (1987)) ((emphasis added, quotations omitted). Plaintiffs in fact concede several times that there are circumstances where these statutes could be enforced.

*Second*, the Court should dismiss Counts II–XIII because Plaintiffs do not have third-party standing to challenge the laws at issue. Plaintiffs’ interests—

deregulating the abortion industry and increasing revenue—is adverse to the interests of Missouri’s women. “The conflict inherent in such a situation is glaring.” *June Med. Servs. L. L. C. v. Russo*, 591 U.S. 299, 401 (2020) (Alito, J, dissenting).

*Third*, the Court should dismiss Count I because there is no justiciable controversy. Standing requires the plaintiff to establish “some threatened or actual injury” to the plaintiff “resulting from the putatively illegal action.” *Harrison v. Monroe Cnty.*, 716 S.W.2d 263, 266 (Mo. banc 1986). Plaintiffs lack an injury because there is no risk of enforcement. The Attorney General’s formal opinion letter, dated November 22, 2024, concedes that these laws cannot be enforced absent exceptional circumstances that Plaintiffs do not challenge. Defendant Baker likewise concedes that these statutes cannot be enforced.

Dated: November 25, 2024

Respectfully submitted,

**ANDREW T. BAILEY,**  
Attorney General

*/s/ Joshua M. Divine* \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that, on November 25, 2024, the foregoing was filed electronically through the Court's electronic filing system to be served electronically on all parties.

/s/ Joshua M. Divine