IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

FILED
NOV 25 2025
COLE COUNTY
CIRCUIT COURT

FOUR SEASONS LAKESITES PROPERTY OWNERS ASSOCIATION INC	)	
Plaintiff,	)	
v.	)	Case No. 24AC-CC07532
STATE OF MISSOURI, et al.,	)	
Defendants	)	

MOTION TO INTERVENE IN SUPPORT OF THE JUDGMENT BY RONALD J CALZONE AND SENATOR MICHAEL MOON AND SUGGESTIONS IN SUPPORT OF SAID MOTION

Comes now Ronald J Calzone and Senator Michael Moon in their individual capacities (hereafter, "Intervenors"), pursuant to Supreme Court Rule 52.12(a) and (b)(3), and moves this Court to enter its Order allowing them to intervene *in Support of the Judgment* as of right or, in the alternative, to intervene permissively. In support of this Motion, Intervenors states as follows:

INTRODUCTION

Post judgment intervention, especially *in support* of the judgment, may not be a daily occurrence, but the post judgment motion by the Defendants, who lost each and every claim, is not a daily occurrence, either. That motion, filed November 18, 2025, the day before the judgment was to become final, asks this court to amend its judgment to limit relief for Four Seasons Lakesites Property Owners Association, Inc. to Count IV of its First Amended Petition.

It is important to note that Count IV is not a legislative *procedural* matter – it makes a *substantive claim* about the Constitutionality of the "Chicken Provision." If this court narrows its

judgment to Count IV the severance analysis changes dramatically in which case the balance of HB 2062 likely survives.

Intervenors, for reasons that will be expressed below, were quite pleased to see each and every count found in favor of the Plaintiff and, for reasons that will also be expressed below, will suffer, along with the very principle of constitutionally limited government, if this court vacates its own finding that the General Assembly acted lawlessly in the grossest terms by ignoring its first and foremost duty, that is, to support the Missouri Constitution.

As this court observed, the General Assembly's disregard of the constitutional limits on its powers was not done without warnings from Senator Mike Moon. Although admittedly not part of this case's record, Intervenor Calzone has routinely sounded the same alarm, both in person in the halls and offices of the Capitol, and in Missouri courts through several procedural challenges similar to the instant case. Those warnings were not enough for lawmakers who have gotten used to getting away with ignoring the single-subject, clear title, and original purpose constitutional mandates.

Among the most important attributes of an American Constitutional Republic is the principle of checks and balances. This court plays a critical role "checking" abuse of power by the people who are *supposed* to be representing the citizens, in whom all political power is vested. Mo. Const. Article I Sec. 1.

Since Missouri courts rely on the adversarial process in which there is a justiciable controversy, and since § 516.500, RSMo time bars commencement of procedural challenges to legislation, the ONLY way this court can fully exercise its important role as a "check" on the legislature with respect to HB 2062 is to keep its original judgment intact. This motion is intended to be a means by which to do so in the event the original parties consent to the Defendant's motion to limit relief.

ABOUT THE INTERVENORS AND STANDING

Intervenors are tax paying citizens of Missouri. Calzone has a nearly three decade history of virtually weekly presence at the Capitol during the legislative session, serving as a volunteer citizen watchdog of the legislative process with a special focus on keeping the legislative process constitutional, and he is the president of the Article 3 Institute, a Missouri nonprofit corporation dedicated to educating the public and public officials about the limits the Missouri Constitution imposes on the power of the Missouri General Assembly and enforcing those limits through litigation. (Intervenor Calzone is acting in his personal capacity in this case.)

Intervenor Moon spent four terms in the House of Representative and is now in his second term in the state Senate, most of which time he has pleaded with his colleagues to follow the Constitution and then filed numerous constitutional objections, like the one referenced in this court's Judgment, when they fail to do so.

Over the years, Intervenors, separately or as co-plaintiffs, and now the Article 3 Institute have brought (or funded) a number of cases designed to enforce the legal limits on government power, including: 15AC-CC00247, 17AC-CC00250 (SC97132), 17AC-CC00277, 17AC-CC00291 (SC97211), 18AC-CC00253, 20MS-CC00027 (SD37343), 24AC-CC08732 and 25AC-CC05910.

In those cases Intervenors' taxpayer's interest to challenge unconstitutional acts of the legislature has been well-established.[1]

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1 In case 25AC-CC05910, *Moon v. State*, Senator Moon is claiming "legislative standing" as well as taxpayer standing.

TAXPAYER STANDING

The fact that HB 2062 results in the direct expenditure (in addition to the tax credits) of taxpayer dollars is well established by the bill's fiscal note, Plaintiff's Exhibit B. It indicates that HB 2062 will impact the General Revenue Fund by requiring direct expenditures ("Costs") as well as a reduction in revenue. See page 16. There are other direct expenditures identified in the fiscal note, such at those to the Historic Preservation Revolving Fund, the Economic Development Advancement Fund, etc., but *any* such expenditure is enough to trigger taxpayer standing.

Those are expenditures that will affect Intervenors if the Defendant's motion to limit relief to Count IV is successful.[2]

"Missouri recognizes a taxpayer's standing even though his injury may be no different from that of other taxpayers…" *Manzara v. State,* 343 SW 3d 656, 674 - Mo: Supreme Court 2011.

