

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

NICHOLAS LA STRADA,

Plaintiff,

v.

Case No. 26AC-CC00592

**DENNY HOSKINS and
STATE OF MISSOURI, OFFICE
OF MISSOURI SECRETARY OF
STATE**

Defendants.

**DEFENDANTS' ANSWER TO PLAINTIFF'S PETITION FOR
DAMAGES**

Defendants, by and through counsel, answer Plaintiff's Petition for Damages as follows:

The "State of Missouri" is not a "public entity" or public employer for purposes of section 105.055. Even if it were, the State here is a redundant party or name with the Office of the Secretary of State. The alleged actions, many of which are denied, could only have occurred in and by the Office of the Secretary of State. To include two parties or names of the public employer party or agency is not only redundant, it runs contrary to principles of judicial economy.

Additionally, Denny Hoskins, an individual, is not a proper party under 105.055, RSMo., which only permits a civil action against a public employer and does not allow for civil actions against individuals.

Nevertheless, this answer is made on behalf of all named Defendants.

I. PRELIMINARY STATEMENT

The preliminary in Plaintiff's petition statement spans two and a half pages and is not a numbered paragraph stating facts for admission or denial. The statement is argumentative and in violation of Rule 55.11, stating that "All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances." This entire statement should be stricken.

To the extent any response is required, the preliminary statement is denied. Plaintiff is neither a watchdog nor a whistleblower. He was appropriately terminated based on his own misconduct. He knew or should have known that his purported disclosures were false. Declaratory and injunctive relief are not available under a civil action for damages brought under section 105.055, RSMo. All allegations concerning Defendant's actions related to Plaintiff's termination are denied, except that Plaintiff was terminated and his termination was lawful.

II. JURISDICTION & VENUE

1. This action against the State of Missouri, Office of Missouri Secretary of State arises under RSMo. § 105.055.7, *et seq.*, and Defendant

Office is a “*Political subdivision of the state, or any other instrumentality of the state*” and is therefore a public employer subject to § 105.055 *et. seq.*

Response: This paragraph calls for a legal conclusion and therefore no response is necessary. To the extent any response is necessary, Defendants deny.

2. Jurisdiction is invoked pursuant to RSMo. § 105.055.7 *et seq.* as the acts which constituted violations of the law were committed by Defendants within one year of the filing of this Petition for Damages.

Response: This paragraph calls for a legal conclusion and therefore no response is necessary. To the extent any response is necessary, Defendants deny.

3. Plaintiff La Strada, based upon reasonable belief at this time absent discovery, indicates that the amount of actual, compensatory, and/ or special damages in controversy is in excess of \$25,000.00; in addition, Plaintiff La Strada seeks declaratory, injunctive and equitable relief, pursuant to RSMo. § 105.055. *et seq.*

Response: This paragraph is Plaintiff's characterization of his lawsuit and requires no response. He is not entitled to any monetary relief and declaratory, injunctive, and equitable relief are unavailable. To the extent any response is necessary, Defendants deny.

4. Costs and attorneys' fees may be awarded pursuant to RSMo. § 105.005.7, *et seq.* and are hereby requested by Plaintiff La Strada.

Response: This paragraph calls for a legal conclusion and therefore no response is necessary. To the extent any response is necessary, Defendants deny.

5. This action properly lies in the Circuit Court of Cole County, Missouri, pursuant to RSMo. § 105.055.7(2), which states: "A Civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. A person commencing such action may request a trial by jury." Plaintiff La Strada chooses to bring his cause of action in Cole County, Missouri, where the primary violations occurred and hereby further requests a trial by jury on these matters.

Response: Defendants do not contest venue or trial by jury, to the extent this lawsuit survives to the time of a jury trial. Defendants deny there were any violations and any remaining allegations not already addressed.

III. PARTIES

6. Plaintiff La Strada is a resident of the State of Missouri and the United States respectively. Plaintiff La Strada was a "public employee" of the

State of Missouri within the meaning of RSMo. § 105.055.1(2), in that he was an “*individual performing work or services for a public employer*” as the appointed Director of Election Integrity for the State of Missouri Plaintiff resides in Pettis County.

Response: Defendants are without sufficient information to admit or deny this the first sentence of this paragraph, and therefore deny. The rest of this paragraph calls for a legal conclusion and therefore no response is necessary. To the extent any further response is necessary, Defendants deny.

