

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Timothy and Denise Allegri,)	
)	
Complainants,)	File No. EC-2024-0015
)	
Evergy Missouri West, Inc.,)	
)	
Respondent.)	

RESPONSE TO STATUS UPDATE

COME NOW Complainants Timothy and Denise Allegri (“Allegris”) and in reply to Evergy Missouri West, Inc.’s (“Evergy”) *Status Update* pursuant to the Commission’s *Order Cancelling Evidentiary Hearings, Suspending Procedural Schedule, and Directing Filing of Status Reports*, state the following:

1. Evergy’s June 14, 2024 *Status Update* states, “the circuit court cases have been dismissed by Evergy.” Indeed, Evergy filed *Voluntary Dismissals* in all three eminent domain circuit court cases involved in its project; however, all three court cases had subsequent *Motion for Attorney Fees* filed to recover attorney fee damages as a result of defending property rights. House Bill 1944 was written in 2006 specifically for condemnation cases such as this, to recover attorney fees under Missouri Chapter 523 eminent domain law (specifically Mo. Rev. Stat. § § 523.256 and .259).

2. Lafayette County Case No. 23LF-CV00700 is not yet fully resolved, to date, per the Missouri Case.net docket. A confidential *Settlement Agreement* has been reached, but complete settlement has not yet been fulfilled; therefore the final paperwork has not been filed and the case has not been ordered dismissed by the court.

3. Lafayette County Case No. 23LF-CV00939 had four separate *Motions for Attorney fees* filed by defendants subsequent to Evergy’s *Voluntary Dismissal*. Confidential *Settlement Agreements* have been reached. Defendants motioned the court to dismiss all four *Motions for Attorney Fees* on the confidence that Evergy will eventually uphold the full and legally binding *Settlement Agreement* terms.

4. Johnson County Case No. 23JO-CC00142 is still ongoing, despite the April 18, 2024 *Order* regarding lack of jurisdiction. Five separate *Motions for Attorney Fees* have been filed; *Replies* to Evergy's *Motion to Strike* have been filed; and given that two separate courts in Lafayette County, Missouri determined Missouri law provides jurisdiction for hearing cases such as this is one of the reasons *Motions for Reconsideration and Case Review* and *Motion for New Trial* were filed. This Johnson County case involves the same Evergy project seeking eminent domain as the Lafayette County cases. Evergy also has pending motions before the court; court continued the June 14, 2024 hearing to allow for settlement negotiations and the case is set to be heard on September 13, 2024, should a confidential *Settlement Agreement* not be reached. To date, not all Johnson County defendants have reached settlement with Evergy, but in consideration of Evergy's budgetary constraints it cited in March 2024, Evergy reaching settlement with *all* defendants would save additional attorney fees for all involved.

Missouri Chapter 523 eminent domain law allows for recovery of attorney fees but does not require dismissal or withdrawal of a Public Service Commission complaint in order to settle a circuit court case.

Complainants remind the Commission that Evergy has not **at any time** filed a complete or "changed" project plan with the Commission, circuit courts or complainants. This Commission Complaint and all evidence presented must be addressed at an evidentiary hearing (including utilities' adherence to Commission Orders and potential misuse of Missouri eminent domain law), so as to avoid future potential harm to Missouri landowners.

We look forward to the Commission scheduling an evidentiary hearing to resolve the pending issues of the Commission's *Staff Investigation* and *Staff Report* which resulted from the many complaints that were consolidated into this case.

Respectfully submitted this 15th day of June 2024 to all parties via EFIS by:

TIMOTHY P. ALLEGRI

DENISE W. ALLEGRI

/s/ Timothy P. Allegri

/s/ Denise W. Allegri