

MISSOURI CIRCUIT COURT  
TWENTY-SECOND JUDICIAL CIRCUIT  
(CITY OF ST. LOUIS)

CHARLES A. LANE, and	)	
JAMES CRAWFORD,	)	
	)	Case No. 2122-CC00751
Plaintiffs,	)	
	)	Division 20
v.	)	
	)	
POLICE RETIREMENT SYSTEM	)	
OF THE CITY OF ST. LOUIS, et al.,	)	
	)	
Defendants.	)	

**MOTION OF DEFENDANT CITY OF ST. LOUIS  
FOR SUMMARY JUDGMENT ON ITS CROSS-CLAIM  
AGAINST DEFENDANT STATE OF MISSOURI**

COMES NOW Defendant City of St. Louis ("City"), pursuant to Rule 74.04, and for its Motion for Summary Judgment on its Cross-Claim against Defendant State of Missouri states:

1. The City’s Cross-Claim seeks judgments declaring the rights, status, and other legal relations established by Missouri Statutes, § 86.810 (Count I) and § 86.364 (Count II). Under Missouri’s Declaratory Judgment Act, controversies regarding the construction of statutes and the powers and duties of governmental agencies thereunder are appropriate for declaratory judgment. *Regal-Tinneys Grove Special Rd. Dist. of Ray County v. Fields*, 552 S.W.2d 719, 722 (Mo. banc 1977).
2. Plaintiffs in this cause are taxpayers who maintain that a series of police pension increases mandated by the State of Missouri in the 1990s (one in the 1980s) violate the Hancock Amendment, Article X, §§ 16-24 of the Missouri Constitution. The City is required to fund the police pension system. § 86.344 R.S.Mo.

3. The Missouri statutes at issue in the Cross-Claim – § 86.810 and § 86.364 – contain penalty provisions in the event the City initiates a successful Hancock Amendment claim with respect to the State-mandated pension benefit increases (§ 86.810), or if the State of Missouri becomes obligated to pay additional police pension benefits or compensation “even though such additional benefits or compensation is formally approved or authorized by the appropriate body of the city.” § 86.364 R.S.Mo. The penalties are that certain pension benefits for police officers are terminated, revoked and declared void.

4. In its Cross-Claim and with this Motion, the City seeks a determination that neither § 86.810 nor § 86.364 apply to the taxpayer Hancock Amendment claims in this case.

5. Based on the undisputed facts, individual taxpayers brought the instant Hancock claims, not the City. *Amended Petition*, ¶¶ 1-2.

6. Based on the undisputed facts, the City did not approve or authorize the pension benefits that the plaintiff-taxpayers contest and reference in their Amended Petition, ¶ 15. *Exhibit A* (Affidavit of Amber Boykins Simms, ¶¶ 6-10).

7. Therefore, based on the undisputed facts, the declaratory relief sought in Counts I and II of the City’s Cross-Claim is appropriate and proper because (a) by its terms, § 86.810 R.S.Mo. applies only to Hancock claims asserted by the City and the claims in this case are asserted by individual taxpayers (Count I); and (b) the City did not approve or authorize the pension benefits that the plaintiff-taxpayers contest, making § 86.364 inapplicable by its terms to the case at bar (Count II).

8. The State of Missouri disputes the City’s contentions regarding the subject statutes. *State of Missouri’s Answer to Cross-Claim*, ¶¶ 17, 18, 19, 22, 29, 31 and 32; *Answer of Defendant State of Missouri to First Amended Petition*, ¶¶ 26-29.

9. Therefore, a ripe, justiciable controversy currently exists regarding the applicability of Missouri statutes 86.810 and 84.364 to the Hancock Amendment claims asserted by the taxpayer-plaintiffs in this case.

10. If pension benefits for police officers are retroactively terminated or declared void pursuant to either statute, or both statutes, it will impact City police officers who retired from the 1990s to date as well as active police officers who retire in the future. Termination of police pension benefits would also threaten the City's ability to hire and retain police officers and to conduct the business and operations of its Police Division. The City therefore has a legally protectable interest at stake in protecting and preserving accrued pension benefits that were promised to its police officers. *Cross-Claim*, ¶¶ 20, 21, 23, 24. The City lacks an adequate remedy at law to address the harm that retroactive termination of police pension benefits would have on the operations of the City's Police Division. Similarly, the City lacks an adequate remedy at law to address the constitutional issues that would be caused by any retroactive termination of pension benefits already earned by police officers.

11. Based on the undisputed facts, there is no genuine dispute as to material facts upon which the City would have had the burden of persuasion at trial. The State of Missouri did not plead any affirmative defenses to the Cross-Claim.

A statement of uncontroverted material facts filed herewith, together with the exhibits referenced therein and a memorandum of law in support of this Motion.

WHEREFORE, for the reasons stated above, Defendant City of St. Louis respectfully requests that this Court enter its order and judgment (i) granting the City's Motion for Summary Judgment on its Cross-Claim Against Defendant State of Missouri; (ii) declaring that the provisions and penalties contained in § 86.810 R.S.Mo. are not applicable to Hancock

Amendment claims asserted by the plaintiffs as individual taxpayers; (iii) declaring that the provisions and penalties contained in § 86.364 R.S.Mo. are inapplicable to plaintiffs' Hancock Amendment claims because the City did not approve or authorize any of the police pension benefit increases referenced in the taxpayer plaintiffs' underlying claims, and further declaring that § 86.364 R.S.Mo. has no application to pension benefits that were not formally approved or authorized by the City; and (iv) ordering such other relief as this Court deems just and proper.

Respectfully submitted,

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**Certificate of Service**

I hereby certify that on Tuesday, September 13, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties of record.

/s/ Michael A. Garvin