7. Defendant Office is “*a political subdivision of the state,*” and/or an instrumentality of the state as defined by RSMo. § 105.055.1(3); the Office of Missouri Secretary of State is established under Article IV, Section 14 of the Missouri State Constitution which outlines the Executive Department and defines the core duties of that State Office. Its principal place of business is located at the James C. Kirkpatrick State Information Center, 600 West Main Street, Jefferson City, MO 65101. Service upon Defendant Office is proper pursuant to Missouri Rules of Civil Procedure 54.13 as Defendant Office is a public employer within the meaning of RSMo. § 105.055 *et seq.*

Response: Defendants admit that the Secretary of State is constitutionally established office, and Defendants admit its address. The rest of this paragraph calls for a legal conclusion to which no

response is necessary. To the extent a response is necessary,

Defendants deny.

8. As Missouri's chief election official, Defendant Hoskins administers statewide elections, manages candidate filings and voter databases, oversees initiative petitions and ballot measures, and certifies final election results, while supporting 116 local election jurisdictions that actually run the voting process.

Response: Admitted.

FACTS COMMON TO ALL COUNTS

9. Plaintiff La Strada served as the elected Pettis County Clerk for nearly 15 years, from January 1, 2011, through early January 2025.

Response: On information and belief, admitted.

10. During his career, Plaintiff successfully oversaw elections for more than 27,000 registered voters in his County, ensuring full compliance with state and federal election laws.

Response: Defendants are without sufficient information to admit or deny this paragraph, and therefore deny.

11. In his official capacity as County Clerk and Election Authority, Plaintiff conducted pre-election Logic and Accuracy Testing as mandated by law.

Response: Defendants are without sufficient information to admit or deny this paragraph, and therefore deny.

12. Plaintiff has previously worked as an international election observer and had been appointed by the United States' Department of State to represent the United States and served as a "Short-Term Election Observer."

Response: Defendants are without sufficient information to admit or deny this paragraph, and therefore deny.

13. Plaintiff completed 11 international election missions through the Organization for Security and Cooperation in Europe (OSCE).

Response: Defendants are without sufficient information to admit or deny this paragraph, and therefore deny.

14. Plaintiff earned a Master's Certificate in Election Administration from Auburn University.

Response: Defendants are without sufficient information to admit or deny this paragraph, and therefore deny.

15. In November 2024, Defendant Hoskins, the Secretary of State-Elect at the time, asked Plaintiff La Strada to work for him as Director of Election Integrity in the Office of the Secretary of State.

Response: Admitted that Defendant Hoskins and Plaintiff La Strada discussed Plaintiff working for him as Director of Election Integrity in November 2024 but deny that he was hired at that time.

16. The January 7, 2025 announcement described Plaintiff's appointment as Director of Election Integrity, a position separate from the Director of Elections.

Response: The January 7, 2025 announcement speaks for itself, but Defendants admit the Director of Election Integrity position was created as a separate position from Director of Elections

17. Plaintiff's Hiring materials, job-duty email to the Secretary, budget position F00305, and organizational charts also identified Director of Election Integrity as a separate role.

Response: Defendants are without sufficient information to admit or deny the allegations contained in this paragraph because Defendants do not know which hiring materials or email Plaintiff is referring to, but Defendants admit the Director of Election Integrity was created as a separate position from Director of Elections.

18. Matt Alsager was not originally identified as the person to whom Plaintiff La Strada reported, and Plaintiff and Chrissy Peters did not supervise on another.

Response: Denied as to Matt Alsager not originally being identified as the person to whom Plaintiff reported; admitted that Chrissy Peters and Nick La Strada did not supervise each other.

19. The Election Division of Defendant Office is responsible for administering all statewide elections, initiative petitions, and making known the rules governing elections and electronic voting systems.

Response: Defendants admit that the responsibilities of the Election Division include, but are not limited to, the duties described in this paragraph.

20. Missouri's elections are decentralized, and the state is composed of 116 local election jurisdictions. Each jurisdiction is led by an elected county clerk or a board of election commissioners, which are appointed by the Governor. In addition to conduction local, state and federal elections, local election authorities are responsible for the registration of voters and maintenance of registration records.

Response: Admitted.

21. Defendant Office follows and implements election law as set forth in Chapters 115 and 116 in the Revised Statues of Missouri.

Response: Defendants generally admit this paragraph though to the extent any legal conclusions are made, such conclusions are not factual and no response is necessary.

22. On January 13, 2025, Defendant Hoskins formally appointed Plaintiff La Strada to be Director of Election Integrity for the State of Missouri (“Director of Election Integrity”).

Response: Admitted in part; plaintiff was hired as an employee rather than as an appointed official.

