

PRESS RELEASE

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Political committee settles identity theft and invasion of privacy suit

LEE'S SUMMIT, MISSOURI – A group of local residents agreed to settle a lawsuit filed last year alleging invasion of privacy and identity theft against a committee to recall a Lee's Summit city council member.

The Defendants, who included members of The Committee to Recall Kathy Hofmann, paid a confidential amount in settlement of the claims against them, but in doing so, did not admit any liability as to the substance of the lawsuit against them.

The eleven plaintiffs claimed that their signatures were forged on a ballot access petition seeking the recall of Lee's Summit Councilmember Kathy Hofmann. Plaintiffs' legal claim was that by publishing the forged signatures, the Committee misappropriated Plaintiffs' identities as registered voters.

"Invasion of privacy was a natural theory to advance to hold the committee responsible for what we saw as unconscionable conduct. While they didn't admit anything in this settlement, we felt the confidential settlement was in the best interest of our clients and that is what we are responsible for," said Patrick E. White, Senior Member of White & Napier, LLC.

The Committee to Recall Kathy Hofmann was established in October of 2006, according to documents filed with the State of Missouri. The Committee's first two attempts to get the recall issue on the ballot failed when the Jackson County Election Board determined they did not have enough valid signatures to qualify. 252 names on the ballot access petition were struck by the election board as "wrong signature."

The Committee then sued the City of Lee's Summit to force the recall issue onto the ballot. The Committee argued, among other things, that voters who claimed their signatures were forged should not be able to have their names removed from the ballot access petition. Represented by Todd Graves, the Committee was able to get the recall issue on the April 3, 2007 ballot.

Axiom Strategies provided \$17,780 worth of services to the Committee's recall effort. Jeff Roe's political consultancy group was still owed \$14,765.48 for services according to the termination of committee report filed with Jackson County Election Board on August 10, 2007. Despite the Committee's best efforts, the recall vote failed – with approximately 75% of voters opposing the recall of Hofmann.

The day before the election, White & Napier, LLC filed the lawsuit against the Committee on behalf of Plaintiffs who claimed they did not sign the petition to recall Hofmann.

"We had Plaintiffs whose names were counted in the final tally to get the matter on the ballots, we had Plaintiffs whose signatures were kicked out by election officials, and we had Plaintiffs who managed to get their names off the ballot. The bottom line is we were trying to discourage anyone from doing this sort of thing again. People were outraged that their rights as voters were stolen from them so casually," said White.

Two Defendants in the lawsuit also face felony charges in Jackson County Circuit Court for committing election offenses and making a false affidavit to mislead a public servant.

White, who also represented Kathryn Hofmann in the lawsuit filed by committee members to force the recall onto the ballots, said “we didn’t think it was right that the recall ever got on the ballot, but we were glad the people of Lee’s Summit voted against it.”

Case Citations:

0716-CV08629 – Civil suit recently settled

0716-CR02585-01 –Criminal Charges

0716-CR02584-01 – Criminal Charges

0716-CV03414 – Committee lawsuit against City of Lee’s Summit