

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)

OPINION

Shayla Nelson v. Piston Automotive, LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MISSOURI

WESTERN DISTRICT

SHAYLA NELSON,)

) Plaintiff,)) v.) Case No. 4:25-cv-00916-DGK)

PISTON AUTOMOTIVE, LLC,)

) Defendant.)

ORDER DENYING MOTION TO DISMISS

This lawsuit arises from Plaintiff Shayla Nelson's employment with Defendant Piston Automotive, LLC ("Piston"). Plaintiff alleges Piston's actions in suspending her employment, and eventually terminating her, violated the Missouri Human Rights Act ("MHRA") and the Missouri Whistleblower Protection Statute. Now before the Court is Piston's Motion to Dismiss Counts II (retaliation) and IV (whistleblower protection) brought under Federal Rule of Civil Procedure 12(b)(1), which concerns subject matter jurisdiction. ECF No. 8. Piston apparently means to argue the Court lacks jurisdiction to hear this case because Plaintiff failed to exhaust her administrative remedies before filing suit. 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. Although Piston's motion is brought under Rule 12(b)(1), Piston's briefing repeatedly cites the standard for ruling on a Rule 12(b)(6) motion. Compare Mot. to Dismiss at 1, with Mem. in Support at 2–3, ECF No. 9, and Reply Br. at 1, ECF No. 23. While a "facial attack" on subject matter jurisdiction gives the non-moving party the same protection it would receive in defending against a Rule 12(b)(6)

motion, a motion brought under Rule 12(b)(1) is quite different from one brought under 12(b)(6). See Fed. R. Civ. P. 12(b)(1), 12(b)(6); *Carlsen v. GameStop, Inc.*, 833 F.3d 903, 908 (8th Cir. 2016). In any event, the Court declines to do Piston’s legal research for it and identify the relevant legal standard, much less apply Piston’s arguments to that standard. See *United States v. Guzman-Tlaseca*, 546 F.3d 571, 578 (8th Cir. 2008) (“It is not this court’s job to research the law to support a[] [party’s] argument.”). 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, namely that discharge is a discrete act that must be raised in the administrative complaint to exhaust administrative remedies. See Reply Br. at 2–4. This argument could have, and should have, been raised in Piston’s brief. 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. See *Autotech Techs. Ltd. P’ship v. Automationdirect.com, Inc.*, 235 F.R.D. 435, 437 (N.D. Ill. 2006) (observing that “[l]oading-up on a reply brief effectively results in a one-sided presentation, which is hopelessly inconsistent with the very premise on which the adversary system is based,” is “unfair to one’s opponent,” and “adversely affects the accuracy of the judicial process, which depends on comprehensive presentations by both sides”). Accordingly, Piston’s motion to dismiss is DENIED.¹ 1 Even if the Court considered the merits of Piston’s argument that Plaintiff failed to exhaust her administrative remedies before filing suit, the outcome would be the same. Plaintiff’s claims are brought under the MHRA, and under Missouri law, “administrative complaints are interpreted liberally in an effort to further the remedial purposes of legislation that prohibits unlawful employment practices.” *Farrow v. Saint Francis Med. Ctr.*, 407 S.W.3d 579, 594 (Mo. banc 2013). “As a result, administrative remedies are deemed exhausted as to all incidents of discrimination that are like or reasonably related to the allegations of the administrative charge.” *Kerr v. Missouri Veteran’s Comm’n*, 537 S.W.3d 865 (Mo. App. 2017). “A claim is ‘like or reasonably related’ to the ... charge [of discrimination] ... if there is a factual relationship between them.” *Id.* at 875. When determining whether the claims in a subsequent civil suit are “like or reasonably related” to the allegations contained in the administrative charge, the Missouri Supreme Court has held that “the scope of the civil suit may be as broad as the scope of the administrative investigation which could reasonably be expected to grow out of the charge of discrimination.” *Farrow*, 407 S.W.3d at 594. In the present IT IS SO ORDERED. Date: June 4, 2026 /s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT

case, the administrative charge asserted that Plaintiff’s supervisor altered Plaintiff’s performance ratings because she “wanted a justification to terminate my employment,” and that “Piston’s false claim and narrative is an attempt to justify my termination and retaliate against me for objecting . .

. and questioning hiring practices.” Admin. Charge at 3–4, ECF No. 18-1. Hence, the Court holds the claims raised in Counts II and IV reasonably relate to the charges raised in the administrative complaint.

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