23. On February 3, 2026, Defendant Hoskins stated that Plaintiff La Strada was “an invaluable asset” during the Missouri House Budget Committee meeting.

Response: Admitted.

24. During his tenure as Director of Election Integrity, Plaintiff La Strada reported and / or made complaints about violations of laws, violations of policies, abuse of power, breaches of professional ethical canons, and alternation of technical findings.

Response: Denied.

25. On April 3, 2025, Plaintiff La Strada emailed Defendant Hoskins, General Counsel Clifton Davis, Chief of Staff Matt Alsager, Director Chrissy Peters, Deputy Secretary Claudia Sands, and others, stating that the use of public funds for an anti-Proposition B mailer appeared to present a potential class four election offense under § 115.646.

Response: Admitted that Plaintiff La Strada sent an email to the individuals listed in this paragraph, stating that the use of public

funds for an anti-Proposition B mailer mailed by a St. Louis County Executive—not the Secretary of State’s Office—appeared to present a class four election offense. Defendants deny all allegations or implication that the Secretary of State’s Office misused public funds. Furthermore, the email sent by Plaintiff La Strada speaks for itself and is the best evidence of its contents. Anything not already addressed, is denied.

26. Plaintiff La Strada recommended review by the St. Louis County Prosecutor, or by the Attorney General if a conflict existed.

Response: Admitted.

27. On June 10, 2025, Plaintiff La Strada discovered that his MCVR administrative rights had been removed, including access to the agency interface and SSRS reports.

Response: Admitted only that that the Secretary of State’s Office removed Plaintiff La Strada’s administrative rights after Plaintiff La Strada had, without authority, made changes to voter records, including deletions and merges. Defendants are without sufficient information to admit or deny when or what Plaintiff discovered, and therefore deny as to what he discovered.

28. Plaintiff La Strada emailed Matt Alasager asking who authorized the change and requesting restoration of his previous privileges.

Response: Admitted that an e-mail was sent. The contents of the e-mail are the best evidence of its contents. To the extent any further response is necessary, all else is denied.

29. Matt Alsager did not respond to the email.

Response: On information and belief, admitted that a reply e-mail by Matt Alsager was not sent.

30. On April 13, 2026, Saline County's Local Election Authority certified the City of Marshall election.

Response: On information and belief, admitted.

31. A Complaint was subsequently submitted to Defendant Office regarding aggregation of write-in votes. Saline County's Local Election Authority maintained that the certification was correct.

Response: Admitted.

32. Once an election is certified, only a Judge can order a recount and only a Judge can change the results of the election.

Response: This paragraph calls for a legal conclusion and therefore no response is necessary.

33. Despite clear law prohibiting it, four days later, Defendant Office undertook its own retabulation. The Office instructed City officials to change the winner of the election.

Response: Denied.

34. City officials told Plaintiff they complied because Defendants told them that they “would be investigated if they did not comply.”

Response: Defendants are without sufficient information to admit or deny this paragraph and therefore deny.

35. As Director of Election Integrity, Plaintiff shared his concerns with Director Peters, Defendant Hoskins, and Deputy General Counsel Jacqueline Bryant that Defendant Office did not have the power or authority to direct, order, or authorize a city or any other governmental entity to reaggregate a vote count and replace an elected candidate with another.

Response: Admitted had communications with the noted people. The conversations speak for themselves and the respective witnesses will testify to their contents. All else is denied.

36. On April 20, 2026, Plaintiff La Strada informed Defendant Hoskins that Elizabeth Bellamy, City counselor for the City of Marshall, and Paul V. Rost of Cunningham, Vogel & Rost, P.C., outside counsel for the City of Marshall, said the City changed its position, removing the previously certified candidate in favor of the one indicated by Director Peters due to Director Peters due to Director Peters’ intimidation.

Response: Admitted that Plaintiff La Strada complained about Director Peters to Hoskins regarding the review of the complaint. All else is denied.

37. Plaintiff told Defendant Hoskins, in plain terms, that the office had no authority to change a certified election result, that only a court can do that and that the office could not threaten local election officials with investigations to force them to comply.

Response: Admitted only that Plaintiff La Strada complained about Defendants' review of the election complaint, but denied as to any implication that the Secretary of State's office changed a certified election result or ordered a change of a certified election result. Defendants deny any remaining allegations.

38. Defendants ignored Plaintiff's opposition to and report of Defendants' illegal actions.

Response: This paragraph assumes untrue premises and is argumentative. This paragraph is denied.

