

**IN THE CIRCUIT COURT OF PHELPS COUNTY
TWENTY-FIFTH JUDICIAL CIRCUIT
STATE OF MISSOURI**

REBECCA VARNEY,

Plaintiff,

v.

CITY OF EDGAR SPRINGS, a
municipality and political
subdivision of the State of
Missouri,

Serve: Terry Austin, Mayor
Edgar Springs City Hall
555 Broadway
Edgar Springs, MO 65462

Case No. _____

and

JOSEPH HOHNER, in his official
capacity as Chief of Police of
Edgar Springs, Missouri,

Serve: Joseph Hohner, Chief of Police
Edgar Springs Police Dept.
555 Broadway
Edgar Springs, MO 65462

Defendants.

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Rebecca Varney believes in keeping the government in her city, Edgar Springs, Missouri (“the City”), transparent and accountable.
2. Because of Varney’s diligent efforts in the service of government transparency

the City, former Mayor William Gallion, and/or the City's Chief of Police¹ banned Varney from entering the Edgar Springs City Hall ("City Hall"), meaning that—unlike every other citizen—Varney is prohibited from reviewing public records at that location and she was even (temporarily) forbidden to attend the open public meetings held at that location.

3. This case asks the Court to issue a declaratory judgment as to the following issues:

- 1) whether the Defendants violated Varney's right to due process by banning her from City Hall even though there is no ordinance or policy that would allow for the selective exclusion of people from City Hall during normal business hours;
- 2) whether the Defendants violated Varney's right to due process by banning her from City Hall without holding any sort of a hearing to determine whether such a ban was appropriate or justified;
- 3) whether the Defendants violated Varney's right to due process by failing to provide any mechanism through which Varney could appeal the Defendants' decision to ban her from City Hall;
- 4) whether the Defendants violated Varney's right to equal protection of the laws by denying her the right to access City Hall at the same times and under

¹ Former Chief of Police Kody Lucas expressed the position that the Chief, not the City Council, had the authority to issue and enforce the No Trespass Notices issued to Varney. The position of the current Chief of Police is unclear, but he did express his intent to enforce the No Trespass Notices if Varney violated them.

the same circumstances as the rest of the City's residents;

- 5) whether the Defendants violated Varney's freedom of expression and right to petition government for redress of grievances by basing their decision to ban Varney from City Hall on Varney's exercise of those rights, which are protected under the First Amendment and Article I, sections 8 and 9 of the Missouri Constitution;
- 6) whether the Defendants violated Missouri's open records laws by denying Varney the option of reviewing public records in person at the place where those records are kept;
- 7) whether the City violated Missouri's open meetings laws by conducting one or more public meetings where the public was not given prior notice or an opportunity to attend as required by statute;
- 8) whether the City violated Missouri's open meetings laws by failing to abide by the requirements and limitations applicable to closed meetings; and
- 9) whether the Defendants violated Missouri's open meetings laws by excluding Varney from the November 25, 2019 City Council meeting held at City Hall.

PARTIES

4. Plaintiff Varney is a citizen of the United States and a resident of the City.
5. Defendant City of Edgar Springs, Missouri, is a municipality and political subdivision of the State of Missouri.
6. Defendant Joseph Hohner is the City's Chief of Police; he is sued in his official capacity as Chief of Police, not in his individual capacity.

JURISDICTION AND VENUE

7. Varney brings her action for declaratory judgment and injunctive relief pursuant to §§ 527.010, 526.030, 610.027, and 610.030 RSMo., as well as 42 U.S.C. §§ 1983 and 1988.
8. Phelps County Circuit Court is the proper venue for this action because the events giving rise to Varney’s claims occurred in Phelps County, Missouri, and because the principal place of business for the City of Edgar Springs is in Phelps County, Missouri.

FACTS

9. Varney considers herself to be a government watchdog, working to ensure that the City is abiding by statutory and constitutional guidelines.
10. In this watchdog role she reviews public records, attends public meetings, and on occasion also publicly criticizes City officials for what she perceives as violations of the law and other forms of mismanagement.
11. The City keeps all of its public records at City Hall.
12. For some time prior to April 12, 2018, Varney made a point of exercising the right she enjoys under Missouri statutes to go to the Edgar Springs City Hall (“City Hall”) for the purpose of reviewing public records during normal business hours and attending open public meetings of the Board of Aldermen

("the City Council")² on the evenings they were being held.

