Missouri Court of Appeals
Southern District

In Division

SEAN MABINS and DARLINE MABINS,

Plaintiffs-Appellants,

v.

MISSOURI STATE HIGH SCHOOL ACTIVITIES ASSOCIATION, by and through its Board of Directors, MARK LINNEMAN, TRAVIS DITTEMORE, DANIEL CLEMENS, KEVIN SMITH, JOSH HOENER, JOSH SCOTT, CRAIG GIBBS, DAVID JONES, HEATHER HELSEL, and AARON VITT,

and

SCHOOL DISTRICT OF SPRINGFIELD R-12, NATE THOMAS, SCOTT PHILLIPS, and JOSH SCOTT,

Defendants-Respondents.

Nos. SD38982, SD38993

Filed: January 23, 2026

APPEAL FROM THE CIRCUIT COURT OF GREENE COUNTY

Honorable Joshua B. Christensen, Judge

AFFIRMED

Sean and Darline Mabins ("Parents") appeal the respective Judgments of the Circuit Court of Greene County ("trial court") dismissing their petitions[1] in favor of the Missouri State High School Activities Association and its Board of Directors ("MSHSAA"), and the School District of Springfield R-12 and its employees ("SPS"), (collectively "Defendants"). On appeal, Parents claim that the trial court erred in dismissing their petitions against Defendants brought under the Missouri Human Rights Act ("MHRA") based on Defendants' discrimination against them in places of public accommodation. Because Parents' claims do not allege that Defendants denied them the use or enjoyment of a public accommodation on account of their status as a protected class, Parents' petitions fail to state a claim, and the trial court properly dismissed their petitions.

Standard of Review

> Appellate courts review "a trial court's grant of a motion to dismiss ... de novo." *Ward v. W. Cty. Motor Co., Inc.*, 403 S.W.3d 82, 84 (Mo. banc 2013). "A motion to dismiss for failure to state a claim on which relief can be granted is an attack on the plaintiff's pleadings." *In re T.Q.L.*, 386 S.W.3d 135, 139 (Mo. banc 2012). "Such a motion is only a test of the sufficiency of the plaintiff's petition." *Id.* "When considering whether a petition fails to state a claim upon which relief can be granted, this Court must accept all properly pleaded facts as true, giving the pleadings their broadest intendment, and construe all allegations favorably to the pleader." *Bromwell v. Nixon*, 361 S.W.3d 393, 398 (Mo. banc 2012). "The Court does not weigh the factual allegations to determine whether they are credible or persuasive." *Id.* "Instead, this Court reviews the petition to determine if the facts alleged meet the elements of a recognized cause of action …." *Id.* (quotation marks omitted).

[1] While Parents initially filed separate cases, this Court consolidated the cases for purposes of appeal, as the petitions and the issues presented therein are "identical," as are the trial court's Judgments filed in each case.

R.M.A. by Appleberry v. Blue Springs R-IV Sch. Dist., 568 S.W.3d 420, 424 (Mo. banc 2019).

Factual Background and Procedural History

Parents' son, Kylan Mabins ("Son"), played quarterback for the Kickapoo High School ("Kickapoo") football team, part of the SPS School District, his freshman through junior years of high school. In March of 2023, Son transferred from Kickapoo High School to Glendale High School ("Glendale"), also part of the SPS School District. When Glendale submitted a transfer application for Son to transfer to Glendale his senior year, Kickapoo indicated on the transfer form that Son's transfer was due, in part, to athletic reasons and undue influence. After an investigation, MSHSAA agreed, and it was deemed that Son was ineligible to play high school athletics for one year, which meant Son could not play football at Glendale his senior year of high school. Parents appealed that decision, but their appeal was denied on August 23, 2023.