39. On April 14, 2026, Federal Judge Harpool entered an order requiring Plaintiff La Strada and Director Peters to be present at the April 24, 2026, hearing in *Kramer v. Hoskins* on a claim involving the Help America Vote Act of 2002 ("HAVA"), 52 U.S.C §§ 21081-21085.

Response: Admitted.

40. On April 15, 2026, at approximately 3:45 p.m., the Secretary of State Chief Staff Matt Alsager initiated an unscheduled meeting that did not appear on the calendar. Alsager called Brandon Alexander, Chief of Staff for

the State Auditor's Office, on speakerphone. Along with Plaintiff La Strada, Jackie Bryant and Chrissy Peters were also present.

Response: Admitted except to the characterization of the meeting as "unscheduled."

41. During this meeting, the participants, excluding Plaintiff La Strada, discussed fabricating a false whistleblower submission to offer as evidence about the Missouri Centralized Voter Registration system, to be routed through an "IP scrambler" and a "burner" phone so the source could not be traced, to be offered as evidence in the federal HAVA Title III hearing.

Response: Denied.

42. The Missouri Centralized Voter Registration system, or MCVR system, is the official, secure statewide database that holds the name and registration details for every legally registered voter in Missouri. Created under HAVA, the MCVR system is managed by Defendant office.

Response: Admitted.

43. Plaintiff La Strada was shocked and shared his objection to creating false evidence and / or false complaints questioning the integrity of the MCVER system to submit as an alleged legitimate anonymous complaint during federal HAVA hearing.

Response: Defendant is without sufficient information to admit or deny what Plaintiff felt and therefore denies. The rest of this paragraph is denied.

44. On April 16, 2026, Plaintiff called Clifton Davis, the Office's General Counsel, because he believed what he had witnessed was serious enough that it needed to be reported through the agency's legal counsel. During their first call, Plaintiff told Davis that he had witnessed matters he believed were unethical and potentially illegal but did not give him the details while Davis was traveling with another employee. Davis called Plaintiff back later that day from a private location, and Plaintiff provided Davis a detailed account of the April 15 meeting.

Response: Admitted that Plaintiff contacted Davis on April 16. Deny that Plaintiff informed Davis of any illegal activities. Defendants deny any remaining allegations.

45. After Plaintiff described the proposed false whistleblower submission, the IP scrambler, burner, and the effort to conceal where the submission originated, Davis indicated that is it's a false report and it is being sent over the internet, "that could be a federal crime."

Response: Denied.

46. Davis then told Plaintiff that, based on that alone, the matter was serious enough that Secretary Hoskins needed the opportunity to know

about it and address it before it went outside the Office. Davis told Plaintiff, "I knew that there was a conspiracy for a while." Davis said that what Plaintiff was describing was "far beyond toxic" and that those were the types of things that could get people "in a lot of trouble."

Response: Admit only that Davis told Plaintiff to contact Secretary Hoskins directly. However, Defendants deny the remaining allegations because the characterization and contents of this conversation are inaccurate.

47. Plaintiff subsequently reported the plan to falsify evidence directly to Secretary Hoskins on April 21, 2026.

Response: This paragraph assumes untrue premises and is argumentative. Admitted only that Plaintiff reported to Secretary Hoskins. This paragraph is otherwise denied.

48. Later that day, General Counsel Davis texted Plaintiff La Strada that he was "obligated" and was going to have to share what Plaintiff La Strada told him with the Secretary. Plaintiff encouraged Davis to do so.

Response: Admitted only that there was a text, which is the best evidence of its contents. The rest of this paragraph is denied.

49. On April 22, 2026, Plaintiff La Strada again reported the April 15 discussion to Defendant Hoskins. Defendant Office, by the reaction of Defendant Hoskins, did not welcome yet another report by Plaintiff La

Strada of Defendant Hoskins and Defendant Office's unlawful and unethical actions.

Response: Admitted only that Plaintiff called the Secretary the evening of April 22 and told the Secretary he did not want to testify at the HAVA hearing. All remaining allegations are denied.

50. On April 23, 2026, Plaintiff La Strada followed up with General Counsel Davis and asked whether he had been able to speak with Defendant Hoskins about Brandon Alexander and Matt Alsager and the false whistleblower complaint. General Counsel Davis replied that his meeting had been pushed back and was not scheduled for nearly two weeks.

Response: Denied.

51. Defendants wanted a Director of Election Integrity without any integrity, and Plaintiff had proven time and time again that he had too much integrity as he continued to report and complain about violations of laws and regulation, breaches of professional ethical canons, and abuses of authority.

Response: Denied.