13. On the morning of March 29, 2018, Varney went to City Hall to review the City's financial records.
14. Upon information and belief, Paula James was the City Clerk and/or the Custodian of Records for the City during the month of March 2018.
15. In the alternative, the City did not have a designated Custodian of Records during the month of March 2018.
16. Varney made an appointment to go to City Hall on March 29, 2018, and review public records
17. As Varney was reviewing the public records during regular business hours on March 29, 2018, she started to take photos of the records she was reviewing so that she could reference them later.
18. James claimed that Varney was not permitted to take photos of the records, so Varney began making handwritten notes about the public records she was reviewing.
19. Shortly after 10:00 a.m. on March 29, 2018, James instructed Varney to leave the building.
20. At the time the clerk ordered Varney to leave it was still normal business hours for City Hall and the building was open to the public.

² Although the City's legislative body appears officially to be styled as a "Board of Aldermen," it appears that the Defendants sometimes refer to it as a "City Council." To remain consistent with the terms used in the No Trespass Notices the City issued to Varney, Varney will refer to this body as a "City Council."

21. When Varney insisted on continuing to review public records, James called the Phelps County Sheriff Department.
22. Phelps County Deputy Sheriff Kurtis Zigrye was dispatched to City Hall, and when he arrived James complained that Varney had been regularly coming to City Hall and requesting public records; James told Zigrye that Varney was harassing James and the City by “staying in the building for unreasonable amounts of time.”
23. On April 12, 2018, one of the City’s police officers delivered to Varney a “No Trespass Notice” (“the First Notice”), which purported to prohibit Varney from entering City Hall for any purpose other than to attend the monthly City Council meetings. A true and accurate copy of this document is attached to this Petition as Plaintiff’s Exhibit 1.
24. The First Notice stated that Varney must submit “any other official documentation request... via certified mail, city attorney, or at monthly counsel [sic] meeting.”
25. The First Notice had the purpose and effect of prohibiting Varney from going to City Hall during normal business hours and asking to review the City’s open public records at that location.
26. At a later City Council meeting Varney asked the City Council to withdraw the First Notice.
27. As the City Council was taking a vote as to whether the First Notice would be withdrawn, Kody Lucas, who was at that time the City’s Chief of Police, stated

that he had the sole authority to decide whether Varney would be permitted to enter City Hall.

28. Lucas stated that he would not withdraw the First Notice.
29. Varney continued her efforts to ensure that the City's government would be transparent and accountable to the citizens, leading a successful petition for an audit of the City, publishing opinion pieces in the *Licking News* that questioned the amount of revenue the City was generating from traffic fines, and questioning the City's authority to close certain meetings to the public.
30. Varney also ran for mayor in the April 2, 2019 Municipal Election, but lost to William Gallion.
31. On Saturday, November 9, 2019, Varney noticed several vehicles at City Hall, which suggested the possibility that public officials were holding an unnoticed public meeting.
32. Varney went to the door usually used when public meetings are held at City Hall and saw that the mayor and three City Council members were present.
33. Upon information and belief the mayor and three City Council members constituted a quorum of the Edgar Springs City Council and they were there to discuss the City's sewer system.
34. Varney entered City Hall and asked if they were holding a public meeting.
35. Then-mayor William Gallion called the Phelps County Sheriff's Office, reported that Varney was trespassing, and asked the Sheriff's Office to arrest Varney and to tell her that she was not allowed to come to City Hall, even for

public meetings.

36. On November 11, 2019, Defendant Hohner delivered to Varney a “No Trespass Notice” (“the Second Notice”), which stated that she was henceforth prohibited from entering or remaining at City Hall. A true and accurate copy of this document is attached to this Petition as Plaintiff’s Exhibit 2.
37. The Second Notice omitted the permission to attend City Council meetings that was expressly included in the First Notice.
38. On November 25, 2019, the Edgar Springs City Council held an open public meeting at City Hall.
39. Varney wished to attend the November 25, 2019 open public meeting but believed that she was prohibited from doing so.
40. At Varney’s request, attorney David Roland spoke with Defendant Hohner prior to the meeting to determine whether Varney would be permitted to attend the meeting.
41. Hohner stated that, even though it was an open public meeting, Varney would not be permitted to attend the meeting and that if she attempted to do so, he would issue her a citation.
42. Attorney Roland at that time informed Hohner that the Sunshine Law did not allow the City to exclude any citizen from an open public meeting.
43. Attorney Roland also informed Hohner of the consequences the Sunshine Law provides for knowing and/or purposeful violations of its requirements.
44. Hohner nonetheless reiterated that he would treat Varney as a trespasser if

she attempted to attend the November 25, 2019 City Council meeting.

