

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

DON R. CLARK, JR., et al.,

Plaintiffs,

V.

CITY OF ST. LOUIS, et al.,

Defendants.

No. 4:21-cv-00788-JMD

Order Denying Motion to Withdraw the Motion for Substitution of Parties

The Office of the Missouri Attorney General moves to withdraw its motion for substitution of parties. ECF 203. After the enactment of Section 84.325, RSMo, the Attorney General moved to substitute out the City of St. Louis as a defendant and substitute in the members of the St. Louis Board of Police Commissioners—Brad Arteaga, Sonya Jenkins-Gray, Edward McVey, Chris Saracino, and St. Louis Mayor Cara Spencer—in their official capacities. ECF 183. But the Governor of Missouri has temporarily withdrawn his nominations of commissioners (after they swore into office in July). The Attorney General argues that because the nominations are withdrawn, no Board member exists to be substituted in place of the City of St. Louis in this case.

But the Mayor of St. Louis “shall automatically be a member of the board.” § 84.020.2, RSMo. She need not be nominated to the Board and thus has not been withdrawn. True, the Board lacks a quorum with only one member, and it cannot take valid actions. *Id.* at § 84.020.4. But the Board still exists with one member. Further, Section 84.325.1, RSMo, provides: “The board of police commissioners shall assume control of any municipal police

force . . . during the implementation period” The implementation period began on the effective date of the statute. *Id.* The Governor has appointed a “transition director” for the implementation period. *Id.*; *see also* Press Release, Mike Kehoe, Governor of Missouri, *Governor Kehoe Appoints Transition Director to Oversee Implementation of St. Louis City Board of Police Commissioners* (June 13, 2025).¹ Because the Board continues to exist, with at least one member, the Attorney General’s reason to withdraw the motion for substitution of parties does not apply.

IT IS HEREBY ORDERED that the motion to withdraw the motion for substitution of parties is **DENIED**. ECF 203. The Court has taken under advisement the motion to substitute (ECF 183) and will rule in due course.

Dated this 11th day of September, 2025



JOSHUA M. DIVINE
UNITED STATES DISTRICT JUDGE

¹ <https://governor.mo.gov/press-releases/archive/governor-kehoe-appoints-transition-director-oversee-implementation-st-louis>.