

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

KARLA K. ALLSBERRY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20L6-CC00031
)	
JUDGE PATRICK S. FLYNN, In his)	
Individual Capacity,)	
)	
Defendant.)	

FINAL JUDGMENT

On May 19, 2019, the Presiding Judge Patrick S. Flynn of the 45th Judicial Circuit (Defendant) issued a letter suspending the duly elected Circuit Court Clerk of Lincoln county (Plaintiff) with pay but barring her from all duties and entry or access to the Lincoln County Circuit Clerk’s Office. The letter reads as follows:

Dear Ms Allsberry:

The purpose of this letter is to inform you that pursuant to Section 478.240 RSMo., as Presiding Judge, I am temporarily placing you on administrative leave and suspending your access to the Justice Center, its employees and the records of the court. This action is necessary due to your conduct creating a dysfunctional work environment for the Lincoln County Circuit Court in your failure to operate in fact, truth, protocol and respect. This action will remain in effect for an indefinite period of time until I notify you otherwise. This administrative suspension will cease in the event you voluntarily resign from office at any time.

This administrative suspension is not a cause of action and will not cause any loss in pay or benefits for you during the period of suspension. If any action is imposed for any reason, you will be notified of the reasons at that time along with your due process rights in accordance with section 483.170, RSMo.

During this period of administrative leave and suspension of your duties you are not be (sic) permitted to enter the Justice Center or represent this office in your official capacity at any time.

However, you will be expected to remain available if called upon to return to work or to meet with the Presiding Judge or anyone involved in bringing this to a resolution.

Sincerely,

**Patrick S. Flynn
Presiding Judge**

Almost twenty-one months later the suspension still remains in effect. This lawsuit was initiated on March 5, 2020. Plaintiff seeks a declaratory judgment that section 478.240 does not authorize the suspension of an elected circuit court clerk (Count II) and requests an injunction prohibiting the Defendant from enforcing his suspension (Count I). Defendant objects to the jurisdiction of this Court to hear the case, arguing that the Supreme Court has exclusive jurisdiction over the subject matter. The Court heard testimony on September 22, October 13 and October 14, 2020. All exhibits were admitted into evidence except as noted in the Court's order of November 23, 2020. Closing arguments were heard on December 10, 2020. For reasons hereinafter stated, Plaintiff is granted judgment on Count II and Defendant is granted judgment on Count I.

BACKGROUND

Plaintiff Karla Allsberry was elected to the position of Lincoln County Circuit Clerk in the general election of 2018 as a Republican. The losing incumbent, a Democrat, had held the office for many years and Allsberry campaigned on the claim that the office was being mismanaged and she could do a better job. Her campaign did not go over well with the deputy clerks who had also been with the office a long time and supported the incumbent; thus,

in the weeks following the election, many decided to leave the office and look for work elsewhere despite their civil service protection.

During the 2018 general election Flynn supported the long-time incumbent circuit clerk and voiced his concerns over Allsberry's possible election, saying the following:

"I do know that the social media is, is concerned about the fact that she is the wife of Greg Allsberry, who's an Associate Circuit Judge, and, and the question that they raise is, is how is it that a Judge and the Court Clerk can be husband and wife, and how that can ever be fair? I don't how all of that's going to play out...but that we can't fix. That's going to be something people are concerned about for a very long period of time... that's a problem for the judiciary restoring justice."

(Plaintiff's Exhibit 36)

In the same general election as Allsberry, Patrick Flynn was elected to the position of Circuit Court Judge as a Republican; he had successfully challenged the incumbent, Judge Mennemeyer, in the Republican primary and then defeated the Democratic nominee in the general. Flynn had previously served as an associate circuit judge for Lincoln county from 1991 thru 2002 as a Democrat. He returned to the bench as a Democrat via an appointment from Governor Nixon in early 2014 but was defeated in the general election later that year by the Republican candidate, Plaintiff's husband Gregory Allsberry. Gregory Allsberry continues to serve as the Lincoln county Associate Circuit Judge. With this personal history between the parties, there was an issue raised in the pleadings whether there was a partisan (Republican/Democrat) motivation for what subsequently transpired. Plaintiff did not present any

evidence on the issue and Judge Flynn vehemently denied that he was motivated by any partisan bias. The Court found Judge Flynn's testimony credible on this issue.