45. As a result of Hohner's statement that she would be cited if she attempted to attend the meeting, Varney chose not to try to enter City Hall that evening.
46. That same evening Attorney Roland sent the City's City Attorney, Brandi Baird, a letter ("the Warning Letter") notifying the City that its attempt to ban Varney from entering City Hall and attending open public meetings violated the First and Fourteenth Amendments; Article I, §§ 2, 8, 9, and 10 of the Missouri Constitution; § 109.180, RSMo.; and various aspects of Missouri's Sunshine Law, Chapter 610, RSMo. A true and accurate copy of this letter is attached to this Petition as Plaintiff's Exhibit 3.
47. The Warning Letter specifically noted that "§ 109.180, RSMo., makes it a ***criminal offense*** to deny citizens the privilege of personally inspecting public records."
48. The Warning Letter also explained that no part of the Sunshine Law authorizes a public governmental body to preemptively ban a citizen from inspecting public records in person or from attending an open public meeting.
49. The Warning Letter identified the penalty provisions included in § 610.027, RSMo., and stated that if the City did not rescind its decision to ban Varney from City Hall, she would ask the courts to impose the maximum possible penalty due to the City's purposeful violation of the Sunshine Law.
50. The Warning Letter included three demands: (1) the City must, in writing, rescind the No Trespass Notices it had issued to Varney; (2) the City must issue

a written statement acknowledging that Varney has a constitutional right to enter City Hall and to remain there on the same basis that any other citizen is permitted to enter into that building and to remain there; and (3) the City Attorney must provide written notice to all City officials that it is a misdemeanor for any City official to refuse to allow Varney or any other citizen to enter City Hall at any reasonable time for the purpose of personally inspecting public records.

51. On November 27, 2019, Mayor Gallion sent Varney a letter rescinding the ban on Varney's attending public meetings held at City Hall, but the letter reiterated that Varney would not be allowed into City Hall during normal business hours. A true and accurate copy of this letter is attached to this Petition as Plaintiff's Exhibit 4.
52. As of the date on which this Petition is being filed, the City still refuses to allow Varney to enter City Hall during regular business hours when all other citizens are permitted to enter City Hall.
53. Varney continues to wish to review the City's public records in person at City Hall and she is suffering an ongoing injury as a result of not being permitted to do so.

CLAIMS FOR RELIEF

COUNT I

Due Process of Law – Fourteenth Amendment and Art. I, § 10 of the Missouri Constitution

54. The Plaintiff incorporates by reference the allegations made in each preceding

paragraph as if each allegation was set forth herein.

55. The Fourteenth Amendment to the U.S. Constitution prohibits state and local governments from depriving any person of life, liberty, or property without due process of law.
56. Article I, section 10 of the Missouri Constitution also prohibits Missouri governmental entities from depriving any person of life, liberty, or property without due process of law.
57. Where a government building is generally open to the public during normal business hours, the ability to enter that government building at the same times and on the same terms as any other member of the public is a liberty protected under the U.S. and Missouri Constitutions.
58. At all times relevant to this lawsuit the City had not adopted any ordinance that limited public access to City Hall during normal business hours.
59. At all times relevant to this lawsuit the City had not adopted any ordinance that authorized any City entity or official to deny an individual member of the public access to City Hall during normal business hours.
60. At all times relevant to this lawsuit the City had not adopted any ordinance that established circumstances under which any City entity or official could during normal business hours order an individual member of the public to leave City Hall and/or deny one member of the public the ability to enter City Hall at times and dates on which City Hall was open to every other member of the public.

61. The City never held any sort of hearing to determine whether or not Varney should be banned from City Hall.
62. In the absence of such a hearing, Varney had no formal opportunity to understand the basis for the City's decision to ban her from City Hall, nor did she have any opportunity to dispute any allegations upon which the City relied in deciding to ban her from City Hall.
63. The City did not provide Varney any way to appeal its decision to ban her from City Hall.
64. Thus, the City deprived Varney of a form of constitutionally-protected liberty without affording her the due process of law required by the Fourteenth Amendment to the U.S. Constitution or Article I, section 10 of the Missouri Constitution.

WHEREFORE, the Plaintiff respectfully asks the Court to enter a judgment that (1) declares that the City violated Varney's constitutionally protected liberty without providing due process of law as required under the Fourteenth Amendment and Article I, section 10 of the Missouri Constitution; (2) enjoins the City from future deprivations of Varney's right to due process of law; (3) awards Varney nominal damages in the amount of \$1 as a consequence of the violation of her constitutional rights; (4) awards Varney reasonable attorney fees associated with proving this violation of her constitutional rights; and (5) awards such other relief as this court deems just and proper under the circumstances.

COUNT II

**Equal Protection of the Laws—Fourteenth Amendment and
Art. I, § 2 of the Missouri Constitution**

65. The Plaintiff incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.
66. The Fourteenth Amendment to the U.S. Constitution prohibits any state or local government from denying any person within its jurisdiction the equal protection of the laws.
67. “The purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.” *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curiam) (citations omitted).
68. Article I, section 2 of the Missouri Constitution states “that all persons ... are entitled to equal rights and opportunity under the law[.]”
69. By denying Varney the freedom to enter City Hall at the same times and on the same terms that any other member of the public would be allowed to enter City Hall, the City has denied Varney equal protection of the laws.
70. Importantly, the City’s decision to discriminate against Varney was substantially motivated by her persistent criticisms of City officials and by her efforts to use public records to reveal to the rest of the community what Varney perceived as being violations of the law and/or mismanagement of public affairs.
71. Consequently, the City has violated the Fourteenth Amendment and Article I,

section 2 of the Missouri Constitution.

WHEREFORE, the Plaintiff respectfully asks the Court to enter a judgment that (1) declares that the City denied Varney the equal protection of the laws in violation of the Fourteenth Amendment and Article I, section 10 of the Missouri Constitution; (2) enjoins the City from future denials of Varney's right to equal protection of the law; (3) awards Varney nominal damages in the amount of \$1 as a consequence of the violation of her constitutional rights; (4) awards Varney reasonable attorney fees associated with proving this violation of her constitutional rights; and (5) awards such other relief as this court deems just and proper under the circumstances.

COUNT III

Freedom of Expression and Freedom to Petition—First and Fourteenth Amendments and Article I, §§ 8 and 9 of the Missouri Constitution

72. The Plaintiff incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.
73. The First Amendment to the U.S. Constitution protects the freedom of expression and also the freedom to petition one's government for redress of grievances.
74. The First Amendment's protections are made applicable to the states and to local governments through the Fourteenth Amendment to the U.S. Constitution.
75. Article I, section 8 of the Missouri Constitution ensures that "every person shall be free to say, write or publish, or otherwise communicate whatever

[they] will on any subject[.]”

76. Article I, section 9 of the Missouri Constitution states that citizens have the right “to apply to those invested with the powers of government for redress of grievances[.]”
77. These constitutional provisions protect not only an individual’s affirmative right to express themselves or to petition their government for redress of grievances, but also the right to be free from retaliation by government officials for exercising those rights.
78. The City’s decision to ban Varney from City Hall was a direct response to the way in which she was exercising her freedom of expression and her right to petition her government for redress of grievances.
79. The City issued the First Notice to Varney because she was regularly exercising her right to review open public records in person at City Hall and City officials were tired of her doing so.
80. The City issued the Second Notice to Varney because when she observed an unannounced public meeting she intervened to find out whether they were violating the Sunshine Law and, upon determining that they were in violation of the law, she told them so.
81. Put another way, if Varney had not assumed the role of government watchdog, investigating public records and meetings and criticizing public officials for violating laws and mismanaging the public’s affairs, the City would not have banned her from City Hall.

82. The City's retaliation against Varney violates the First Amendment and Article I, sections 8 and 9 of the Missouri Constitution.

