

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

Robert T. King v. City of St. Louis

No. 4:24-CV-1594-ZMB · No. 4:24-CV-1594-ZMB · Decided January 23, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies the St. Louis Board of Police Commissioners’ motions to substitute itself for the City of St. Louis and to substitute counsel under Federal Rule of Civil Procedure 25(c). The court concludes that substitution is inappropriate because the Board withdrew its consent, asserted defenses unavailable to the City, and substitution could prejudice the plaintiff. The plaintiff’s ADA and Missouri Human Rights Act claims therefore remain pending against the City, without prejudice to other mechanisms for adding or removing parties.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Zachary M. Bluestone
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	January 23, 2026
DOCKET	4:24-CV-1594-ZMB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed suit in state court; defendants removed the action to federal court. After amendment of the complaint and partial dismissal of claims, the St. Louis Board of Police Commissioners moved to substitute itself and its counsel for the City of St. Louis under Federal Rule of Civil Procedure 25(c), then moved to withdraw those requests.
STANDARD OF REVIEW	The decision whether to substitute parties under Rule 25(c) lies within the trial court's discretion.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court

TOPICS

civil procedure

joinder

ada / disability

reasonable accommodation

statutory interpretation

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

municipal law

QUESTIONS PRESENTED

1. Whether the St. Louis Board of Police Commissioners should be substituted for the City of St. Louis under Federal Rule of Civil Procedure 25(c).
2. Whether substitution should be denied because the Board withdrew its consent, would assert defenses unavailable to the City, and substitution could prejudice the plaintiff.

HOLDINGS

1. Substitution was not appropriate under the circumstances because the Board withdrew its consent, sought to assert Eleventh Amendment immunity unavailable to the City, and substitution could prejudice King.
2. Denial of substitution did not foreclose other mechanisms for adding the Board, including an amended complaint, joinder, or impleader.

KEY QUOTATIONS

“This procedure allows “an action to continue unabated when an interest in a lawsuit changes hands, rather than requiring the initiation of an entirely new lawsuit.”” (Legal Standard)

“The key feature of a “substituted party” is that it “merely steps into the same position of the original party.”” (Discussion)

“In any case, a defining feature of Rule 25(c) is that it is a procedural measure.” (Discussion)

FACTUAL BACKGROUND

King alleges that the St. Louis Metropolitan Police Department denied him reasonable accommodation, benefits, and wages because of a disability arising from a 2018 work-related injury, and retaliated against him for asserting rights under the ADA and Missouri Human Rights Act. The SLMPD returned to state control after Missouri enacted legislation in March 2025. The Board initially sought to replace the City as a defendant but later changed its position, asserting that it accepted responsibility only for obligations arising after the transfer and that it had Eleventh Amendment immunity from the ADA claims.

PROCEDURAL HISTORY

King originally filed the action in state court, and defendants removed it in late 2024. King amended his complaint after an initial motion to dismiss. At a hearing, the Court granted defendants' partial motion to dismiss, leaving ADA and Missouri Human Rights Act claims against the City. The Board then sought substitution based on the SLMPD's return to state control, later withdrew its requests, and the Court denied substitution while denying the withdrawal motions as moot.

DISPOSITION

other

CASES CITED

- State ex rel. Hawley v. City of St. Louis, 531 S.W.3d 602, 604 (Mo. Ct. App. 2017)
- Holmes v. Steelman, 624 S.W.3d 144, 147 (Mo. banc 2021)
- Banks v. Slay, 875 F.3d 876, 880 n.7 (8th Cir. 2017)
- Holmes v. Zellers, 2025 WL 2110585, at *6 (Mo. Ct. App. July 29, 2025)
- Clark v. City of St. Louis, No. 4:21-CV-788-JMD, Doc. 212 (E.D. Mo. Sept. 30, 2025)
- Gatlin v. Welle, No. 4:25-CV-43-ACL, 2026 WL 60356, at *3 (E.D. Mo. Jan. 5, 2026)
- Edwards v. Baer, 863 F.2d 606, 609 (8th Cir. 1988)
- Swink v. Love, No. 4:25-CV-569-ZMB, Doc. 40 at 32 (E.D. Mo. Oct. 10, 2025)
- ELCA Enters. v. Sisco Equip. Rental & Sales, 53 F.3d 186, 191 (8th Cir. 1995)
- Froning's, Inc. v. Johnston Feed Serv., 568 F.2d 108, 110 n.4 (8th Cir. 1978)
- C.F.C.S. Invs., LP v. Transamerica Occidental Life Ins. Co., No. 4:16-CV-396-JAR, 2017 WL 282403, at *2 (E.D. Mo. Jan. 23, 2017)
- Couf v. Equitable Life Assurance Soc'y, 2003 WL 27384629, at *2 (D. Minn. Dec. 17, 2003)
- Potvin v. Speedway LLC, 891 F.3d 410, 416 (1st Cir. 2018)
- In re Covington Grain Co., 638 F.2d 1357, 1361 (5th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION ROBERT T. KING,)) Plaintiff,)) v.) Case No. 4:24-CV-1594-ZMB) CITY OF ST. LOUIS,)) Defendant.) MEMORANDUM AND ORDER This matter is before the Court on the St. Louis Board of Police Commissioners's Motion for Substitution of Parties and Substitution of Counsel, Docs. 16, 17, and its subsequent request to withdraw those motions, Docs.