52. Although Defendant Hoskins sent Plaintiff La Strada the federal order requiring his presence at the April 24, 2026 HAVA hearing, Defendants' conduct surrounding that hearing reflected concern over testimony they could not control. Plaintiff La Strada had repeatedly reported

serious concerns regarding conduct within the Office to Defendant Hoskins and other senior officials and intended to answer all questions asked of him truthfully.

Response: Denied.

53. Deputy General Counsel Bryant's affidavit offered as evidence in the HAVA hearing was materially false in its claim regarding extraction of audit logs. Plaintiff's concerns about MCVR, his access, and the HAVA matter had already been raised internally with leadership

Response: Denied.

54. The hearing took place at the Missouri State Capitol.

Response: Admitted.

55. Before the hearing, Defendant Hoskins directed that Plaintiff La Strada's badge and State access be suspended.

Response: Admitted.

56. Plaintiff was not informed that his badge and State access was suspended.

Response: Admitted.

57. Plaintiff La Strada appeared at the Missouri State Capitol as required by the federal order and was unable to access the building with his badge.

Response: Admitted only that his badge access was turned off.

Plaintiff could have used the public entrance.

58. Plaintiff La Strada was only able to enter the building because the door was opened for him by an unidentified woman.

Response: Defendants are without sufficient information to admit or deny this paragraph and therefore deny.

59. Chief of Staff Alsager was visibly surprised when he saw Plaintiff La Strada inside the building.

Response: Defendants are without sufficient information to admit or deny this paragraph and therefore deny.

60. When Plaintiff La Strada arrived at the doors to the hearing room, Deputy General Counsel Bryant stopped him from entering and came directly to him and told him, "We will not need you. We won't be calling you."

Response: Denied.

61. Plaintiff insisted he was there to testify because Judge Harpool had ordered him to be present and would be going into the hearing room.

Response: Denied.

62. The plaintiff, Constance Kramer, subsequently called Plaintiff La Strada as a witness, and he testified truthfully.

Response: Admitted that Plaintiff La Strada was called to answer questions by Constance Kramer. Defendants cannot speak to

the veracity of Plaintiff's testimony except to say that it was not all accurate.

63. Plaintiff La Strada's April 24, 2026, testimony pursuant to that order is a protected disclosure under § 105.055.2: a report of information regarding violations of law, abuse of authority, and mismanagement made in the course of a public-concern proceeding.

Response: This paragraph calls for a legal conclusion and therefore no response is necessary. Defendants deny that Plaintiff made any report of "information regarding violations of law, abuse of authority, and mismanagement." To the extent any further response is necessary, Defendants deny. Plaintiff did not make any protected disclosure.

64. Approximately 19 minutes after Plaintiff finished his testimony at the HAVA hearing, he received a text from Chief of Staff Alsager and Deputy Secretary Sands which state: "Nick, per the Secretary's directive, he would like you to call him before you come to the office Monday."

Response: Admitted.

65. On Saturday, April 25, 2026, Defendant Hoskins spoke with Plaintiff and confirmed that suspending Plaintiff La Strada's badge and State access had been his directive, told Plaintiff La Strada not to report to the

office on Monday, and directed him to meet with Defendant Hoskins on Tuesday.

Response: Admitted.

66. During that April 25, 2026, conversation, when Plaintiff La Strada told Defendant Hoskins that he would need to confer with legal counsel, Defendant Hoskins essentially ended the conversation immediately.

Response: Admitted.

67. On April 28, 2026, Plaintiff La Strada appeared for the meeting as directed. Defendant Hoskins personally terminated Plaintiff La Strada's appointment, with Chief of Staff Matt Alsager and Deputy Secretary Claudia Sands present in the room. Legislative Director Amanda Bell was outside the room. Defendant Hoskins stated that he was officially ending Plaintiff La Strada's appointment effective that day and handed Plaintiff La Strada the termination letter, which stated that his appointment would end effective close of business May 1, 2026, and that he would be paid administratively through May 1.

Response: Admitted except any implication that Plaintiff was an appointee.

68. Only after Defendant Hoskins terminated Plaintiff La Strada did Plaintiff ask about retrieving his belongings from the apartment he rented from Defendant Hoskins. Defendant Hoskins said he would meet Plaintiff La

Strada there in approximately 15 minutes. When Plaintiff La Strada arrived, the locks had been changed. Defendant Hoskins never arrived. Cole Christensen ultimately met Plaintiff La Strada there and assisted him in retrieving his belongings.

Response: Defendants admit the first three sentences and the fifth sentence of this paragraph. Defendants deny that Secretary Hoskins never arrived.