WHEREFORE, the Plaintiff respectfully asks the Court to enter a judgment that (1) declares that the City unconstitutionally retaliated against Varney for exercising her constitutionally protected freedom of expression and her right to petition her government for redress of grievances in violation of the First Amendment and Article I, sections 8 and 9 of the Missouri Constitution; (2) enjoins the City from future retaliation against Varney for exercising these constitutionally protected rights; (3) awards Varney nominal damages in the amount of \$1 as a consequence of the violation of her constitutional rights; (4) awards Varney reasonable attorney fees associated with proving this violation of her constitutional rights; and (5) awards such other relief as this court deems just and proper under the circumstances.

COUNT IV

Denial of In-Person Review of Public Records--§ 610.023, RSMo.

83. The Plaintiff incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.

84. Section 109.180, RSMo., states that "all... municipal records kept pursuant to statute or ordinance shall be at all reasonable times open *for a personal inspection by any citizen of Missouri*, and *those in charge of the records shall not refuse the privilege to any citizen.*"

85. Violations of this provision are a misdemeanor offense and any official that

violates the provision “shall be subject to removal or impeachment[.]” § 109.180, RSMo.

86. State law also specifies that the right to access public records may be exercised while the records are in the custody of their lawful custodian and that review of public records “shall, where possible, be done in the room where the records, documents or instruments are by law kept, but if that is impossible or impracticable, the work shall be done in another room or place as nearly adjacent to the place of custody as possible[.]” § 109.190, RSMo.
87. The Sunshine Law updated and clarified citizens’ rights to review public records, stating that “all public records of public governmental bodies shall be open to the public for inspection and copying[.]” § 610.011.2, RSMo.
88. The Sunshine Law also requires every public governmental body to “make available for inspection and copying by the public of that body’s public records.” § 610.023.2, RSMo.
89. The Sunshine Law does allow a custodian of public records to delay production of requested public records, so long as the custodian gives “a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection.” § 610.023.3, RSMo.
90. The law does not, however, allow a custodian of public records to deny citizens the right to personally inspect and copy public records, nor does it authorize a public governmental body to force a citizen to pay for making copies of requested records rather than taking their own photographs of those public

records.

91. The City violated § 610.023, RSMo., by denying Varney the right to personally inspect and take pictures of the City's public records, by forcing her to submit her requests for public records by mail or email, and by forcing her to pay for the City to make copies of the requested records rather than allowing her to take her own pictures of the requested public records.
92. The City continued violating § 610.023, RSMo., even after it had been put on notice that its denial of Varney's rights violated the Sunshine Law and even after the City was unquestionably aware of the consequences for violating the Sunshine Law.
93. Thus, the City has committed knowing and purposeful violations of § 610.023, RSMo., by denying Varney the opportunity to conduct an in-person review of public records at City Hall, the place where those records are held, and also by denying Varney the opportunity to take her own photographs of those public records as opposed to paying the City to produce copies of those records.

WHEREFORE, the Plaintiff respectfully asks the Court to enter a judgment that (1) declares that the City violated the Sunshine Law by denying her the right to in-person review of public records and her right to make her own photographs of those public records; (2) declares that this violation of Varney's Sunshine Law rights was knowing and/or purposeful; (3) enjoins the City from future deprivations of Varney's right to in-person review of public records and her right to make her own photographs of those public records; (4) awards Varney civil penalties in the amount

of \$50 as a consequence of the violation of her right to in-person review of public records and her right to make her own photographs of those public records; (5) awards Varney reasonable costs and attorney fees associated with proving this knowing and/or purposeful violation of the Sunshine Law; and (6) awards such other relief as this court deems just and proper under the circumstances.

COUNT V

Holding Public Meetings Without Notice to the Public--§ 610.020, RSMo.

94. The Plaintiff incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.
95. Pursuant to the Sunshine Law, a “public meeting” is “any meeting of a public governmental body... at which any public business is discussed, decided, or public policy formulated[.]” § 610.010, RSMo.
96. The Sunshine Law requires public governmental bodies to give the public notice of the time, date, and place of each public meeting and its tentative agenda. § 610.020, RSMo.
97. Upon information and belief, the meeting Varney encountered at City Hall on November 9, 2019, included a quorum of the City Council discussing public business within the meaning of § 610.010, RSMo.
98. The City did not give the public notice of the time, date, and place of the November 9, 2019 meeting.
99. Upon information and belief, the City held at least one other meeting in 2019 or 2020 at which a quorum of the City Council was present for the purpose of

discussing public business, and for which the City did not provide the required public notice.

