

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

|                          |   |                      |
|--------------------------|---|----------------------|
| RONALD MCALLISTER,       | ) |                      |
|                          | ) |                      |
| Plaintiff,               | ) |                      |
|                          | ) |                      |
| v.                       | ) | No. 4:16-CV-172 SNLJ |
|                          | ) |                      |
|                          | ) |                      |
| THE ST. LOUIS RAMS, LLC, | ) |                      |
|                          | ) |                      |
| Defendants.              | ) |                      |

**MEMORANDUM AND ORDER**

On July 6, 2016, this Court consolidated this matter with two later-filed lawsuits<sup>1</sup>, all relating to St. Louis Rams football team’s decision to move the team to a new stadium in Inglewood, California. Defendant sought to consolidate a third later-filed lawsuit, Pudlowski, et al. v. The St. Louis Rams, LLC, et al., No. 4:16-cv-00189-RLW (E.D. Mo. removed February 11, 2016), as well. However, Judge White granted the Pudlowski plaintiffs’ motion to remand that case to the Circuit Court for the City of St. Louis (4:16-cv-00189, #49), and that order was stayed pending defendant’s appeal to the Eighth Circuit (Id., #54), so the Court denied without prejudice the motion to consolidate as to Pudlowski. The Eighth Circuit reversed the order of remand, the motion to remand has now been denied (4:16cv189, #64), and defendants have renewed their motion to consolidate Pudlowski with this case (#34).

Federal Rule of Civil Procedure 42(a) permits consolidation of cases if “actions before the court involve a common question of law or fact.” The McAllister and

---

<sup>1</sup> Envision, LLC, et al. v. The St. Louis Rams, LLC, No. 4:16-CV-00262-CDP (E.D. Mo. removed Feb. 26, 2016); Arnold, et al. v. The St. Louis Rams, LLC, No. 4:16-cv-00297-SNLJ, (E.D. Mo. removed March 4, 2016).

Pudlowski plaintiffs suggest that their cases are too disparate to warrant consolidation. The McAllister purported class includes all Personal Seat License (“PSL”) holders and claims that either the PSL contracts are illusory and therefore invalid or, if the PSL contracts are not illusory, then the Rams breached the contract, breached the implied covenant of good faith and fair dealing, and violated the Missouri Merchandising Practices Act, §§ 407.010 et seq. (“MMPA”). Pudlowski’s plaintiffs allege the Rams violated the MMPA by misrepresenting the Rams’ intention to leave St. Louis, causing damages in the form of money spent for Rams’ merchandise, tickets, and concessions. The McAllister plaintiff argues that the cases are different in that (1) Pudlowski’s purported class consists of individuals who did not necessarily own PSLs, and (2) Pudlowski includes only Missouri residents. Plaintiffs contend that discovery in Pudlowski will focus on public statements by the Rams regarding whether they planned to stay in St. Louis and inquiries into the Rams’ true intention. Further, plaintiffs contend that damages in Pudlowski will be different and more complex than the McAllister case’s claimed damages. Pudlowski alleges that the class paid more for tickets, refreshments, and clothing than the value those items had if the Rams had been truthful about the team’s intentions. McAllister, on the other hand, seeks a refund for the nine unusable years of classmembers’ PSLs.

Despite these differences, the Court finds that consolidation of Pudlowski with the other three cases will promote efficiency and will not prejudice any party. The proposed class set forth in Pudlowski includes PSL holders because those individuals were contractually obligated to purchase tickets to games played at the Rams’ St. Louis stadium. The terms of the PSL contracts (and applicable limitations on liability) will thus be at issue for both Pudlowski and McAllister class claims, and those issues are most

efficiently resolved through consolidation. The Court also notes that Pudlowski and Arnold plaintiffs appear to argue that the Rams' decision to relocate is at issue in their claims, so multiple common issues are present. Although this Court has now ruled on motions for judgment on the pleadings in the McAllister, Envision, and Arnold cases, consolidation of Pudlowski with those cases will most efficiently apply consistent rulings to all four matters.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's renewed motion to consolidate (#34) is GRANTED.

**IT IS FURTHER ORDERED** the parties shall file all further documents in this case, McAllister v. St. Louis Rams, 4:16-cv-172.

Dated this 5th day of October, 2016.

  
\_\_\_\_\_  
STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE