

March 5, 2019

Betsy AuBuchon, Clerk  
Supreme Court of Missouri  
Post Office Box 150  
Jefferson City, MO 65102

Re: MISSOURI COALITION FOR THE ENVIRONMENT, et al., Appellants,  
vs. STATE OF MISSOURI, Respondent No. SC97591

**NOTICE OF ERRORS IN APPELLANTS' NOTICE OF APPEAL, BRIEF AND  
APPENDIX**

Appellants file this notice under Rule 84.20 so that the Court may correct its records in the case. All of the mistakes noted in this letter are entirely the fault of the undersigned attorney, by inadvertence.

**ERROR IN NOTICE OF APPEAL**

The individual appellant in the case is named Carolyn Johnson. In the "Additional Parties" attachment to the Notice of Appeal she appears as "Carolyn Jackson," and she is accordingly listed under that name in the records of the Court.

Ms. Johnson's name is correctly given on the Petition filed in the circuit court (L.F. D2 p. 1) and by herself in the Affidavit filed with the motion for summary judgment in circuit court (L.F. D8). This should suffice to authenticate her real name.

Appellants ask the Court to correct its records in this respect.

**ERRORS IN APPELLANTS' BRIEF AND APPENDIX**

Appellants are within the time for filing their opening brief. The Legal File was

filed on January 8, 2019, making the brief due on Monday, March 11. It was filed on March 1.

Counsel repeated the error in Ms. Johnson's name on the covers of the brief and appendix and at several other locations in the brief. There are several other errors on the final page of the brief. Apart from the captions on the brief and appendix covers, the errors counsel has located in the brief are:

"Jackson" should be "Johnson" on:

- Page 6, Statement of Facts, line 2;
- Page 8, under the heading "Motion for Summary Judgment, Standing and Dismissal," lines 1 and 7;
- Page 9, line 5;
- Page 13, third line from the bottom;
- Page 28, Conclusion, line 1.

On page 28 of the brief, under the signature blocks and in the Certificate of Service, the words "Plaintiffs" and "Intervenors" should be replaced with "Appellants."

The error in Ms. Johnson's name is not jurisdictional or of a nature to mislead or prejudice the Respondent or delay preparation of Respondent's brief. *Weller v. Hayes Truck Lines*, 355 Mo. 695, 197 S.W.2d 657, 660 (1946). It is a "clerical error." *Housing Authority of Rolla v. Kimmel*, 771 S.W.2d 932, 934 (Mo.App. S.D. 1989).

Counsel apologizes for the errors.

Sincerely,

/s/ Henry B. Robertson

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Attorneys for appellants

Cc: Timothy Duggan, Asst. Attorney General and Counsel for Respondent, has been served with this notice by way of electronic filing on this 5th day of March, 2019.