The looming staff shortages in the clerk's office were going to be a serious problem for both Allsberry and the judges. Early in December Judge Flynn had encouraged Plaintiff to contact the incumbent clerk and set up a meeting in the office with the employees to provide some reassurances. After first agreeing to do so, Plaintiff changed her mind, believing she would not be welcome.¹ While there was no evidence that Plaintiff acted affirmatively to contribute to the exodus from the office, her campaign against the office and her cancellation of the scheduled meeting with the employees in mid-December did not help matters. In any event, upon assuming the office in January 2019, Allsberry inherited an office of 14 FTE's with 6 to 8 vacancies, and Judge Flynn blaming her for the situation.

Both parties would agree that 2019 started badly. Because her predecessor refused to turn the keys over to her on the 31st, Aleberry was unable to gain access to her office until January 2nd. Judge Flynn met with all the clerks that first day and emphasized his position as the chief administrator and their boss; Allsberry felt he was belittling her position and intent on undermining her authority. Judge Flynn found her disrespectful toward his

¹ Allsberry did send an email to the deputy clerks providing her contact information and offering to meet with anyone if they wanted to meet before the new year.

position as the presiding judge, an attitude he believed was reflective of a general culture in the courthouse before his arrival. (T- 317-319).

Judge Flynn also spent the first two days looking for the presiding judge's computer. On January third, Plaintiff was on her way to the coffee room when she heard Judge Flynn yelling at her husband Judge Allsberry about a cardboard box against the wall in Judge Allsberry's office. The box contained the Presiding Judge's computer for which Flynn had been searching. It was later learned that Judge Mennemeyer (Judge Flynn's predecessor) had boxed the computer (after erasing all files), taped the box shut, and, for reasons unknown, put the box Judge Allsberry's office on December 31st. Both Judge Allsberry and Plaintiff denied any knowledge of why the sealed box was in the Judge's office but Flynn remained suspicious that the Allsberry's were minimally culpable for not revealing the computer's whereabouts sooner.

Because of the 7-day posting requirement for hiring, it was not until Thursday, January 10th, that Allsberry was able to hire her first two new employees, Wendy Harper and Tina Pilla, and make a promotion from within the office, Lori Russell. At Allsberry's office meeting the next morning (Friday), as the new clerks were being introduced to the rest of the staff, Judge Flynn interrupted the meeting to pronounce that he was the person in charge of the Courthouse and Allsberry did not have the authority to hire deputy clerks; he told Harper and Pilla to leave and informed Plaintiff that he would not clear either of the two individuals for any security or computer access. Nevertheless, Allsberry kept the two new hires at work that day and had them boxing old

files. At 4 pm. that Friday afternoon, the Court en banc met at Judge Flynn's request and voted to amend the Lincoln county consolidation agreement, without Allsberry's consent, changing the appointing authority for the Lincoln County Circuit Clerk office from the elected circuit clerk to the presiding judge.²

The judicial college for newly elected judges began on Sunday, January 13th in Jefferson City. On Monday the 14th Judge Flynn returned to Lincoln county and called a meeting with the deputy clerks to explain his justification for the change in the appointing authority. He told them, "It is not something that I chose to do for any other reason other than the fact when we lose over half of our clerks and others were considering leaving, something had to be done" (Plaintiff's Exhibit 47). He further explained that the first plan of action would be to allow those clerks who had left the chance to return. Finally, he again reminded them that the "circuit clerks are not the employees of the circuit court clerk. They are ...employees of the circuit court". As if to prove his point, he announced to the group that he was suspending the two newly hired clerks (who were not even present but on their scheduled lunch break) and stated that any promotions made by Allsberry the previous week would be subject to a 90-day probationary period. Later Judge Flynn told one of the new hires that Allsberry should not have hired her because there were former employees that might be coming back. Judge Flynn then returned to the

² That amendment to the consolidation agreement is still in litigation in the Cole County Circuit Court.

Judicial College for the remainder of the week, leaving a confused clerk's office in his wake.

