

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|------------------------------------|---|-------------------|
| GINA THOMPSON and KAREN MCCABE, |) | |
| on behalf of themselves and others |) | |
| similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 4:15CV404 RLW |
| |) | |
| CITY OF ST. PETERS, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ Joint Motion to Stay (ECF No. 19), Plaintiffs’ Motion to Stay (ECF No. 27), Plaintiffs’ Second Motion for Extension of Time to Respond (ECF No. 28), and Defendants’ Joint Motion for Extension of Time (ECF No. 29). Upon review of the motions, the Court will stay the entire case for 60 days and allow both parties additional time to respond to the additional pending motions.

Plaintiffs filed this putative class action suit in the Circuit Court of St. Charles, Missouri on January 15, 2015. Defendants removed the action to federal court on March 4, 2015. Plaintiffs’ claims pertain to the use of red light cameras in Defendant City of St. Peters. Both parties acknowledge that the Missouri Supreme Court is currently reviewing three cases challenging the constitutionality of the red light camera program. *See City of Moline Acres v. Brennan; City of St. Peters v. Roeder; and Tupper v. City of St. Louis.* The parties also acknowledge that Missouri Supreme Court’s decision(s) in those cases may impact this case. As

such, the parties request that this Court stay the proceedings pending a determination by the Missouri Supreme Court.¹

Under the *Pullman* abstention doctrine, a federal court “must refrain from exercising jurisdiction when the case involves a potentially controlling issue of state law that is unclear, and the decision of this issue by the state courts could avoid or materially alter the need for a decision on federal constitutional grounds.” *Moe v. Brookings Cnty. S.D.*, 659 F.2d 880, 883 (8th Cir. 1981). Here, the parties agree that a stay is warranted. See *Robinson v. City of Omaha, NE*, 866 F.2d 1042, 1043-45 (8th Cir. 1989) (granting stay under the *Pullman* abstention doctrine “pending the disposition of state-law issues in the state courts.”) (citation and internal quotation omitted). While the parties differ on whether the Court should stay only the constitutional claims or the entire case, the Court will stay the entire case in the interest of judicial economy. *CNS Corp. v. Global Aerospace, Inc.*, No. 2:10CV18 JCH, 2010 WL 2978063, at *7 (E.D. Mo. July 23, 2010).

The Court also notes several pending motions, including Defendant Redflex Traffic Systems, Inc.’s Motion for Judgment on the Pleadings (ECF No. 17), Defendant City of St. Peters, Missouri’s Motion for More Definite Statement and/or to Strike (ECF No. 22), and Plaintiffs’ Motion for Class Certification and Discovery (ECF No. 26). Plaintiffs requests that the Court grant them additional time to respond to Defendants’ motions, and Defendants also ask for an extension of time to respond to Plaintiff’s pending motion for class certification. The Court finds these requests reasonable in light of the stay of proceedings.

Accordingly,

¹ Defendants request that the Court stay only Counts I, III, and IV of Plaintiffs’ Petition, while Plaintiffs ask the Court to stay the entire action pending a final decision in state court.

IT IS HEREBY ORDERED that Defendants' Joint Motion to Stay (ECF No. 19) is **GRANTED** in part, consistent with this Memorandum and Order.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Stay (ECF No. 27) is **GRANTED** and this case is **STAYED** for 60 days pending the determination of the Missouri Supreme Court regarding the red light camera program.

IT IS FURTHER ORDERED that Plaintiffs' Second Motion for Extension of Time to Respond to Defendant Redflex Traffic Systems, Inc.'s Motion for Judgment on the Pleadings and Defendant City of St. Peters, Missouri's Motion for More Definite Statement and/or to Strike (ECF No. 28) is **GRANTED**. Plaintiff shall file responses to the pending motions no later than 10 days after this Court lifts the stay.

IT IS FINALLY ORDERED that Defendants' Joint Motion for Extension of Time to file a Response to Plaintiffs' Motion for Class Certification and Discovery (ECF No. 29) is **GRANTED**. Defendants shall file a response to Plaintiff's class certification motion no later than 30 days after the stay is lifted.

Dated this 13th Day of May, 2015.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE