

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

QUINTON M. THOMAS, et al.,                  )  
    )  
Plaintiffs,                                        )  
   )  
v.   )      Case No. 4:16 CV 1302 RWS  
   )  
CITY OF ST. ANN, et al.,                        )  
   )  
Defendants,                                        )

**ORDER**

Plaintiffs in this action filed a class action amended complaint against thirteen municipalities. The amended complaint alleges that Defendants had policies and practices of encouraging their police forces to issue tickets to Plaintiffs for minor infractions, imposing sizable fines for these infractions, detaining Plaintiffs in municipal jails for failing to pay fines, and generally using the municipalities' prosecutorial and law enforcement powers to unconstitutionally coerce citizens to pay fines to raise city revenues. Plaintiffs also allege that the defendant municipalities failed to provide counsel when required and issued invalid warrants all in violation of the United States Constitution. Plaintiffs assert that Defendants acted as part of a conspiracy to deprive Plaintiffs of their civil rights.

Defendants have all moved to dismiss the amended complaint.

Plaintiffs' claims against the various defendant municipalities involve multiple separate incidents and actions over a five-year (or greater period). Because I find that the amended complaint fails to state a claim for conspiracy, I will dismiss the claims against all but one Defendant. The first named defendant, City of St. Ann, will remain as a defendant in this matter. Plaintiffs' claims against the remaining Defendants will be dismissed without prejudice. I will order Plaintiffs to file an amended complaint against Defendant City of St. Ann and to limit their claims to actions taken by City of St. Ann.

***Legal Standard***

When ruling on a motion to dismiss, I must accept as true all factual allegations in the complaint and view them in light most favorable to the Plaintiff. Fed. R. Civ. P. 12(b)(6); Erickson v. Pardus, 551 U.S. 89, 94 (2007). The purpose of a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) is to test the legal sufficiency of the complaint. An action fails to state a claim upon which relief can be granted if it does not plead "enough facts to state a claim to relief that is plausible on its face." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007). To survive a motion to dismiss, a plaintiff's factual allegations "must be enough to raise a right to relief above the speculative level. Id. at 555.

### ***Discussion***

The amended complaint's first twenty-seven pages set out background allegations against the defendant municipalities asserting that their revenue raising tactics of tickets, fines, and confinement were unconstitutional and disproportionately impacted the poorest citizens of those communities. The amended complaint asserts that these citizens are the least able to avoid the alleged coercive revenue raising techniques employed by the municipalities.

Plaintiffs' amended complaint sets out six counts including Court I which asserts a claim for imprisoning Plaintiffs for an inability to pay fines and penalties in violation of the 14<sup>th</sup> Amendment of the United States Constitution. Count II asserts a claim under the 14<sup>th</sup> and 6<sup>th</sup> Amends. for failing to provide counsel for indigent Plaintiffs who are ordered to be imprisoned for unpaid fines. Count III asserts a claim under the 14<sup>th</sup> Amend. for the indefinite and arbitrary detention of Plaintiffs. Count IV asserts a claim under the 4<sup>th</sup> and 14<sup>th</sup> Amends. for the issuance of invalid arrest warrants against Plaintiffs. Count V asserts a claim under the 14<sup>th</sup> Amend. for threatening Plaintiffs with incarceration in an effort to collect fines and penalties. Count VI asserts a conspiracy claim against Defendants alleging that they acted in a coordinated scheme to violate Plaintiffs' constitutional rights.

All Defendants moved to dismiss Plaintiffs' conspiracy claim. To assert a

conspiracy claim a plaintiff must make “allegations of specific facts tending to show a ‘meeting of the minds’ among the alleged conspirators.” Murray v. Lene, 595 F.3d 868, 870 (8th Cir. 2010). In addition, a plaintiff’s factual allegations “must be enough to raise a right to relief above the speculative level.” Twombly, 550 U.S. at 570.