Aside from the change in the appointing authority, Flynn appointed his secretary as the primary security point of contact with the Office of State Court Administrator (OSCA) and designated her as the primary payroll designee; he appointed one of the deputy clerks as the secondary security point of contact and the secondary payroll designee. Since in almost all counties the circuit court clerk had these designations, the message conveyed was that Allsberry was a Circuit Court Clerk in name only, and the rift widened as the deputy clerks in the office split into "Team Flynn" versus "Team Allsberry", with deputies being forced to choose one side or the other. Wendy Harper, one of the new employees, later described how she had been warned by one of the senior clerks loyal to Judge Flynn not to ever be in Allsberry's office with the door closed. Harper related that when called in for meetings with Judge Flynn, he would sometimes refer to Team Flynn versus Team Allsberry in discussing office matters.

On the Wednesday following the judicial college week (January 23rd), Judge Flynn called the newly promoted deputy clerk Lori Russell into his office for a meeting. This became part of a routine where Flynn would have deputy clerks come to his office for meetings where Allsberry was not allowed to be present. Since Russell had just taken over many of the accounting responsibilities, she thought it would involve her new duties; instead, Judge Flynn spent the first few minutes explaining his justification for taking the

appointing authority away from Allsberry, cited the Supreme Court case *Gall v Steele* for describing the appropriate authority to change the appointing authority; and made sure she understood that he was her boss. He then wanted to know why she had been in Allsberry's office the day before with the door closed and wanted to know what she and Allsberry had talked about. Russell was not comfortable answering questions about her conversations with Allsberry, and as Judge Flynn became more persistent in his questioning, Russell became upset and left.³ As she got downstairs to her office, she started to cry and went into Allsberry's office to compose herself. Within a few minutes, Judge Flynn appeared at Allsberry's office and told Russell he was suspending her for leaving his office without permission; he told her she had to get out of Allsberry's office and leave the courthouse immediately. There was a standoff of sorts as Allsberry insisted Russell be given a few minutes to compose herself. The standoff concluded with Judge Flynn summoning sheriff's deputies to escort Russell from the courthouse. The Court found Russell a very credible witness. This incident and the fact that Allsberry did not send her two newly hired employees home on the morning of January 11th are two of the reasons Judge Flynn wants Allsberry to be charged with a misdemeanor in office.

The growing rift between the presiding judge and circuit clerk eventually came to the attention of the State Court Administrator's Office and the Circuit

³ Russell had been with the clerk's office for ten years and had supported the incumbent in the election, not Allsberry. She testified she was happy to get the promotion, had just wanted to do her job, and wasn't interested in being on "anybody's team".

Court Budget Committee. On February 25th, the Chair of the Budget Committee along with representatives from OSCA and the Supreme Court visited Lincoln County and met with the parties in an attempt to create a working relationship. At their suggestion the parties agreed to have regularly scheduled meetings that would be recorded. That “worked” for approximately a month until a meeting on March 29, 2019.

During that March meeting, Judge Flynn handed Allsberry a three-page document folded over to the second page to conceal some handwritten notes. When Allsberry unfolded the document to the first page for context, Judge Flynn grabbed the document back from Allsberry’s hand, whereupon Allsberry left the meeting claiming she had been assaulted. While Judge Flynn may have an intimidating manner about him, the Court does not believe that he assaulted Allsberry in retrieving the document. Afterwards, Allsberry insisted that all meetings be by telephone. Unfortunately, there were no other interventions from Jefferson City and the arguments and disagreements continued. Allsberry was preparing her lawsuit to challenge the change of the appointing authority in court and at least passively resisting everything Judge Flynn did with respect to her office. Diane Doll, one of the former long-time employees who returned to the office in late January and who is now the acting Circuit Clerk⁴ described the office as floundering during the months leading up to Allsberry’s departure.

⁴ It appeared to this Court that she has been doing a good job as the acting circuit court clerk.

In early May Judge Flynn learned from one of the local mayors that the municipalities had not been receiving their portion of the municipal fines. Caroline Kight was the deputy handling the municipal ticket entries. She had been with the clerk's office for several years and had handled the state traffic matters. Because of the staff vacancies in 2019, she was also given the responsibility for municipal tickets. As early as February and March, Allsberry had received some complaints from municipalities about the dwindling revenues but each time she questioned Kight about the shortfall, Kight would explain that the problem was simply a result of decreased traffic enforcement and liberal payment plans given out by the judges. Allsberry accepted her explanations.

