

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

**Scannell Properties #516, LLC and Scannell Properties #673, LLC v.
City of Edwardsville, Kansas**

Scannell Properties · No. 24-2604-JWB-BGS · Decided May 8, 2026

SUMMARY

The United States District Court for the District of Kansas partially grants and partially denies Plaintiffs’ motion for leave to file a second amended complaint. The court permits amendments adding factual allegations concerning a new municipal ordinance but denies as futile Plaintiffs’ request to revive a previously dismissed Surface Transportation Assistance Act claim. The court orders Plaintiffs to submit a revised proposed pleading by May 15, 2026, omitting previously dismissed individual defendants.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Brooks G. Severson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	May 8, 2026
DOCKET	24-2604-JWB-BGS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 15(a)(2) for leave to file a second amended complaint. The City did not oppose additional factual allegations but opposed reassertion of a previously dismissed declaratory claim under the Surface Transportation Assistance Act as futile.
STANDARD OF REVIEW	Under Rule 15(a)(2), leave to amend should be freely given when justice so requires, but may be denied for undue delay, prejudice, bad faith, or futility. A proposed amendment is futile if the amended complaint would be subject to dismissal, including under Rule 12(b) (6).
PRECEDENTIAL VALUE	Unknown
PARTIES	Scannell Properties #516, LLC, Scannell Properties #673, LLC v. City of Edwardsville, Kansas

TOPICS

motion to amend

pleadings

civil procedure

statutory interpretation

municipal law

PRACTICE AREAS

Civil procedure

Municipal law

Statutory interpretation

Real estate

QUESTIONS PRESENTED

1. Whether plaintiffs should be granted leave under Rule 15(a)(2) to add unopposed factual allegations concerning Ordinance 1095 and the current regulatory framework.
2. Whether plaintiffs should be permitted to reassert a previously dismissed STAA-based declaratory and injunctive claim where the asserted intervening authorities did not provide binding authority undermining the prior dismissal.
3. Whether the previously dismissed individual defendants could remain named in the proposed second amended complaint.

HOLDINGS

1. Leave to amend should be granted under Rule 15(a)(2) to incorporate the additional factual allegations, including allegations concerning Ordinance 1095, because the City consented to those revisions.
2. Leave to amend was properly denied as futile insofar as plaintiffs sought to reassert their STAA-based declaratory and injunctive claim because plaintiffs identified no intervening, binding authority undermining the court's prior conclusion that the STAA does not permit private enforcement.
3. The second amended complaint must omit the previously dismissed individual defendants from its caption and body and must reflect that the City is the sole remaining defendant.

KEY QUOTATIONS

“A proposed amendment is futile if the complaint, as amended, would be subject to dismissal.” (III.b)

“As a result, there is currently no binding Tenth Circuit authority recognizing a private equitable claim under the STAA.” (III.b)

“In sum, the legal landscape is best described as unsettled, not changed.” (III.b)

FACTUAL BACKGROUND

Plaintiffs developed approximately 155 acres of industrial property in Bonner Springs, Kansas, near Interstate 70 and 110th Street, allegedly relying on the City's representations and infrastructure improvements supporting heavy truck traffic. The City enacted Ordinance 1076 restricting heavy truck traffic on 110th Street, later enacted Ordinance 1079 imposing a moratorium, and subsequently enacted Ordinance 1095 repealing the earlier ordinances while imposing new restrictions on truck access. Plaintiffs alleged that the ordinances impaired access to and diminished the value and marketability of the property.

PROCEDURAL HISTORY

Plaintiffs filed the action on December 31, 2024, and sought injunctive relief. The court later dismissed all federal claims, including the STAA-based declaratory claim, leaving three state-law claims against the City; the request for preliminary injunctive relief was denied as moot. Plaintiffs filed an interlocutory appeal concerning dismissal of the federal claims, which remained pending, and then moved in the district court to amend their complaint based on new factual developments and allegedly intervening authority. The court granted leave to add the unopposed factual allegations, subject to removal of previously dismissed individual defendants from the pleading, but denied leave to reassert the STAA claim.

DISPOSITION

other

CASES CITED

- *Gorsuch, Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1240 (10th Cir. 2014)
- *Tesone v. Empire Mktg. Strategies*, 942 F.3d 979, 988–89 (10th Cir. 2019)
- *Frank v. U.S. W., Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993)
- *Lundahl v. Pennsylvania Mfg. Ass'n Ins. Co.*, 440 F. App'x 629, 632–33 (10th Cir. 2011)
- *Jefferson Cty. Sch. Dist. No. R-1 v. Moody's Inv'r's Servs., Inc.*, 175 F.3d 848, 859 (10th Cir. 1999)
- *Stewart v. Dominicus*, No. 24-3058-JWB-ADM, 2025 WL 3511078, at *2 (D. Kan. Dec. 8, 2025)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Mayfield v. Bethards*, 826 F.3d 1252, 1255 (10th Cir. 2016)
- *Armstrong v. Exceptional Child Center, Inc.*, 575 U.S. 320 (2015)
- *Nat'l Ass'n of Indus. Bankers v. Weiser*, 159 F.4th 694 (10th Cir. 2025)
- *Nat'l Ass'n of Indus. Bankers v. Weiser*, 171 F.4th 1203 (10th Cir. 2026)
- *Corey v. Rockdale Cnty.*, 689 F. Supp. 3d 1251 (N.D. Ga. 2023)
- *Corey v. Rockdale Cnty.*, No. 23-13097, 2025 WL 1325325, at *3 (11th Cir. May 7, 2025)
- *United States v. Hernandez*, 216 F.3d 1088, at *4 n.6 (10th Cir. 2000)
- *Black v. Union Pac. R.R. Co.*, No. 23-1218-EFM-ADM, 2024 WL 3741404, at *4 (D. Kan. Aug. 9, 2024)