



Supreme Court of Missouri
en banc

SC96828

Harold Lampley and Rene Frost, Appellants, American Civil Liberties Union of Missouri,
Amicus Curiae,

vs.

Missouri Commission on Human Rights, and Alisa Warren, Executive Director, Missouri
Commission on Human Rights, Respondents.

☒ Other

Order issued: Appellants and Respondents are requested to file supplemental briefs addressing the following issues:

1. Did Appellants adequately seek non-contested case review via mandamus in the circuit court and, if so, should their appeal be dismissed pursuant to *Bartlett v. Missouri Department of Insurance*, 528 S.W.3d 911 (Mo. banc 2017), or reviewed on the merits pursuant to *State ex rel. Tivol Plaza, Inc. v. Missouri Commission on Human Rights*, 527 S.W.3d 837 (Mo. banc 2017)?
2. If this appeal is reviewed on the merits, was the executive director's decision that the complaints pleaded discrimination based on sexual orientation subject to review by the circuit court as authorized by § 536.150.1 (i.e., "unconstitutional, unlawful, unreasonable, arbitrary, or capricious or involves an abuse of discretion"), subject to the general standard for mandamus, or subject to both? Is the general standard for mandamus inconsistent with review authorized by § 536.150.1?

Supplemental briefing shall be pursuant to Rule 84.24(h). The briefing schedule is activated as of this date with Appellants' supplemental brief due on August 27, 2018; Respondents' supplemental brief due on September 17, 2018; and Appellants' supplemental reply brief due on September 27, 2018. No supplemental brief of Amicus Curiae shall be filed.

By: _____

Zel M. Fischer

Chief Justice

July 27, 2018

Date