

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Lucas D. Kendall, Scrap Mart Properties, LLC, and Scrap Mart
LLC v. City of Valley Park, Missouri, et al.

Kendall · No. 4:21-cv-01353 HEA · Decided January 23, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denied Plaintiffs’ motion to amend an order denying leave to file a third amended complaint. The court concluded that Plaintiffs had not shown grounds for reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b), and that their pleadings continued to rely on conclusory allegations concerning the alleged legal nonconforming use of a scrap-metal business.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	January 23, 2026
DOCKET	4:21-cv-01353 HEA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to amend or reconsider the order denying their motion for leave to file a third amended complaint after the Court dismissed their second amended complaint for failure to state a claim. The district court denied the motion.
STANDARD OF REVIEW	A motion for reconsideration is analyzed, depending on the circumstances, under Federal Rule of Civil Procedure 54(b), 59(e), or 60(b). Rule 60(b) provides extraordinary relief available only upon an adequate showing of exceptional circumstances; relief under Rule 60(b)(6) additionally requires extraordinary circumstances and is unavailable when the asserted grounds are covered by Rule 60(b)(1) through (5).
PRECEDENTIAL VALUE	Unknown; district court opinion designated per curiam and no reporter citation appears.

PARTIES

Lucas D. Kendall, Scrap Mart Properties, LLC, Scrap Mart LLC v. City of Valley Park, Missouri, et al.

TOPICS

motion for reconsideration

motion to amend

motions to dismiss

zoning

civil procedure

PRACTICE AREAS

civil procedure

real estate

municipal law

commercial litigation

QUESTIONS PRESENTED

1. Whether plaintiffs were entitled to reconsideration of the order denying leave to file a third amended complaint.
2. Whether Federal Rule of Civil Procedure 59(e) or Rule 60(b) supplied a basis for relief from the Court's order.
3. Whether plaintiffs demonstrated mistake, inadvertence, or extraordinary circumstances warranting relief under Rule 60(b).

HOLDINGS

1. Motions for reconsideration are not expressly identified in the Federal Rules of Civil Procedure and may, depending on the circumstances, be analyzed under Rule 54(b), Rule 59(e), or Rule 60(b). Rule 59(e) applies to a judgment, while Rule 60(b) applies to a final judgment, order, or proceeding.
2. Rule 60(b) applies only to a final judgment, order, or proceeding and does not govern relief from interlocutory orders.
3. A mistake under Rule 60(b)(1) includes a judge's errors of law, but Rule 60(b) may not be used as a vehicle for simply rearguing the merits.
4. Plaintiffs were not entitled to reconsideration because they had a fair opportunity to litigate, presented no new matter sufficient to cure the deficiencies in their pleadings, and continued to rely on conclusory allegations rather than facts supporting a plausible claim.

KEY QUOTATIONS

“The Federal Rules of Civil Procedure do not mention motions for reconsideration.”

“Rule 60(b) does not govern relief from interlocutory orders, that is to say any orders in which there is something left for the court to decide after issuing the order.”

“Plaintiffs have not shown that they are entitled to reconsideration of the Opinion, Memorandum, and Order.”

FACTUAL BACKGROUND

Plaintiffs operated a scrap-metal business at property in Valley Park, Missouri, and alleged that the business was legally operating before enactment of the 2013 zoning code, making it a valid nonconforming use. Their complaints relied in part on previously issued licenses but did not allege facts connecting those licenses to lawful operation under the applicable zoning ordinances. The Court concluded that the complaints stated only conclusory allegations and lacked sufficient factual support for a plausible claim.

PROCEDURAL HISTORY

Plaintiffs filed their initial complaint in November 2021, seeking a declaration that their scrap-metal business was a lawful preexisting nonconforming use. After successive motions to dismiss, the Court granted plaintiffs leave to amend twice. Plaintiffs filed a second amended complaint, defendants moved to dismiss, and the Court dismissed the action on March 30, 2024. Plaintiffs then sought leave to file a third amended complaint and moved to amend the order denying that relief; the present opinion denies the motion.

DISPOSITION

other

CASES CITED

- *Broadway v. Norris*, 193 F.3d 987, 989–90 (8th Cir. 1999)
- *Doe, C.P. v. Key*, No. 4:20-cv-01233-KGB, 2024 WL 6843183, at *1 (E.D. Ark. Mar. 11, 2024)
- *Kirt v. Fashion Bug # 3252, Inc.*, 495 F. Supp. 2d 957, 964–65 (N.D. Iowa 2007)
- *Banister v. Davis*, 590 U.S. 504, 507 (2020)
- *Nordgren v. Hennepin County*, 96 F.4th 1072, 1077 (8th Cir. 2024)
- *Elder-Keep v. Aksamit*, 460 F.3d 979, 984 n.5 (8th Cir. 2006)
- *Evans*, 2023 WL 3170525, at *2
- *Julianello v. K-V Pharm. Co.*, 791 F.3d 915, 923 n.3 (8th Cir. 2015)
- *Interstate Power Co. v. Kansas City Power & Light Co.*, 992 F.2d 804, 807 (8th Cir. 1993)
- *Sanders v. Clemco Indus.*, 862 F.2d 161, 168 n.12 (8th Cir. 1988)
- *St. Mary's Health Ctr. of Jefferson City v. Bowen*, 821 F.2d 493, 498 (8th Cir. 1987)
- *BLOM Bank SAL v. Honickman*, 605 U.S. 204, 206, 211 (2025)
- *Kemp v. United States*, 596 U.S. 528, 533–34 (2022)
- *Arnold v. Wood*, 238 F.3d 992, 998 (8th Cir. 2001)
- *Terra Int'l, Inc. v. Robinson*, 113 F. App'x 723, 725 (8th Cir. 2004) (per curiam)
- *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 863 n.11 (1988)
- *Harley v. Zoesch*, 413 F.3d 866, 871 (8th Cir. 2005)
- *United States v. Young*, 806 F.2d 805, 806 (8th Cir. 1986) (per curiam)
- *Williams*, 891 F.3d at 706
- *Mitchell v. Shalala*, 48 F.3d 1039, 1041 (8th Cir. 1995)
- *Patel v. N.Y. Life Ins. Co.*, No. 4:10-CV-04195, 2015 WL 1637304, at *1 (W.D. Ark. Apr. 13, 2015)

- Halloran, 2013 WL 544011, at *1
- Discount Tobacco, 2010 WL 3522476, at *1

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