"The taxpayer's interest does not arise from any direct, personal loss. [I]t is the public interests which are involved in preventing the unlawful expenditure of money raised by taxation that give rise to taxpayer standing. The taxpayer's interest in the litigation ultimately derives from the need to ensure that government officials conform to the law." *LeBeau V. Commissioners of Franklin County*, 422 SW 3d 284, 288 - Mo: Supreme Court 2014

"Giving taxpayers a mechanism for enforcing the procedural provisions of Missouri's constitution is of particular importance because these provisions are designed to assist the citizens of Missouri by providing legislative accountability and transparency." *id* at 289.

"[P]ublic policy demands a system of checks and balances whereby taxpayers can hold

2 Including the tax credits, which with strained logic in *Manzar V. State*, was deemed not to be enough of an interest to taxpayers to trigger standing, HB 2062 will potentially cost well over $120 million in FY 2025. See page 11 of the Fiscal Note. To be clear, Intervenors are not relying on the tax credits for standing.

public officials accountable for their acts.... Taxpayers must have some mechanism of enforcing the law." *E. Mo. Laborers Dist. Council*, 781 S.W.2d at 47.

THIS MOTION TO INTERVENE IS APPROPRIATE

Intervention as a matter of right.

Rule 52.12(a) allows a party to intervene in a pending lawsuit as a matter of right if: (1) the applicant has an interest in the subject matter of the action; (2) disposition of the action may impair the applicant's ability to protect its interest; (3) the applicant's interest is not adequately represented by the parties to the action. *Borgard v. Integrated National Life Ins. Co.*, 954 S.W.2d 532, 535 (Mo. App. 1997). This rule is liberally construed so as to permit broad intervention. *Maries County Bank v. Hoertel*, 941 S.W.2d 806,810 (Mo. App. 1997). If the intervenor will either gain or lose by direct operation of the judgment, it has shown a sufficient interest in the subject matter of the action. *Toombs v. Riley*, 591 S.W.2d 235, 236 (Mo. App. 1979).

(1) Intervenors have in interest in the subject matter of the instance case.

The applicability of taxpayer standing to the Intervenors, as demonstrated above, satisfies the (1) need to show that applicants have an interest in the subject matter of the instant case.

(2) Intervention is necessary to protect the interests of the Intervenors

The very real potential that the existing parties will agree to limit the judgment to Count IV, along with the fact that the statute of limitations on bringing a *new* lawsuit has expired, is enough to satisfy (2) since such an agreement would leave no avenue for the Intervenors' to

protect their interests. There is a sense in which the Plaintiff "occupied" the challenge to HB 2062. Yes, Intervenors could have brought a separate lawsuit, but the Plaintiff's pleadings reflected their interests and there seemed, at the time, no need to burden the courts with another lawsuit. The interest on the part of the Intervenors was there from the start as is indicated by Senator Moon's constitutional objection and Calzone's presence, along with his wife, daughter and her friend at the May bench trial.

(3) Existing parties do not adequately represent the interests of the Intervenors.

Assuming the Defendant's motion to limit the judgment is accurately reflecting the situation, there is a very real possibility that the Plaintiff's only interest in HB 2062 is its effect on their ability to contract with members of their association. If they are, in fact, open to negotiating away the other counts, the greater interest of Intervenors will go unrepresented, particularly the "need to ensure that government officials conform to the law." *LeBeau at* 288. Indeed, if the Judgment is to be limited to Count IV the Intervenors must cry "fowl" ...err or maybe "foul."

For those reasons, intervention as a matter of right should be granted.

Permissive Intervention is also appropriate.

In the alternative, this Court should allow Intervenor to permissively intervene under Rule 52.12(b)(2).

Even if Intervenors did not have a right to intervene in this action (which they do), this Court should exercise its discretion to permit them to intervene in support of the judgment. Rule

52.12(b)(2) allows "anyone" to intervene in an action "when an applicant's claim or defense and the main action have a question of law or fact in common;" Intervenors have the exact same questions of law as those expressed in Plaintiff's petition's four claims.

THIS MOTION TO INTERVENE IS TIMELY

The instant case is still within this court's jurisdiction.

Although we are (barely) more than 30 days past the judgment entry, Defendant's motion to limit relief extends this courts' control over the judgment beyond the 30 days prescribed by Rule 75.01. .

Pursuant to Rule 52.12(c), attached to this Motion to Intervene is a proposed Answer of Intervenors.

CONCLUSION

Intervenors Ronald J. Calzone, pro se, and Michael Moon, pro se, respectfully submit this Motion to Intervene pursuant to Supreme Court Rule 52.12(a) and (b)(3) in Support of the Judgment and memorandum in support of that motion.

Respectfully submitted by;

/s/ Ron Calzone

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Certificate of Service

I, Ronald J. Calzone and C. Michael Moon do hereby certify that on November 25, 2025 we served the foregoing Suggestions on Plaintiff's and Defendants' attorneys, listed below, via electronic mail.

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Emailed November 25, 2025

/s/ Ron Calzone */s/ Mike Moon*