69. These actions taken by Defendant Hoskins and Defendant Office were done in response to Plaintiff La Strada questioning, reporting and/or complaining of violations of voting laws and regulations, campaign laws and regulations, violations of the Secretary of State's rules and policies, speaking up in opposition to Defendants' abuse of power and authority and mismanagement, and testifying in the federal HAVA hearing.

Response: Denied.

70. In essence, Defendant Office, by the actions of Defendant Hoskins, fired the Director of Election Integrity for having too much integrity.

Response: Denied.

71. As such, these actions were undertaken based on retaliation for whistleblowing within the meaning of RSMo. § 105.055 *et seq.*

Response: Denied.

72. As a result of the actions of Defendants, Plaintiff La Strada has suffered and will continue to suffer into the future lost wages, lost benefits, and emotional distress related to the illegal termination of his employment.

Response: Denied.

73. Plaintiff La Strada hereby incorporates by reference all prior paragraphs of this Petition.

Response: Defendants here incorporate by reference all prior responses to this Petition.

74. Under RSMo. § 105.055, public employers may not prohibit a public employee from or take disciplinary action against an employee for “the disclosure of information which the employee reasonably believes evidences: (a) A violation of any law, rule or regulation; or (b) Mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, alteration of technical findings . . . , breaches of professional ethical canons, ...” See also, *Hudson v. O’Brien*, 449 S.W.3d 87 (Mo. W.D. Ct. App. 2014).

Response: This paragraph calls for a legal conclusion and therefore no response is necessary. To the extent any response is necessary, Defendants deny.

75. Plaintiff La Strada reported what he reasonably believed to be violations of the law, rules, and/or regulations, violations of policy, alteration

of technical findings, mismanagement, abuse of authority, violation and/or breaches of professional ethical canons.

Response: Denied.

76. After Plaintiff La Strada complained of what he reasonably believed were violations of the law, rule, and/or regulations, violations of policy, alteration of technical findings, mismanagement, abuse of authority, violation and/or breaches of professional ethical canons, he was subjected to acts of retaliation, including the withholding of work, threats of disciplinary actions directed against him by Defendants, and unlawful termination of his employment.

Response: Denied.

77. Disciplinary action under RSMo. § 105.055.1(1), is defined as: “any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee's compensation.”

Response: This paragraph calls for a legal conclusion and therefore no response is necessary. To the extent any response is necessary, Defendants deny.

78. Defendants engaged in retaliatory and/or disciplinary actions against Plaintiff La Strada in violation of § 105.055, and his reporting and complaints (as alleged herein) were the motivating factor in Defendants’

decision to target him for retaliation and/or terminate his employment as alleged herein.

Response: Denied.

79. Plaintiff La Strada has been damaged by Defendants' actions, including, but not limited to, lost wages, lost benefits, suffering emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life, all to Plaintiff La Strada's damage and detriment.

Response: Denied.

80. Pursuant to RSMo. § 105.055(7), Plaintiff La Strada has the right to bring a civil action for damages for the actions undertaken against him by the Defendants, which he is doing herein.

Response: This paragraph calls for a legal conclusion and therefore no response is necessary. To the extent any response is necessary, Defendants deny.

VI. PRAYER FOR RELIEF

81. Wherefore, Plaintiff La Strada prays that this Court:

- a. Declare the conduct engaged in by Defendants to be in violation of Plaintiff's rights;
- b. Enjoin Defendants from engaging in such conduct;
- c. Award Plaintiff actual and compensatory damages;
- d. Award Plaintiff damages for emotional pain and suffering;

e. Award Plaintiff costs and attorneys' fees as allowed as a measure of damage and/or equity under RSMo. § 105.055 *et. seq.*, and

f. Grant such other relief as it may deem just and proper for Defendants' violations of RSMo. § 105.055 *et. seq.*

Response: Denied that Plaintiff is entitled to any relief whatsoever. Defendants reserve their right to recover the reasonable expenses associated with defending this lawsuit pursuant to section 514.205, RSMo. to the extent bad faith or the frivolous nature of this lawsuit is established, and any other applicable law relating to recovery of costs.

JURY TRIAL DEMAND

Defendants demand a trial by jury.

DEFENDANTS' AFFIRMATIVE AND OTHER DEFENSES

The Defendant provides the following affirmative and other defenses and facts in support:

1. Plaintiff's purported protected disclosures are materially false and a reasonable person would know they are false.
2. Plaintiff's MCVR admin rights were restricted only after certain local election authorities began finding suspicious user ID information in the voter audit logs within their jurisdictions; Plaintiff was making changes

without permission and in doing so put the Office of the Secretary of State in jeopardy due to his exceeding his statutory and legal authorities.