On August 28, 2023, Son filed a lawsuit in circuit court against Defendants, seeking an injunction to prevent Defendants from enforcing MSHSAA's determination that Son was ineligible to play high school athletics for one year. On September 22, 2023, Son obtained a Preliminary Injunction from the trial court which, in turn, "ENJOINED AND PROHIBITED" Defendants from "treating or considering Mabins as 'ineligible' to participate in athletics or activities sanctioned by MSHSAA" during the remainder of his senior year. The case was dismissed in May of 2024, as moot, since Son had participated in football his senior year and did not wish to participate in any Winter or Spring sports.

In October of 2023, Parents filed discrimination claims with the Missouri Commission on Human Rights. Parents claimed that Parents and Son had made complaints to SPS of racial discrimination and harassment against both Son and other African American students by the Kickapoo Athletic Administration. Parents claimed that SPS had retaliated against them and Son because of these reports of discrimination by completing the MSHSAA transfer form to indicate that Son's transfer was a result of undue influence and for athletic reasons, to trigger Son's ineligibility for athletics at Glendale. Parents alleged that SPS "engaged in conduct of race discrimination, harassment and hostile environment by a difference in treatment of [Son.]"

Parents filed their lawsuits against Defendants in August of 2024,[2] and it is the dismissal of those petitions which forms the basis of this appeal. As will be discussed herein, Parents' lawsuits against Defendants attempted to plead discrimination in public accommodation in violation of MHRA, as well as retaliation against them and Son by making and determining him ineligible for athletics at Glendale.

Defendants filed motions to dismiss Parents' lawsuits on multiple bases, including that Parents were not subjected to any public accommodation denial and had failed to state a claim as such. The circuit court agreed with Defendants and entered its Order and Judgment dismissing Parents' claims, in part, for failure to state a legally cognizable claim. Parents timely appeal.

[2] Son filed his own lawsuit against Defendants on July 25, 2024, and the disposition of Parents' cases do not impact Son's lawsuit.

Analysis

Point 1

Parents bring two points on appeal. In their first point on appeal, Parents claim that the trial court erred in dismissing their petitions:

> Because [Parents'] Petition[s] Adequately Stated a Legally Cognizable Claim for Discrimination and Retaliation Under the [MHRA] in that [Parents] pleaded all ultimate facts to support those claims in satisfaction of Missouri's pleading standard.

We disagree.

Parents contend that they stated a claim both for direct discrimination and discrimination by association. As such, we analyze the adequacy of Parents' petitions under both standards.

Direct Discrimination Under MHRA

Parents claim that their direct discrimination claim is one for unlawful retaliation in public accommodation. The Western District of this Court recently discussed this claim and the elements thereof:

> Section 213.065.2 of the [MHRA] provides that it is an unlawful discriminatory practice for:
>
> > any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in section 213.010 and this section, or to segregate or discriminate against any such person in the use thereof because of race, color, religion, national origin, sex, ancestry or disability.
>
> The School District is considered a person for purposes of this section. *See* [*R.M.A.*, 568 S.W.3d at 429]. Therefore, [a plaintiff] had to show that: (1)

> he is a member of a class protected by section 213.065; (2) he was discriminated against in the use of a public accommodation; and (3) his status as a member of the protected class was the motivating factor in the discrimination. [*Id.*] at 424-25; Section 213.010(2). The MHRA is a remedial statute, and "should be construed liberally to include those cases which are within the spirit of the law[,] and all reasonable doubts should be construed in favor of applicability to the case." *Lampley v. Mo. Comm'n on Human Rights*, 570 S.W.3d 16, 23 (Mo. banc 2019).

J.H. by & Through Meudt-Antele v. Jefferson City Pub. Sch. Dist., 661 S.W.3d 353, 357-58 (Mo. App. W.D. 2023).

> The statute defines "public accommodation" as follows:
>
> (16) **"Places of public accommodation"**, all places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:
>
> (a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
>
> (b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;
>
> (c) Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
>
> (d) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
>
> (e) Any public facility owned, operated, or managed by or on behalf of this state or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;

> (f) Any establishment which is physically located within the premises of any establishment otherwise covered by this section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment[.]

