

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19th JUDICIAL CIRCUIT**

MISSOURI ALLIANCE)	
FOR FREEDOM, Inc.)	Case No. 17AC-CC00365
)	
Plaintiff,)	
)	
v.)	
)	
MISSOURI AUDITOR)	
NICOLE GALLOWAY)	
)	
Defendant.)	

AFFIDAVIT OF EDWARD D. GREIM

I, **EDWARD D. GREIM**, being duly sworn, declare as follows:

1. I am an attorney licensed to practice in the State of Missouri.
2. I represent Plaintiff Missouri Alliance for Freedom in the above captioned matter.
3. I make this statement in support of Plaintiff's Motion for Trial Date, Scheduling Order, and to Open Discovery.
4. Attached to this Affidavit as Exhibits A and B are true and correct copies of the following documents:
 - a. Exhibit A: Correspondence between Barbara Wood, Custodian of Records and Senior Counsel for Defendant Auditor Nicole Galloway, and Kristen Ansley, on behalf of Missouri Alliance for Freedom (October 27, 2017).

- b. Exhibit B: Email correspondence between the undersigned and Joel Anderson, Counsel for Defendant Auditor Nicole Galloway (December 6, 2017).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of December, 2017.



Edward D. Greim (Mo. Bar #54034)
Graves Garrett, LLC
1100 Main Street, Suite 2700
Kansas City, Missouri 64105
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Notary Public



REBEKAH BADELL
My Commission Expires
March 29, 2021
Platte County
Commission #17050857



NICOLE GALLOWAY, CPA
Missouri State Auditor

October 27, 2017

Kristen Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Re: Missouri Sunshine Law

Dear Ms. Ansley:

On May 2, 2017, the State Auditor's Office received your sunshine law request in which you asked for records relating to the audit of the Missouri Department of Revenue and records of communications to or from Paul Harper and Doug Nelson. On May 5, 2017, I sent you a response providing you with documents responsive to your request relating to the Missouri Department of Revenue.

On June 2, 2017, I notified you that we would provide you with an update of the status of your request by August 1, 2017, because of the scope of your request and that it covers approximately 2 years. On August 1, 2017, our office provided you with records relating to the audit of the Missouri Department of Revenue, specifically on the audit of the "timeliness of the Department's issuance of tax refunds" and records of communication to and from Paul Harper and Doug Nelson. Our office also notified you that we were in the process of reviewing the remainder of your request and would provide you with an update of the status of your request every 30 days because it is requiring the review of thousands of pages.

On August 31, 2017, our office provided you with records of communication to and from Paul Harper and Doug Nelson. Our office also notified you that we were in the process of reviewing the remainder of your request and would provide you with an update of the status of your request every 30 days because it is requiring the review of thousands of pages.

On September 27, 2017, our office provided you with records of communication to and from Paul Harper and Doug Nelson. Our office also notified you that we were in the process of reviewing the remainder of your request and would provide you with an update of the status of your request every 30 days because it is requiring the review of thousands of pages.

As to your remaining request for records of communications to or from Paul Harper and Doug Nelson, I have attached 9,160 pages of documents plus attachments dated April 1, 2016, through June 31, 2016, for Paul Harper and dated April 1, 2016, through May 2, 2017, for Doug Nelson. Additional responsive documents during these dates are confidential under sections 29.070, 29.200.17, 29.221, 610.021(1), 610.021(3), 610.021(13), 610.021(14), 610.021(17), 610.021(21), and 610.021(22) RSMo, and 17 U.S.C.A. Section 102.

Because of the scope of your request and that it covers approximately 2 years requiring the review of thousands of pages, our office is in the process of reviewing the remainder of your request. We will provide you with an update of the status of your request no later than every 30 days and will provide you with any responsive documents as we complete our review. This continuing review should be completed no later than December 1, 2017.