3. On information and belief, Plaintiff made changes to the voter records that could only be made by the local election authorities.

4. The affidavit Plaintiff references in *Kramer v. Hoskins* was materially true and accurate; additionally, Plaintiff had no way of knowing what was in that affidavit prior to his termination; he could not have made any protected communication regarding the contents of that affidavit.

5. His assertions regarding the affidavit, whether knowingly or recklessly, are materially wrong because the affidavit was materially truthful and accurate.

6. Plaintiff was terminated after Plaintiff was told to meet with the Deputy General Counsel to prep for the HAVA hearing and Plaintiff refused, among other reasons. Plaintiff by then had a history of not showing up to work, poor communication, unprofessional conduct, insubordination, and other misconduct to include refusing to go to meetings when he had disagreements with senior staff and Secretary Hoskins.

7. Plaintiff's testimony at the HAVA hearing speaks for itself and does not support his narrative. In that hearing at which Plaintiff claims to have blown the whistle, Plaintiff testified, "I'm bragging on this administration right now – I can – I can go down saying right now, as of

today with technology and with the local elections, everybody is working for the good cause.”

Defense No. 1

Failure to State a Claim

Plaintiff fails to state a claim. Plaintiff did not pleaded the disclosure of anything that would qualify for whistleblower protection. Within the context of Missouri’s public employee whistleblower statute a “disclosure” under § 105.055 amounts to “the exposure or revelation of something previously unknown.” *Mayfield v. Mo. House of Reps.*, No. 2:21- CV-4059-MDH, 2021 WL 2228061, at *4 (W.D. Mo. June 2, 2021); *see also Hudson v. O’Brien*, 449 S.W.3d 87, 92 (Mo. App. W.D. 2014). Plaintiff’s alleged disclosures were not disclosures and they were false. For these and other reasons, Plaintiff completely fails to state a claim under the public whistleblower statute or any other possible statutory or common law cause of action.

Defense No. 2

Plaintiff’s alleged disclosure or disclosures were knowingly or recklessly false

Plaintiff knew or should have known the information he alleges he reported was false. His alleged reports were either knowingly or recklessly false. A public employer may discipline an employee without running afoul of the whistleblower statute if the employee knew that the information

disclosed was false. Bad-faith or fabricated disclosures do not shield an employee from discipline. Plaintiff was already on track to being terminated for insubordination and failure to show up to work.

Defense No. 3

All actions taken by Defendant Office of the Secretary of State were lawful and justified.

The alleged disclosure relates to the Plaintiff's own violations of law and/or policy. The statute does not protect an employee whose disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority, or endangerment of the public health or safety. An employee cannot use the whistleblower statute as a shield when the very conduct being reported is conduct in which the employee personally participated.

Plaintiff's MCVR rights were limited after his own wrongdoing was discovered—after it came to the knowledge of the Defendant Office that he started changing the audit logs of voters, in violation of section 28.960, RSMo. and Missouri's list maintenance procedures. Any changes to the actual voter records must be made by the local election authorities where the voter is registered to vote.

Plaintiff was fired for insubordination and failure to show up to scheduled work times and meetings, among other reasons. Plaintiff's termination was lawful.

Defense No. 4

Declaratory and Injunctive relief are not provided for in the statute

There is no possible declaratory or equitable relief available. *Hudson v. O'Brien*, 449 S.W.3d 87, 97 (Mo. App. W.D. 2014) ("To the extent Appellant contends she is entitled to equitable relief ... such remedy is not provided for in the statute and, thus, is unavailable to Appellant.... the trial court correctly determined that Appellant is not entitled to equitable relief under § 105.055.")

Defense No. 5

Defendant's Own Misconduct Caused Lawful Restriction of MCVR Access

Plaintiff's MCVR admin rights were restricted only after certain local election authorities began finding suspicious user ID information in the voter audit logs within their jurisdictions; Plaintiff was making changes in the voter audit logs without permission and in doing so put the Office of the Secretary of State in jeopardy due to his exceeding his statutory and legal authorities.

Defense No. 6

Materially Accurate Affidavit—No Reasonable Belief of Violation of Rule/Ethical Canon

The affidavit Plaintiff references that was filed in *Kramer v. Hoskins* was materially true and accurate; additionally, Plaintiff did not review the affidavit prior to his termination; he could not have made any protected communication regarding the contents of that affidavit. Plaintiff himself, when asked at the HAVA hearing about the ability to perform a mass extraction of the audit logs, testified he could “look into it” but offered no explanation as to how it could be done. His assertions regarding the affidavit, whether knowingly or recklessly, are materially wrong because the affidavit was materially truthful and accurate.