32, 33. Given the Board's withdrawal of consent and the potential prejudice that substitution could cause Plaintiff Robert T. King, the Court denies the motions to substitute and denies as moot the Board's motions to withdraw. BACKGROUND I. Factual Background These instant motions are the latest salvo in a long-running battle between the City of St. Louis and the State of Missouri over the St. Louis Metropolitan Police Department (SLMPD).

In 2012, a ballot initiative paved the way for a locally controlled police department to replace the existing state-controlled Board of Police Commissioners. State ex rel. Hawley v. City of St. Louis, 531 S.W.3d 602, 604 (Mo. Ct. App. 2017).

The referendum required the City to "adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful

obligations of the board of police commissioners,” MO. REV. STAT. § 84.344 (2012), which it did in 2013, ST. LOUIS, MO., REV. CODE ch. 3.12.005 (2013). Perhaps unsurprisingly, a disagreement arose as to whether the City had to accept all of the Board’s liabilities as its successor-in-interest.

Missouri courts broadly answered yes, requiring the City to accept the Board’s obligations to indemnify former officers, among other liabilities. See, e.g., *Holmes v. Steelman*, 624 S.W.3d 144, 147 (Mo. banc 2021); *Banks v. Slay*, 875 F.3d 876, 880 n.7 (8th Cir. 2017) (noting the City’s concession that it was the successor-in-interest to judgments incurred by the Board).

Efforts to recover on those old liabilities are still ongoing. *Holmes v. Zellers*, 2025 WL 2110585, at *6 (Mo. Ct. App. July 29, 2025) (noting that the litigation over responsibility for judgments “resembles three card monte”), transfer granted (Mo. Nov. 4, 2025).

After more than a decade of local oversight, the Missouri General Assembly enacted a statute reasserting state control over the SLMPD in March 2025. MO. REV. STAT. § 84.325. Using nearly identical language to the prior law transferring control to the City, the statute decrees that the State would “accept responsibility, ownership, and liability as successor-in-interest for contractual obligations and other lawful obligations of the municipal police department.” Compare *id.*, with MO. REV. STAT. § 84.344.4 (2012).

While counsel for the Board initially agreed that the Board members¹ should be substituted in place of the City for the purposes of pending litigation across a number of different cases, it reversed course after this Court issued an order finding that the State had not assumed liabilities for injuries caused by the SLMPD during local control. Doc. 31 (citing *Clark v. City of St. Louis*, No. 4:21-CV-788-JMD, Doc.

212 (E.D. Mo. Sept. 30, 2025)); see also *Gatlin v. Welle*, No. 4:25-CV-43-ACL, 2026 WL 60356, at *3 (E.D. Mo. Jan. 5, 2026) (concluding that “the statute did not transfer all of the City’s liabilities to the State”). And now that “the shoe is on the other foot,” the City has similarly insisted across multiple cases that the transfer of control brings with it the assumption of liabilities.

See, e.g., Doc. 34 at 2; *Swink v. Love*, No. 4:25-CV-569-ZMB, Doc. 40 at 32 (E.D. Mo. Oct. 10, 2025); *Welle*, 2026 WL 60356, at *2. 1 The Board itself is a non-suable entity. *Edwards v. Baer*, 863 F.2d 606, 609 (8th Cir. 1988).

As such, jurisdiction over the Board may be obtained only by suing the Board members in their official capacity. Doc. 23 ¶ 9. Any references to the Board should be construed as references to the Board members in their official capacity. II. Procedural Background King originally filed his complaint in state court, and Defendants filed a timely Notice of Removal in late 2024.

Doc. 1. Following Defendants' initial motion to dismiss, King amended his complaint in June 2025. Docs. 4, 13. The operative complaint alleges that the SLMPD denied King reasonable accommodation, benefits, and wages because of his disability, which was the direct result of a work-related injury in 2018. Doc. 13 at 5. He further alleges that he was retaliated against for seeking to enforce his rights under the Americans with Disabilities Act (ADA) and Missouri Human Rights Act (MHRA).

Id. The Board filed a motion to substitute itself for the City following the SLMPD's return to state control. Doc. 16. After the ruling in Clark, however, the Board filed a motion to withdraw its prior request for substitution. Doc. 33.