As the complaints persisted, however, Kight finally consulted with the previous Clerk and learned that there was a special code for municipal tickets that she had not been using. Perhaps the most telling evidence of how Judge Flynn's message that the clerks worked for the court had succeeded was that when Kight learned of her error, she went to Judge Flynn to explain the mistake and not Allsberry. Upon learning of the problem after Flynn, Allsberry contacted OSCA for advice and with their guidance and three clerks re-coding the municipal files, the problem was corrected and the checks for the municipalities were ready within three weeks. When Flynn learned that Allsberry was going to mail the checks out to the municipalities, he insisted on personally delivering the checks himself. While Judge Flynn was out delivering

the checks, he learned from one of the mayors that Allsberry was laying the blame for the mistake on his meddling in the Clerk's office.

Shortly thereafter, on May 28, 2019, Judge Flynn suspended Allsberry. She was in her office sitting at her desk working and described it as follows:

“Presiding Judge Flynn appeared in my doorway and told me to immediately leave the building. He handed me a letter telling me that I was “temporarily on administrative leave” and that my access in the Justice Center was “suspended” until further notice. Armed deputies were present to escort me out of the building under threat of force.” Defendant's Exhibit C

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Court incorporates all of the described background facts herein as part of its findings of facts.
2. On May 18, 2019, Karla Allsberry filed a lawsuit in Cole county appealing from the decision of the Circuit Court Budget Committee and challenging the amended consolidation agreement which changed the appointing authority of the Circuit Clerk Office to Judge Flynn. That lawsuit is still pending.
3. Judge Flynn consulted with the local prosecutor Michael Wood about his desire to have a misdemeanor in office charge filed against Allsberry. Wood demurred on the basis his office practiced before her husband, Associate Judge Gregory Allsberry, and suggested the request be sent to the Attorney General.

4. On May 28, 2019, Judge Flynn suspended Circuit Clerk Karla Allsberry from all official duties. In his letter, Judge Flynn cited Section 478.240 as his legal authority for the suspension.

5. On June 12, 2019, Judge Flynn sent the Attorney General a letter setting forth the facts and basis for his belief that Allsberry should be charged with a misdemeanor in office, section 483.165. (Defendant's Exhibit A).

6. The Attorney General referred those allegations to the State Auditor.

7. The State Auditor issued an Audit Report in November, 2019, covering both the time of previous clerk, Grace Sinclair, and Allsberry. The State Auditor rated the overall performance of the Clerk's office, by both Grace Sinclair and Karla Allsberry, as "Fair" and did not make any criminal referrals. (Plaintiff's Exhibits 4 and 8).

8. The Attorney General has declined to file criminal a criminal charge and no further investigation is pending.

9. This lawsuit was initiated on March 5, 2020. While this litigation was pending, Judge Flynn:

a. Asked Prosecutor Wood to make a request for a special prosecutor to investigate the year-old allegations on which the Attorney General failed to act;

b. Upon receiving his asked for request, appointed a Special Prosecutor to investigate his allegations of a year earlier.

10. No charge has been filed by the newly appointed Special Prosecutor.

11. Addressing Judge Flynn's fourteen reasons why a charge should be filed are that Allsberry: **(1)** directed that all circuit court banking records be forwarded to her personal Gmail account - Allsberry only opened her Gmail account because her official OSCA email account misspelled her name and it was a month before the confusion was finally cleared up. Plaintiff used the personal Gmail account to obtain a login and password for the bank's website, but all banking records were accessed through the Clerk's official computers; **(2)** failed to remit fine payments to four municipalities for over five months - This was a mistake by one of the deputies and as soon as Allsberry learned of the miscoding problem, she contacted OSCA and the problem was corrected; **(3)** failed to meet with Judge Flynn on FTR Gold pursuant to directions from Betsy Aubuchon and Judge Ohmer - It was only after March 29th that Allsberry insisted that they discuss matters by telephone; while not excusing Allsberry's conduct, there was a sufficient lack of diplomacy on all sides to be able to assess blame; **(4)** failed to reconcile bank statements - There was a backlog of unreconciled bank statements when Allsberry took office made more difficult by the staff shortage, Allsberry's loss of hiring authority, and the placement of Allsberry's chief accounting deputy clerk Lori Russell on administrative leave; Regarding **(5)** creating a hostile work environment by belligerent behavior, **(6)** failure to receive, evaluate and communicate accurately, **(7)** making false and misleading statements to the Lincoln County