If you have any questions, please contact me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,



Barbara Wood
Senior Counsel



Eddie D. Greim
edgreim@gravesgarrett.com
Direct Dial: (816) 256-4144
Facsimile: (816) 817-0863

December 4, 2017

Via Electronic Mail

Joel Anderson
Chief Litigation Counsel
Missouri State Auditor
301 W. High St., Ste. 880
Jefferson City, MO 65102
Joel.Anderson@auditor.mo.gov

Re: *Missouri Alliance for Freedom, Inc. v. Galloway; Case Management*

Dear Joel:

We noted with interest last week that your client has filed two new motions: an “Amended Motion for Protective Order” and a “Motion to Dismiss” that is accompanied by “Suggestions in Support of Defendant’s Motion for Summary Judgment.” Each motion seeks relief identical to that already requested by your client in predecessor motions that were argued and fully submitted to the Court in October 2017.

Now, with motions overtaking motions, it seems to us that a scheduling order and trial date is necessary in this matter. We propose a trial date in late May 2018, with a dispositive motion deadline fifty days before then, at which point you could renew your recent summary judgment motion (making any necessary revisions). We would respond in thirty days; you could reply in seven; and we’d exchange witness and exhibit lists in preparation for a bench trial. These deadlines would remain the same if we cross-move; MAF’s dispositive motion would also be due fifty days before trial. Perhaps we’ll find that working on our dispositive motions would prepare us to agree to stipulations, and we’d be able to have a relatively efficient bench trial conducted largely on stipulations crafted during summary judgment briefing.

For all of this to happen, discovery will need to be reopened and completed in the next three months, by about early April 2018. You might recall that on September 21, 2017, we wrote you suggesting a discovery protocol to alleviate your client’s stated concerns about burdens. Our offer to confer regarding discovery has remained open



J. Anderson
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from that time until your recent “amended” discovery motion, and although we have not heard from you for quite some time, we remain willing to talk.

Setting a schedule and trial date will restore some order to this case, but because the Court’s calendar is likely filling up even this far in advance of May, we respectfully suggest that we confer as soon as possible and then compare our dates against the Court’s availability.

Please let us know your position as soon as possible, but in no event later than the close of business this **Wednesday, December 6, 2017**. If you believe a phone call would be beneficial, do not hesitate to reach out to me. Thank you in advance for your time and consideration.

Very truly yours,

Edward D. Greim

cc: Paul Harper, Esq.



NICOLE GALLOWAY, CPA
Missouri State Auditor

December 6, 2017

Via Electronic Mail Only
Mr. Edward D. Greim
Graves Garrett, LLC
1100 Main Street, Suite 2700
Kansas City, MO 64105

RE: Missouri Alliance for Freedom, Inc. v. Galloway

Dear Eddie,

Thank you for your letter of December 4. I am most eager to see this case resolved, but the various motions we have pending express our very serious concerns with the case filed by your client. Because these concerns go directly to what we can and cannot do under the law, we are not at liberty to simply dismiss them in the interests of some sort of expediency.

I will reiterate what we discussed in response to your letter of September 22 about discovery: If your client knows what she wants and believes she has not received it, please let us know. If it is something we can lawfully produce, we will. If not, we will at least know what document or documents are at issue and we can have a meaningful discussion about them, or present them to the judge to address in a focused manner.

As things stand, I cannot see a way to turn over unspecified and legally confidential documents and/or confidential information in a discovery request that could not be obtained lawfully in an open-records request. I am happy to discuss what information your client requires, as Ms. Wood has been all along, but I am struggling to see how we can have a meaningful discussion of discovery requests that demand documents confidential by law, and that impose onerous duties not required by law on our staff.

I am open to ideas. But, if we proceed with these very general and voluminous records requests, I cannot see us getting to a trial date at any time in 2018, much less in just a few months.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel E. Anderson", with a long horizontal flourish extending to the right.

Joel E. Anderson

cc: Ben Hurst