

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

Kerry Messer, et al.,)
)
 Plaintiffs,)
)
 v.) No. 14AC-CC00009
)
 Jeremiah W. Nixon, in his official)
 capacity as Governor of the)
 State of Missouri, et al.,)
)
 Defendants.)

MOTION OF SCOTT EMANUEL AND ED REGGI TO INTERVENE AS PARTY-DEFENDANTS

Come now movants Scott Emanuel and Ed Reggi, 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 January 8, 2014. An amended petition was filed on February 7, 2014. The answer of the named defendants was filed on February 20, 2014.
2. In this case, Plaintiffs seek to prevent lawfully married couples of the same sex who file a joint federal income tax return from filing a combine state income tax return, as would be required under Missouri law.
3. Upon information and belief, no current party to this case is from the class of individuals that will actually be affected by the disposition of this case.
4. Proposed intervenors are a lawfully married couple who must file their federal tax returns as married. If Plaintiffs are successful in this action, then Defendants will be enjoined from allowing the proposed intervenors from filing a combined state income tax return. If Plaintiffs are not successful, then the proposed intervenors will be required to file a combined state income tax return. Because Plaintiffs seek to impose a detriment of the proposed

intervenor, the disposition of this action may impair or impede the proposed intervenors' ability to protect their interests.

5. Defendants in this action are state officials whose interests in this case are the enforcement of state revenue statutes and the efficient processing of state income tax returns. While Plaintiffs seek to impose burdens on the named defendants, those burdens are distinct from the burdens that Plaintiffs ask this Court to impose on the proposed intervenors. Therefore, the interests of the proposed intervenors are not adequately represented by the existing parties.

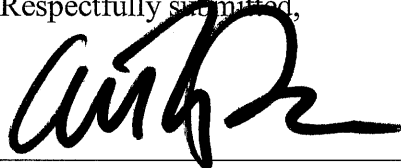
6. In the alternate, the proposed intervenors defenses present questions of law and fact in common.

7. The basis for this motion is more fully described in the suggestion in support filed herewith.

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

WHEREFORE Scott Emanuel and Ed Reggi move this Court for entry of an order sustaining his motion to intervene as party-defendants.

Respectfully submitted,



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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was sent by first class mail,
postage prepaid on February 24, 2014, to:

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