Section 213.010(16).[3]

Thus, Parents must plead that Defendants denied them "full and equal use and enjoyment" of a public accommodation because of their protected class. ***R.M.A.***, 568 S.W.3d at 425. In ***R.M.A.***, this requirement was satisfied when the transgender plaintiff alleged that he had been denied equal access to the boys' restrooms and locker rooms. ***Id.*** at 426. This is true because school locker rooms and restrooms constitute public accommodations as defined by section 213.010(15)(e). Similarly, in ***J.H.***, the plaintiff alleged that he was treated differently as a male student-athlete because he was not allowed to wrestle unless he cut his hair, which the school did not require of female athletes. 661 S.W.3d at 358.

Parents' petitions, however, fail to allege that they were denied full and equal use and enjoyment of any place of public accommodation because of their race. Their reply brief recites multiple paragraphs of their petitions, which Parents claim satisfies this requirement. For example, Parents cite:

> 28. At all times relevant hereto, MSHAA had knowledge of the reports by [Parents and Son], and that in retaliation for the reports of discrimination, Thomas, Phillips and Scott (Kickapoo) had engaged in unlawful prohibited retaliation by making representations to MSHSAA to trigger the

[3] All references to statutes are to RSMo Supp. 2017, including any changes effective August 28, 2017.

ineligibility of [Son] as a student-athlete, that were false and based on speculation, conjecture and assumptions (not fact or the truth).

….

41. MSHSAA ignored and failed to comply with its policies to address the reported discrimination and retaliation by Kickapoo and SPS.

42. In fact, the MSHSAA Executive Director communicated with SPS Athletic Director and fellow MSHSAA Board Member, Josh Scott, as to confidential procedural matters concerning [Parents' and Son's] Hardship Request, and "secret" information to be kept between the Executive Director and Scott as it related to the [Parents' and Son's] appeal process with MSHSAA.

43. MSHSAA acted to aid and abet, in collusion with SPS, with malice and in reckless disregard of the rights of [Parents and Son] and [its] own policies, to further the discrimination and retaliation against [Parents and Son].

….

46. A parent fighting for and addressing unlawful prohibited discrimination and retaliation against their child is anticipated, reasonable, foreseen and within the zone of interest of the [MHRA] in remediating as adverse actions, which if not considered within the Act, would dissuade and chill the remedial intent of the [MHRA].

47. At all times relevant herein, SPS and MSHAA understood, or should have understood, that discrimination and retaliation as to [Son] was also discrimination and retaliation to [Parents] as a parent of [Son].

48. At all times relevant herein, SPS and MSHSAA understood, or should have understood, and anticipated that legal fees would be incurred to address the unlawful prohibited conduct of SPS and MSHSAA.

49. At all times relevant herein, SPS and MSHSAA understood, or should have understood, that [Parents] may be chilled and dissuaded from pursing a Charge of Discrimination, or addressing the Defendants unlawful conduct.

50. As a result, and as anticipated and foreseeable by SPS and MSHSAA, [Parents and Son] were forced to hire legal counsel to address the unlawful

> prohibited conduct of SPS and MSHSAA to fight for the eligibility of [Son] to play sports at Glendale High School.
>
> 51. Specifically, a legal action was filed requesting a Temporary Restraining Order, and Request for a Preliminary and Permanent Injunction, as to MSHSAA's determination of ineligibility.
>
> ….
>
> 53. The actions of SPS and MSHSAA were adverse acts of retaliation harmful to the point that such actions could, and would, well dissuade a reasonable person from making or supporting a report of discrimination, and specifically here, to dissuade [Parents] from making [their] reports, or [Parents] acting as … advocate[s] in [their] role as parent[s] of [Son] and supporting his reports.
>
> 54. That MSHSAA and SPS retaliated against [Parents] by reason of [their] reports of discrimination and retaliation, and [their] association with [Son] …, and their joint and several reports of discrimination and retaliation, knowing that [Parents] would be an advocate for […] [Son] to address and remediate unlawful prohibited conduct of discrimination and retaliation as engaged in individually and in concert by SPS and MSHSAA.

