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**Purcell files
to continue
suit against
Cape County**

by David Bloom
Editor

"How many times does he have to lose." Presiding Commissioner Gerald Jones asked, rhetorically, talking about fellow Commissioner Jay Purcell continuing his lawsuit.

"We (the County) won on the issue of the Sunshine Law in circuit court and we won on the issue of not being able to sue the county commission," Jones said.

Cape Girardeau Attorney John Clubb filed two briefs on behalf of his client, Purcell. The first brief asks the Eastern District Court of Appeals to reconsider its decision of July 21. The three judges all ruled in favor of the county and against Purcell. The brief requests that the entire 14-judge panel of the Eastern District Court of Appeals reconsider the July decision.

The second brief was filed should the first request be denied.

"In most cases, attorneys will file the rehearing and transfer briefs together. But because this case is so unique and of statewide importance, I went the extra mile and filed separate motions," Clubb said. "We have to give the Court of Appeals an opportunity to rehear the case before asking the Court to transfer the

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* Purcell

case to the Missouri Supreme Court.”

Clubb said should both requests be denied, the possibility exists that he will make a formal request directly to the Missouri Supreme Court

to hear the case. Under this scenario, the highest court in the state is not obligated to hear the case. If the Court of Appeals transfers the case to the higher court, it will be heard.

Clubb said there is no time-

table on when the Court of Appeals will render a decision. “Who knows how long it will be?” Clubb said.

“The County is out \$20,000 because of his (Purcell’s) ridiculousness. Meanwhile, he has not yet paid court costs and this new filing could be a ploy to delay paying those costs,” Jones said.

“In America, anyone can file any type of lawsuit. Purcell apparently believes that bad publicity is better than no publicity. He will say anything that benefits him. It doesn’t matter if it’s true or not,” Jones said.