

Summary of SC98998, *City of Normandy, et al. v. Michael L. Parson in His Official Capacity as Governor of Missouri, et al.*

Appeal from the Cole County circuit court, Judge Jon Beetem

Argued and submitted October 6, 2021; opinion issued April 26, 2022

Attorneys: The municipalities were represented by David H. Pittinsky of Ballard Spahr LLP in Philadelphia, Pennsylvania, (215) 665-8500; and Anthony Kuenzel of McQueen Kuenzel LLC in St. Louis, (314) 258-2900. The state was represented by D. John Sauer of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: Several municipalities appeal from a judgment granting the state relief from a permanent injunction the circuit court previously entered after concluding portions of certain statutes pertaining to St. Louis County municipalities were unconstitutional special laws. In a unanimous decision written by Chief Justice Paul C. Wilson, the Supreme Court of Missouri vacates the judgment and remands (sends back) the case. The circuit court erred in granting the state relief from the judgment solely on the basis that there had been a change in decisional law.

Facts: In 2015, the legislature enacted Senate Bill No. 5 to address the claim that some local governments were engaging in the practice of “taxation by citation.” Some of SB 5’s provisions applied statewide, but other provisions applied exclusively to municipalities in St. Louis County. Several of the county’s municipalities and two taxpayers (collectively, “the municipalities”) filed suit, alleging the portions of SB 5 applying only in St. Louis County constituted special laws. The circuit court entered a judgment permanently enjoining the state from enforcing the portions of SB 5 applying only to the St. Louis County municipalities. In 2017, this Court affirmed the circuit court’s judgment. Two years later, in *City of Aurora v. Spectra Communications Group LLC*, the Court restored the rational basis analysis for special law claims that had been diminished in recent years. In 2020, the state moved the circuit court for relief from the judgment issuing the permanent injunction, asserting SB 5 would not be found to be an unconstitutional special law under the rational basis analysis restored in *Aurora*. The circuit court sustained the state’s motion. The municipalities appeal.

VACATED AND REMANDED.

Court en banc holds: The circuit court erred in concluding the state was entitled to relief from the prior judgment solely on the basis that there was a change in the decisional law. A change in factual or legal circumstances alone is insufficient to warrant relief from judgment. Instead, there are multiple relevant considerations that go into determining whether a court should grant a Rule 74.06(b)(5) motion. Because the parties’ assumption that a change in decisional law – by itself – was sufficient to warrant relief from judgment under Rule 74.06(b)(5) so thoroughly permeated the proceedings below and the circuit court’s judgment, the circuit court failed to properly weigh the equities to determine whether it was inequitable for the 2016 judgment to remain in force.