In support of their conspiracy claim Plaintiffs assert that all the defendant municipalities contracted with the City of St. Ann to house detainees in its jail. These individual contracts with a jail do not create an inference that the municipalities had a meeting of minds to commit unconstitutional acts on Plaintiffs. It is not unusual for police departments to contract with jails to hold detainees. Plaintiffs also assert that the defendant municipality police departments arrested Plaintiffs based on arrest warrants issued by other municipalities. This too is a common practice among all police departments. Similarly, the allegation that a prosecuting attorney for one defendant municipality may act as a judge for another defendant municipality does not establish a claim of conspiratorial meeting of minds between the municipalities

I find that Plaintiffs’ conspiracy claim is based on speculation. Plaintiffs failed to assert specific factual allegations necessary to infer a meeting of minds to show that Defendants acted in a conspiracy to deprive Plaintiffs of their rights.

Based on that finding I will dismiss Plaintiffs' conspiracy claim in Count VI of the amended complaint. Because Plaintiffs' remaining claims against Defendants are based on separate activities, by separate actors, over the course of several years, I find that Defendants have been improperly joined in one action. See Fed. R. Civ. P. 21. As a result, I will order that this case proceed only against the City of St. Ann and the claims against the other Defendants in this case will be dismissed without prejudice.

As this case is proceeding only against the City of St. Ann, I will order Plaintiffs to file an amended complaint (the second amended complaint) limiting their claims to those against the City of St. Ann. As guidance to the filing of that amended complaint, I briefly address the City of St. Ann's motion to dismiss the present complaint.

The City of St. Ann moved to dismiss the amended complaint under Rules 8(a)(2), 10(b), and 12(f) of the Federal Rules of Civil Procedure. Those rules in essence state that the claims of a complaint should be simply set out, in numbered paragraphs, each limited to a single set of circumstances, and that redundant, immaterial, or impertinent matters should be omitted. City of St. Ann asserts that the opening twenty-seven pages of the amended complaint contain immaterial and inflammatory information. It also asserts that many paragraphs in the complaint

contain compound allegations making it difficult for City of St. Ann to answer the complaint.

Counsel for City of St. Ann raised the same grounds to dismiss a similar complaint filed by Plaintiffs' counsel in Kant v. City of Ferguson, Missouri, 4:15 CV 253 AGF (E.D. Mo. 2005). United States District Judge Audrey Fleissig rejected those grounds to dismiss. I reach the same conclusion in this case. The background information provided at the beginning of the amended complaint simply presents a general setting to place Defendants' alleged actions in context. Moreover, Plaintiffs' allegations in the individual paragraphs are limited, as far as practicable, to discrete sets of circumstances, which would allow a defendant to be able to frame a responsive pleading. Nor do I find that any of the language in the amended complaint is so redundant, immaterial, impertinent, or scandalous to warrant striking sections of the pleading. That being said, when Plaintiffs file their amended complaint against City of St. Ann, they shall limit their allegations and claims to those directly related to the City of St. Ann's actions and not the actions of other municipalities.

City of St. Ann also moves to dismiss the majority of Plaintiffs' claims asserting that the claims are directed solely at the actions of municipal judges and their staff. Plaintiffs' claims are not so limited. In the body of Plaintiffs' amended

complaint they allege that the City of St. Ann had a custom and policy of directing their police officers to issue fine laden citations for minor infractions in an effort to raise city revenues. Plaintiffs also allege that the City of St. Ann encouraged the prosecution and incarceration of indigent Plaintiffs who were unable to pay fines, among other claims. In filing their amended complaint against the City of St. Ann, Plaintiffs should clearly restate those claims in each count of their complaint.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' motions to dismiss Plaintiffs conspiracy claim [54, 57, 59, and 60] are **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' claims against Defendants City of Edmunson, City of Normandy, City of Cool Valley, City of Velda City, City of Beverly Hills, City of Pagedale, City of Calverton Park, City of St. John, City of Bel-Ridge, City of Wellston, City of Velda Village Hills, and City of Bellefontaine Neighbors are **DISMISSED** without prejudice as being improperly joined in this action.

**IT IS FURTHER ORDERED that** Plaintiffs shall file an amended complaint directed solely at Defendant City of St. Ann no later than **May 26, 2017.**

Rodney W. Sippel  
RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 24th day of April, 2017.