

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

MISSOURI ROUNDTABLE FOR LIFE, INC.,)	
and FREDERIC N. SAUER,)	
)	Cause No. 08AC-CC00517
Plaintiffs,)	
)	Division II
vs.)	
)	
SARAH STEELMAN, in her official capacity as)	
Missouri Treasurer, et al.,)	
)	
)	
Defendants.)	

MOTION FOR LEAVE TO FILE AMENDED PETITION

Plaintiffs Missouri Roundtable for Life, Inc. and Fred N. Sauer, pursuant to Rules 67.06 and 55.33 of the Missouri Rules of Civil Procedure, respectfully submit their Motion for Leave to File Amended Petition against Defendants, attached hereto as Exhibit 1, as follows:

1. Rule 67.06 provides that “On sustaining a motion to dismiss a claim, ... the court *shall freely grant leave to amend* and *shall specify the time* within which the amendment shall be made or amended pleading filed.” Mo.R.Civ.P. 67.06 (emphasis added).
2. Rule 55.33 provides that “leave [to amend] *shall be freely given* when justice so requires.” Mo.R.Civ.P. 55.33(a) (emphasis added).
3. The Court dismissed Plaintiffs’ original Petition by Judgment and Order dated November 12, 2008. Defendants’ proposed order of dismissal, and therefore the Court’s Judgment and Order, did not specify whether the dismissal was with or without prejudice; the dismissal therefore was without prejudice. *See* Mo.R.Civ.P. 67.03 (“Any involuntary dismissal shall be without prejudice unless the court in its order for dismissal shall otherwise specify.”)
4. Plaintiffs hereby seek leave to file the attached Amended Petition.

WHEREFORE, Plaintiffs respectfully move the Court for an order granting leave to file the Amended Petition attached hereto as Exhibit 1 and for such other and further relief as the Court deems just and proper.