Commission, and **(8)** directing Circuit Court employees to perform tasks to aid her personal attorney, Lee Elliott - There was no credible evidence to support any of these allegations; **(9)** failure to avoid interaction with her husband, Judge Gregory Allsberry, eroding the public trust and confidence with the judiciary – No evidence and no comment necessary ; **(10)** failure to provide personnel files of herself, former Judge Mennemeyer and Judge Gregory Allsberry to Judge Flynn - There was no evidence that these files ever existed when Allsberry took office; the information that would have been in these files if such files had existed would be simple payroll records and could readily be replicated by obtaining copies from OSCA; **(11)** concealing and aiding former Judge Mennemeyer in “wiping clean” her computer and iPad - There was no evidence that Plaintiff had anything to do with the computer or iPad of the former presiding judge or the judge’s action in erasing the computer’s files; **(12)** obstructing Judge Flynn from placing circuit court employees on administrative leave - Judge Flynn had no cause to place Windy Harper or Tina Pilla on administrative leave on the morning of January 11th while Allsberry was still the appointing authority; and her giving Lori Russel a few minutes compose herself before leaving the courthouse on January 23rd was not an obstruction; **(13)** the loss of eight of fourteen circuit court employees and the threat of the loss of two more circuit court employees -- While there was no evidence that Plaintiff did anything affirmatively to cause those deputy clerks to resign before she took office, the allegation misses the point that a

misdemeanor in office has to be committed in office; **(14)** failure to faithfully demean herself in office – Again, insufficient evidence.

12. None of the above allegations, individually or collectively, nor any others were supported by proof to establish that Karla Allsberry committed a misdemeanor in office.

13. Section 478.240 RS MO, does not grant a presiding judge the authority to order the suspension of an elected Circuit Court Clerk. Furthermore, if it did with a for cause requirement, the cause requirement has not been met.

14. This Court has jurisdiction to hear and decide the Count II Request for a declaratory judgment. Missouri Constitution, Article V, Section 14; *Gregory v. Corrigan*, 685 S.W.2d 840,842, footnote 3.

15. Without the filing of a formal charge by the attorney general or the prosecuting attorney, section 483.170 is inapplicable.

16. Plaintiff has not provided the Court any authority for the proposition that a circuit judge has the authority to mandate or enjoin what another circuit judge might do, and this Court concludes that it does not have such authority.

DISCUSSION

Operations of the Judiciary are governed by Article V of the Missouri Constitution. As it pertains to court personnel, Section 4 thereof specifically grants the Supreme Court the authority to hire its Clerk and supporting staff and provides that such employees serve at the pleasure of the Court. However,

Circuit Courts are not given similar authority; rather, Section 15 of Article V provides that the staff of Circuit Courts shall be selected as provided by law, thus leaving it in the hands of the General Assembly to set the rules.

As regards to the selection of the clerk for each circuit, rather than give the hiring authority to a presiding judge, the General Assembly has provided for, at least in all “out-state” counties, an independently elected Clerk to be selected by the voters every four years. Section 483.083.4 further states that circuit clerks shall be considered state employees for all purposes except the manner of their selection, appointment, or removal from office. For public offices such as the elected circuit clerks, Article VII of the Missouri Constitution, Sections 4 and 12 provide that the office holder shall hold office until a successor is duly elected or appointed and that any removal must be “in the manner and for the causes provided by law”. The General Assembly has further provided that if the Circuit Clerk office becomes vacant, it is the Governor, not the presiding judge, that appoints the replacement to serve for the remainder of such term.

Judge Flynn could not have placed a deputy clerk on indefinite administrative leave without a notice of intent to take that action, without providing the right to a hearing, and without providing the right to appeal, Court Operating Rule 7. *Reuter v. Hickman*, 563 S.W.3d 816, 819 (Mo.App. W.D. 2018). The proposition that an elected circuit clerk has fewer rights is counterintuitive; yet, that in effect is exactly what Judge Flynn’s letter claims.

The only two statutory remedies that touch on the removal of a circuit clerk are Chapter 531 Quo Warranto, and section 478.170 RSMo. Neither are applicable here. No Quo Warranto has been filed, and in his letter of suspension Judge Flynn specifically disclaimed any reliance on section 478.170.