The Court conducted a hearing on substitution and related issues. Doc. 27; see also Swink, No. 4:25-CV-569-ZMB, Doc. 40. At the hearing, the Court granted the Defendants' partial motion to dismiss, leaving only the ADA and MHRA claims against the City of St. Louis. Id. The City and Board submitted thorough post-hearing briefs. Docs. 31, 34. LEGAL STANDARD Federal Rule of Civil Procedure 25(c) "permits substitutions when an interest is transferred during a lawsuit." *ELCA Enters. v. Sisco Equip.*

Rental & Sales, 53 F.3d 186, 191 (8th Cir. 1995) (internal alterations omitted). This procedure allows "an action to continue unabated when an interest in a lawsuit changes hands, rather than requiring the initiation of an entirely new lawsuit." Id. (citation omitted). "The decision whether to substitute parties lies within the discretion of the trial judge and he may refuse to substitute parties in an action even if one of the parties so moves." *Froning's, Inc. v. Johnston Feed Serv.*, 568 F.2d 108, 110 n.4 (8th Cir.

1978). DISCUSSION Based on the unique circumstances of this case, the Court finds that substitution under Rule 25(c) is not appropriate. Even ignoring the complex questions of statutory construction addressed in Clark, substitution is not the appropriate mechanism for adding the Board given its withdrawal of consent. Further, the Board's position is that it has Eleventh Amendment immunity against the ADA claims.

As such, allowing the City to be substituted out of the case would unduly prejudice King. That said, the City remains free to pursue dismissal, and nothing in this decision should be read to foreclose other mechanisms of adding the Board, such as an amended complaint, joinder, or impleader.

The most significant roadblock to substitution is the new position taken by the Board. While previously asserting that it was the successor-in-interest to the City under MO. REV. STAT. § 84.325, see Doc. 16, the Board now accepts responsibility for only those obligations arising after the SLMPD returned to state control, Doc. 31.

The Court has been unable to locate any authority supporting the substitution of a successor-in-interest over the objection of the alleged successor.² Substitution is further complicated by the Board's position that it has Eleventh Amendment immunity against the ADA claims. Doc. 30 at 20–21.

The key feature of a “substituted party” is that it “merely steps into the same position of the original party.” *C.F.C.S. Invs., LP v. Transamerica Occidental Life Ins. Co.*, No. 4:16-CV-396-JAR, 2017 WL 282403, at *2 (E.D. Mo. Jan. 23, 2017) (quotation omitted); see also *ELCA Enters.* 53 F.3d at 191 n.5 (emphasizing that a substituted party “assumes an identical position... in the lawsuit”).

But the Board would not simply step into the City's shoes because it intends to assert a defense otherwise unavailable to the City. ² In any case, a defining feature of Rule 25(c) is that it is a procedural measure. Even absent substitution, if a party is later found to be a successor-in-interest, “the judgment will be binding on the successor in interest even though the successor is not named.” 7C WRIGHT & MILLER'S FEDERAL PRACTICE & PROCEDURE § 1958 (3d ed.

1998); see also *In re Covington Grain Co.*, 638 F.2d 1357, 1361 (5th Cir. 1981) (noting Rule 25(c) “is procedural only and does not affect the substantive rights of the parties”). If the Board is later determined to be a successor in interest, any judgment obtained against the City automatically would transfer and be binding upon the Board.

As such, allowing substitution risks prejudicing King. *Couf v. Equitable Life Assurance Soc'y*, 2003 WL 27384629, at *2 (D. Minn. Dec. 17, 2003) (“Substitution may be permitted as long as it will not affect either party's substantive rights.” (citing *ELCA Enters.* 53 F.3d at 191); cf *Potvin v. Speedway LLC*, 891 F.3d 410, 416 (1st Cir. 2018) (affirming substitution where plaintiff was unable to show “so much as a smidgen of prejudice stemming from the substitution of parties”).

Thus, at this juncture, the City is the only remaining Defendant—with King's ADA and MHRA claims still pending against it. See Doc. 27. As noted above, this order should not be construed to limit other mechanisms for removing the City or adding the Board. If the City believes the allegations against it are insufficient—as King may agree based on his statements at the hearing, Doc.

30 at 10—it can advance that argument in a motion to dismiss. And while the Court had anticipated the Board would be added to the case at the hearing, Doc. 30 at 26, nothing prevents King from moving to amend the complaint to add the Board members in their official capacity (or any other parties he believes are relevant) given that the Board subsequently changed its position, see Docs.

31-33. CONCLUSION Accordingly, the Court DENIES the Board of Police Commissioners's [16] Motion to Substitute Parties and [17] Substitution of Counsel. Further, the Court DENIES as moot

the Board's [32] Withdrawal of Request for Substitution of Counsel, and [33] Withdrawal of Motion for Substitution of Parties. So ordered this 23rd day of January 2026. Qt_ ie ZACHARY M. BLUESTONE UNITED STATES DISTRICT JUDGE

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-missouri-eastern-division-united-states-dis/2026/robert-t-king-v-city-of-st-louis-gk8619zg>