

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI

Shayla Nelson v. Piston Automotive, LLC

Nelson v. Piston Automotive · No. 4:25-cv-00916-DGK · Decided June 4, 2026

SUMMARY

The United States District Court for the Western District of Missouri denied Piston Automotive, LLC’s Rule 12(b)(1) motion to dismiss retaliation and whistleblower claims brought by Shayla Nelson under Missouri law. The court declined to consider an exhaustion argument raised for the first time in the reply brief and concluded that, even on the merits, the claims were reasonably related to the allegations in Nelson’s administrative charge.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri
WRITING FOR THE COURT	Greg Kays
JURISDICTION	United States District Court for the Western District of Missouri
DECIDED	June 4, 2026
DOCKET	4:25-cv-00916-DGK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss the retaliation and whistleblower-protection counts for lack of subject matter jurisdiction based on alleged failure to exhaust administrative remedies.
STANDARD OF REVIEW	A facial Rule 12(b)(1) challenge receives protections similar to those applicable to a Rule 12(b)(6) motion, but Rule 12(b)(1) and Rule 12(b)(6) apply different standards. The court declined to supply the defendant's missing legal research or consider an argument first raised in reply.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter or neutral citation identified

TOPICS

- motions to dismiss
- subject matter jurisdiction
- exhaustion of remedies
- retaliation
- whistleblower

PRACTICE AREAS

civil procedure

employment law

civil rights

administrative law

QUESTIONS PRESENTED

1. Whether Piston's Rule 12(b)(1) motion should be granted based on an alleged failure to exhaust administrative remedies.
2. Whether the court should consider Piston's argument that discharge is a discrete act requiring separate inclusion in the administrative charge when the argument was first raised in the reply brief.
3. Whether Nelson's retaliation and whistleblower-protection claims were like or reasonably related to the allegations in her administrative charge.

HOLDINGS

1. The court would not consider Piston's principal exhaustion argument because it was raised for the first time in the reply brief, depriving Nelson of a fair opportunity to respond.
2. Nelson's retaliation and whistleblower-protection claims were reasonably related to the allegations in her administrative complaint and therefore were administratively exhausted.
3. The motion to dismiss Counts II and IV was denied.

KEY QUOTATIONS

“Because Piston fails to cite the relevant standard in its initial brief and waited to make its best argument until its reply brief, the motion is DENIED.”

“The Court also notes that despite the argument section of Piston’s opening brief being less than two pages long—which suggests Piston had plenty of room to raise all relevant arguments—Piston waited until its reply brief to make its strongest argument in support of dismissal”

“Because the Court abhors “sandbagging,” that is, the practice of waiting for the reply brief to argue an issue for the first time so the non-moving party cannot respond, the Court will not consider this argument.”

FACTUAL BACKGROUND

Nelson alleged that Piston suspended and ultimately terminated her employment in violation of the Missouri Human Rights Act and Missouri Whistleblower Protection Statute. Her administrative charge asserted that her supervisor altered her performance ratings to create a justification for terminating her and that Piston's asserted justification was intended to retaliate against her for objecting to and questioning hiring practices. Piston argued that Nelson failed to exhaust administrative remedies because discharge is a discrete act that had to be separately raised in the administrative complaint.

PROCEDURAL HISTORY

Shayla Nelson sued Piston Automotive, LLC, alleging that the suspension and termination of her employment violated the Missouri Human Rights Act and the Missouri Whistleblower Protection Statute. Piston moved to dismiss Counts II and IV under Rule 12(b)(1). The district court denied the motion because Piston failed to

present the applicable jurisdictional standard in its opening brief and raised its principal exhaustion argument for the first time in reply. The court further stated that, even considering the merits, the claims were reasonably related to the allegations in Nelson's administrative charge.

DISPOSITION

other

CASES CITED

- Carlsen v. GameStop, Inc., 833 F.3d 903, 908 (8th Cir. 2016)
- United States v. Guzman-Tlaseca, 546 F.3d 571, 578 (8th Cir. 2008)
- Autotech Techs. Ltd. P'ship v. Automationdirect.com, Inc., 235 F.R.D. 435, 437 (N.D. Ill. 2006)
- Farrow v. Saint Francis Med. Ctr., 407 S.W.3d 579, 594 (Mo. banc 2013)
- Kerr v. Missouri Veteran's Comm'n, 537 S.W.3d 865, 875 (Mo. App. 2017)

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