As the allegations recited above make clear, Parents do not allege that they were denied access to any area of public accommodation because of their race, nor do they allege that they were discriminated against in the use or enjoyment of a public accommodation because of their race. For example, Parents make no claim that they were denied access to any of the football games due to their race. Parents allege they were dissuaded from making a report of discrimination, incurred legal fees, and were within the "zone of interest" of the discrimination because of their status as Son's parents. Notably, and fatally, absent from their petitions is any claim that they themselves were denied access to areas of public accommodations because of their race or that they were discriminated against in their use of an accommodation because of their race.

Parents' petitions are further deficient in that they do not allege retaliation *against themselves* on the basis of a protected class. Rather, Parents' petitions allege that they were retaliated against because they are Son's parents and, in essence, pleaded on his behalf because *he* was denied access to areas of public accommodations because of his race. As Defendants rightly point out, status as a parent is not a protected class under the MHRA.

Discrimination by Association Under MHRA

As to Parents' assertion that they have stated a claim under section 213.070, the association provision of the MHRA, we note that the statute provides, "[i]t shall be an unlawful discriminatory practice for [a…] place of public accommodation: … (4) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter." In ***Missouri Com'n on Human Rights v. Red Dragon Restaurant, Inc.***, 991 S.W.2d 161, 167 (Mo. App. W.D. 1999), the Western District of this Court discussed the nature and intent of a discrimination by association claim:

> The plain meaning of the words of the [sic] § 213.065 [stating that all persons within the jurisdiction of the state of Missouri shall enjoy the full and equal use and enjoyment of places of public accommodation] indicate that the general purpose of the act is to prevent *anyone* in the state of Missouri from being refused public accommodations because of discriminatory attitudes toward persons with disabilities. The plain language of the statute extends its protection to all people within the state of Missouri, not just all handicapped people. Nowhere does the statute limit its application to those persons who themselves suffer from a disability. The statute goes on to make it unlawful to discriminate in public accommodations "on the grounds of ... handicap," but there is no language limiting the protection to those persons within the state who are handicapped. *See* § 213.065.2. Because the general purpose of the MHRA

> evidences a legislative intent to prohibit *all* discrimination based on disability and the language of the statute does not preclude a cause of action for associational discrimination by a non-handicapped person, we find that the legislature intended [sic] state a cause of action under § 213.065 for associational discrimination.

Thus, while they personally need not be a member of a protected class, nonetheless, to state a claim under this section of the statute, Parents must allege that they were "denied [the] right to the equal use of a public accommodation because [they were] accompanied by" Son, a person protected from discrimination on the basis of race. ***Id.*** at 170. In ***Red Dragon***, for example, the evidence supported a finding that the restaurant patron was denied a public accommodation because she was in the company of disabled patrons, in violation of the MHRA, when the restaurant did not allow the patron and her two friends into the restaurant because the two friends were blind and had guide dogs with them. ***Id.***

Parents' petitions do not allege the kind of discrimination that is actionable under an MRHA association claim for the same reasons discussed above. Parents do not allege that they were denied public accommodations because of Son's membership in a protected class. *See* ***Francin v. Mosby, Inc.***, 248 S.W.3d 619, 622 (Mo. App. E.D. 2008) (MHRA plaintiff presented cognizable claim under 213.070(4) when he alleged discrimination against him in the form of termination of his employment, because of his association with his wife, who suffered from ALS). With respect to the discrimination they suffered because of their association with Son, Parents' petitions are completely void of any allegations that will satisfy the statutory requirements, such as a denial of their entry at a place of public accommodation because of Son's protected class.

Because Parents' first point is dispositive of their appeal, we need not address their second point. The trial court's respective Judgments dismissing Parents' petitions are affirmed.

JENNIFER R. GROWCOCK, C.J. – OPINION AUTHOR

MATTHEW P. HAMNER, J. – CONCURS

BRYAN E. NICKELL, J. – CONCURS