Judge Flynn claims that his authority to indefinitely suspend the circuit clerk is inherent in the grant of “general administrative authority over all judicial personnel” bestowed by section 478.240.2. That subsection reads in *toto* as follows:

478.240.2 Subject to the authority of the supreme court and the chief justice under Article V of the Constitution, the presiding judge of the circuit shall have general administrative authority over all judicial personnel and court officials in the circuit, including the authority to assign judges to hear such cases or classes of cases as the presiding judge may designate, and to assign judges to divisions. Such assignment authority shall include the authority to authorize particular associate circuit judges to hear and determine cases or classes of cases as the presiding judge may designate, and to assign judges to divisions. Such assignment authority shall include the authority to authorize particular associate circuit judges to hear and determine cases or classes of cases. By this subsection the presiding judge shall not, however, be authorized to make the following assignments:

(1) Assignment of a municipal judge to hear any case other than to initially hear a municipal ordinance violation case of the municipality which makes provision for such municipal judge, except that the presiding judge of a circuit may assign a municipal judge of a municipality within the circuit to hear and determine municipal ordinance violations in a court of another municipality within the circuit if the municipality to which the judge is especially assigned by the presiding judge has made provision for the compensation of such judge;

(2) Assignment of a judge to hear the trial of a felony case when he or she has previously conducted the preliminary hearing in that case, unless the defendant has signed a written waiver permitting the same judge to hear both the preliminary hearing and the trial, or unless the defendant has indicated on the record

that the defendant is permitting the same judge to hear both the preliminary hearing and the trial;

(3) Assignment of a case to a judge contrary to provisions of supreme court rules or local circuit court rules; and

(4) Assignment of a case or class of cases not within the class of cases specified in section 472.020 to a circuit judge who is also judge of the probate division and who was on January 1, 1979, a probate judge shall only be with the consent of such judge of the probate division.

As is plainly apparent, the focus of this subsection is on judges, not clerks. Of the 373 words that make up the subsection, all but 21 are exclusively related to the mandate that there is a hierarchy between associate judges, judges, and the presiding judge, and have nothing to do with circuit clerks. Defendant's claimed authority to suspend an elected circuit clerk stems from following words:

the presiding judge of the circuit shall have general administrative authority over all judicial personnel and court officials in the circuit

While the above language certainly implies some grant of authority, this court is unpersuaded that it includes the power to suspend an elected official.

Unlike the Clerk of the Supreme Court who serves at the pleasure of the Court per Article V, Section 4, the General Assembly has provided that clerks of the circuit court shall be selected by and serve at the pleasure of the people. For that democratic decision to be disturbed, statutory language stronger and more straightforward than section 478.240 should be required.

This is not to say that the General Assembly has made a wise policy choice. In a different century, the chief responsibility for the Circuit Clerk was the safekeeping of the records of the circuit court of each county. In those

bygone days, there may have been some wisdom in entrusting the safekeeping of the courthouse records to an independent person selected by the community and not beholdng to the judiciary. However, long gone are the days when the duties of the circuit clerk simply involved the storing and preservation of the court files. With court automation and rapidly expanding responsibilities related to child support, disbursement of court costs, domestic violence orders of protection, etc., today's clerk's office is a complex business and is an intricate cog in the business of the judiciary. While divided government may work well (or not) in our nation's capital, it is not helpful to a functioning integrated judiciary. Hopefully this is a policy issue the General Assembly will want to revisit.⁵

JUDGMENT

Plaintiff's request in Count II for a declaratory judgment that Section 478.240 does not authorized a presiding judge to suspend the duly elected Clerk of the Circuit Court is granted. The Court finds that statutory language of subsection 2 designating the presiding judge as the chief administrator officer does not bestow the power of suspension over the a duly elected or gubernatorial appointed circuit court clerk.

⁵ While Judge Flynn might have employed a velvet glove approach rather than his bare-knuckled approach to his perceived shortcomings of the newly elected clerk, the inevitably of conflict is inherent in the legislative choice to create two independently elected office holders. It is only the degree of conflict, serious or inconsequential, that is determined by the personalities.

Plaintiff's request for a mandatory injunction permitting her to resume her duties as elected Clerk of the Circuit Court is denied. This Court lacks the power and authority to mandate or enjoin another circuit court judge.

SO ORDERED, this 8th day of February, 2021.

/S/

**RICHARD G. CALLAHAN
SENIOR CIRCUIT COURT JUDGE**