

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

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)	
Regional Convention and Sports Complex Authority,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1522-CC00782
)	
City of St. Louis,)	
)	
Defendant.)	

MOTION FOR LEAVE TO INTERVENE

Come now Jeanette Mott Oxford, Earl Garrett, and William White, by and through their Counsel, and for their Motion for Leave to Intervene As of Right, or in the alternative, as Permissive Intervention, pursuant to Missouri Rule of Civil Procedure 52.12, state as follows:

1. The Regional Convention and Sports Complex Authority has filed a Petition for Declaratory Judgment, attempting to invalidate a City Ordinance which was adopted in a public initiative. The Ordinance requires a public hearing and public vote prior to financial assistance from the City being provided for development of a new professional sports facility.

2. Proposed Intervenor Jeanette Mott Oxford is 60 years old, is a resident of the City of St. Louis, and with her spouse owns a home in the City of St. Louis. She is a registered voter in the City of St. Louis and is also a taxpayer in the City of St. Louis, paying various taxes collected by the City of St. Louis. Ms. Oxford is also one of the original petitioners who petitioned to place the Ordinance at issue in this action on the City ballot in 2002.

3. Proposed Intervenor Earl Garrett is 59 years old, has a disability, is a resident of

the City of St. Louis, and is a retired Metropolitan St. Louis Police officer. He and his spouse own their home in the City of St. Louis. He is a registered voter in the City of St. Louis, and a taxpayer, paying various taxes collected by the City of St. Louis.

4. William White is 56 years old, is a resident of the City of St. Louis, and is a restaurant worker in the City of St. Louis. He was formerly homeless. He is a registered voter in the City of St. Louis, and a taxpayer, paying various taxes collected by the City of St. Louis.

5. This action concerns the validity of Chapter 3.91 of the Revised Code of the City of St. Louis (hereinafter the Ordinance), an ordinance which was approved by City voters by means of an initiative in 2002, and which requires a public hearing and public vote before there can be financial assistance from the City for development of any professional sports facility.

The Ordinance, in relevant part, states:

Before the City can act, by ordinance or otherwise, to provide financial assistance to the development of a professional sports facility, the following procedures must be fully implemented:

- A. A fiscal note must be prepared by the Comptroller, received by the governing body, and made available to the public for at least 20 days prior to final action. The fiscal note shall state the total estimated financial cost, together with a detailed estimated cost, to the City, including the value of any services, or the proposed action, and shall be supported with an affidavit by the Comptroller that the Comptroller believes the estimate is reasonable accurate.
- B. A public hearing must be held by the governing body allowing

reasonable opportunity for both proponents and opponents to be heard.

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Section 3.91.020. The chapter then states:

No financial assistance may be provided by or on behalf of the City to the development of a professional sports facility without the approval of a majority of the qualified voters of the City voting thereon. Such voter approval shall be a condition precedent to the provisions of such financial assistance.

Section 3.91.030.

6. Upon information and belief, the Plaintiff in this action, the Regional Convention and Sports Complex Authority, has already incurred significant expenses to develop a professional sports facility suitable for an NFL team, on the northern part of the downtown riverfront in the City of St. Louis.

7. The Regional Convention and Sports Complex Authority's petition states that it is relying upon the City of St. Louis for significant financial support for the new professional sports facility. See Petition, Par. 12.

8. Upon information and belief, the amount of the City's financial assistance is expected to be in the tens of millions of dollars.

9. As set forth in the proposed answer to Plaintiff's petition, Proposed Intervenors Ms. Oxford, Mr. Garrett, and Mr. White, as voters and taxpayers, desire to have a public hearing and public vote on whether financial assistance will be provided for the construction of a new professional sports facility pursuant to their rights as set forth in the Ordinance.

10. As voters and taxpayers, Ms. Oxford, Mr. Garrett and Mr. White have a right to

intervene pursuant to Missouri Rule of Civil Procedure 52.12(a) because they are so situated that the disposition of the action will impair and impede their ability to protect their interests as taxpayers and as voters.

11. Section 527.110 of the Missouri Revised Statutes, regarding declaratory judgment actions such as the one brought here, states that “all persons shall be made parties who have or claim any interest which would be affected by the declaration and no declaration shall prejudice the rights of persons not parties to the proceedings.” The Proposed Intervenors also have a right to intervene pursuant to this statute.

12. Defendant, City of St. Louis, will not adequately represent the interests of the Proposed Intervenors because the City, through the Mayor and other officials and agents, has indicated its desire to build a new professional sports facility to either keep or attract an NFL team. At the same time, the City has indicated it has no immediate plans for a public hearing or public vote.

13. Missouri Governor Jeremiah Nixon and Mayor Francis Slay have publicly stated they do not believe a public hearing or public vote is necessary at this time in order to proceed with developing a new professional sports facility.

14. Unless the Proposed Intervenors are allowed to intervene as additional defendants, their ability to protect their interests as voters and taxpayers will be impaired and impeded, and City residents risk losing millions of dollars of their taxes without their approval, despite that a law adopted by City residents requires their approval.

15. In the alternative, the Proposed Intervenors seek leave to intervene under Rule

52.12(b) under permissive intervention, as the Proposed Intervenors' claim involves the exact same question of law and fact to be determined in the main action. The outcome of the pending lawsuit is likely to have a substantial impact upon the Proposed Intervenors.

16. Proposed Intervenors have attached their proposed Answer and Affirmative Defenses as Exhibit A, their Counterclaim as Exhibit B, and their Cross-claim as Exhibit C.

WHEREFORE, Ms. Oxford, Mr. Garrett and Mr. White pray for an Order of the Court as follows:

- A. Granting them leave to intervene as Defendants.
- B. Granting them leave to file their Answer and Affirmative Defenses, Counterclaim, and Cross-claim attached herein as Exhibits A, B and C.
- C. For such other and further relief as the Court deems appropriate.

Respectfully submitted,

/s/ James Wilson

/s/ Edward J. Hanlon

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Leave to Intervene was served by means of the electronic filing system upon Counsel of Record for the Plaintiff, and upon the City Counselor by U.S. Mail at the following address, all on this 24th day of April, 2015.

Winston Calvert
City Counselor
City Hall
1200 Market Street, Room 314
St. Louis, Mo. 63103

/s/ John J. Ammann
John J. Ammann