Defense No. 7

No Interference with Testimony

No one attempted to prevent Plaintiff from testifying in the HAVA hearing. Plaintiff was required to attend, instructed to meet with counsel in advance, and reminded multiple times that he was *required* to attend. Plaintiff was even encouraged to submit written testimony before the hearing; he failed to meet the deadline for submitting it. At the hearing, counsel told Plaintiff he would not be questioned by Defendants, but reminded him that the complainant would be asking him questions; attendance remained required.

Defense No. 8

Plaintiff's Own Testimony Undercuts Claim

The best evidence of Plaintiff's testimony is the transcript of the HAVA hearing. Plaintiff testified that Missouri maintains a HAVA-compliant voter registration database, complimented the administration, and acknowledged he "could look into" whether a mass extraction of audit logs could be provided, but ultimately offered no explanation of how this could be done. His own testimony undermines any claim of retaliatory animus tied to any alleged protected disclosures made during the HAVA hearing.

Defense No. 9

Unclean Hands

To the extent Plaintiff claims he is entitled to any equitable relief, which as a matter of law is not entitled to, Plaintiff's own misconduct, including insubordination and allegations raised in bad faith, bars or limits equitable relief.

Defense No. 10

Legitimate, Nonretaliatory Reasons for Termination

The alleged disclosures relate to the Plaintiff's own violations of law and/or policy. The statute does not protect an employee whose disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority, or endangerment of the public health or safety. An

employee cannot use the whistleblower statute as a shield when the very conduct being reported is conduct in which the employee personally participated.

Plaintiff's MCVR rights were limited after his own wrongdoing was discovered—after it came to the knowledge of Defendants that he started changing the audit logs of voters, in violation of section 28.960, RSMo. and Missouri's list maintenance procedures. Any changes to the actual voter records must be made by the local election authorities where the voter is registered to vote.

Plaintiff was terminated after Plaintiff was told to meet with the Deputy General Counsel to prep for the HAVA hearing and Plaintiff failed to prep or even show up for work the day before the hearing, among other reasons. Plaintiff had a history of not showing up to work and insubordination, including declining meetings when he had disagreements with senior staff and Secretary Hoskins.

No adverse employment action was taken because of any protected report or disclosure. The decision to terminate Plaintiff's employment was based on legitimate, documented, nonretaliatory reasons, including insubordination and failure to report to work. Defendants acted for lawful, nonretaliatory reasons, including Plaintiff's repeated failure to attend mandatory preparation, refusal to meet with counsel, no-call/no-show in April

2026, and a pattern of declining meetings, failing to inform his supervisor of his whereabouts, and making changes to voter records without authority.

Defendants would have terminated Plaintiff's employment for legitimate reasons regardless of any alleged protected report.

Defense No. 11

Section 105.055.4(2) Does Not Permit Plaintiff to Leave Work During Normal Work Hours Without Following Applicable Rules Pertaining to Leave

Plaintiff was absent from the office several days when he was needed, but his presence was explicitly required on April 23. Plaintiff was directed to meet with Deputy General Counsel and prepare for the HAVA hearing.

Plaintiff did not show up to work that day. He also did not follow the proper procedure for requesting to miss that day.

Section 105.055 states this section "shall not be construed as" as:

"[p]ermitting a public employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leave, unless the public employee is requested by a legislator or legislative committee to appear before a legislative committee[.]"

Defense No. 12

Plaintiff cannot sue or name both the State of Missouri *and* an agency of the State pursuant to section 105.055. The proper party is only The Office of the Secretary of State.

Plaintiff has completely failed to state a claim against the Defendant State of Missouri. There are no allegations that are specific to the State contained in Plaintiff's Petition, other than the caption. Because there are insufficient allegations against the State of Missouri, the State must be dismissed as a Defendant or name in the caption.

Preservation of Further Defenses

Defendants incorporate by reference each and every other affirmative defense that may be uncovered or made known during the investigation and discovery of this case. Defendants specifically reserve the right to amend this answer to include additional affirmative and other defenses after they are discovered.

Respectfully submitted,

CATHERINE L. HANAWAY

Attorney General

/s/ Charles W. Adamson

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CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2026, the foregoing was filed electronically via the Court's electronic filing system and was served by the operation of the court's electronic filing system on all counsel of record.

/s/ Charles W. Adamson

Charles W. Adamson

Assistant Attorney General