100. Thus, the City has violated § 610.020, RSMo., by holding public meetings without properly notifying the public of the times, dates, and places of those meetings and without informing the public of the matters to be discussed.

WHEREFORE, the Plaintiff respectfully asks the Court to enter a judgment that (1) declares that the City violated the Sunshine Law by holding public meetings without first providing the mandatory public notice; (2) enjoins the City from holding future public meetings without first providing the mandatory public notice; and (3) awards such other relief as this court deems just and proper under the circumstances.

COUNT VI

Improper Closure of Public Meetings—§ 610.022, RSMo.

101. The Plaintiff incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.

102. Although §§ 610.021 and 610.022, RSMo., does authorize the closure of certain public meetings, § 610.022, RSMo., specifies the procedure that a public governmental body must follow before closing a meeting.

103. The requirements for holding a closed public meeting include taking “an affirmative public vote of the majority of a quorum of the public governmental body” and that “the vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for

closing that public meeting or vote by reference to a specific section of [Chapter 610] shall be announced publicly at an open meeting of the governmental body and entered into the minutes.” § 610.022.1, RSMo.

104. The Sunshine Law permits public meetings (or portions of public meetings) to be closed “only to the extent necessary for the specific reason announced to justify the closed meeting or vote.” § 610.022.3, RSMo.

105. Upon information and belief, the City did not follow the requirements of § 610.022, RSMo., in regard to several closed meetings (or closed sessions within the context of open public meetings) that were held in 2019 and 2020.

106. Upon information and belief, for several of those meetings the City Council did not record in the meeting minutes the reasons for holding closed meetings or going into closed session.

107. Upon information and belief, for several of those meetings the City Council did not document the votes of each City Council member approving to enter into a closed meeting.

108. Upon information and belief, during several of the closed meetings or closed sessions the City Council discussed matters (such as paid time off for employees, mowing, cleanup and maintenance at the sewer department, and the trimming of trees on roadways) that were not limited to the alleged justification for closing the meeting or entering into the closed session.

WHEREFORE, the Plaintiff respectfully asks the Court to enter a judgment that (1) declares that the City violated the Sunshine Law by failing first to follow the

requirements for holding closed meetings; (2) enjoins the City from holding future closed meetings without first following the requirements for holding closed meetings; and (3) awards such other relief as this court deems just and proper under the circumstances.

COUNT VII

Denying Varney Access to Open Public Meeting--§ 610.023, RSMo.

109. The Plaintiff incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.

110. The City and Hohner made clear that if Varney attempted to attend the November 25, 2019 City Council meeting, she would be treated as a trespasser.

111. By excluding Varney from this meeting, the City denied her the right to attend an open public meeting.

112. The City and Hohner were told in unambiguous terms prior to the November 25, 2019 meeting that excluding Varney from that meeting would violate the Sunshine Law and they were informed as to the consequences of violating the Sunshine Law.

113. Thus, the City knowingly and/or purposefully violated § 610.011, RSMo., by denying Varney the opportunity attend the open public meeting held on November 25, 2019.

WHEREFORE, the Plaintiff respectfully asks the Court to enter a judgment that (1) declares that the City and Hohner violated the Sunshine Law by denying Varney access to the open public meeting held on November 25, 2019; (2) declares that this

violation of Varney's Sunshine Law rights was knowing and/or purposeful; (3) enjoins the City from denying Varney access to open public meetings in the future; (4) awards Varney civil penalties in the amount of \$50 as a consequence of the violation of her right to in-person review of public records and her right to make her own photographs of those public records; (5) awards Varney reasonable costs and attorney fees associated with proving this knowing and/or purposeful violation of the Sunshine Law; and (6) awards such other relief as this court deems just and proper under the circumstances.

Dated this 9th day of November, 2020.

Respectfully submitted,



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ATTORNEY FOR PLAINTIFF