

**IN THE MISSOURI COURT OF APPEALS
EASTERN DISTRICT**

STATE OF MISSOURI ex rel.
THE RAMS FOOTBALL COMPANY,
LLC, E. STANLEY KROENKE, AND
NATIONAL FOOTBALL LEAGUE,

Relators,

v.

THE HONORABLE CHRISTOPHER
MCGRAUGH,

Respondent.

Case No. _____

Circuit Court of St. Louis City
Cause No. 1722-CC00976

Div. No. 19

WRIT SUMMARY

Identity of parties and their attorneys in the underlying action:

DEFENDANTS:

Relators: The Rams Football Company, LLC, E. Stanley Kroenke, and National Football League

Relators The Rams Football Company, LLC and E. Stanley Kroenke are represented by:

KIRKLAND & ELLIS LLP

Andrew A. Kassof (pro hac vice)
James R.P. Hileman (pro hac vice)
300 N. LaSalle Drive
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
andrew.kassof@kirkland.com
james.hileman@kirkland.com

HAAR & WOODS, LLP

Robert T. Haar, #30044
Lisa A. Pake, #39397
Susan E. Bindler, #41436
Jozef J. Kopchick, #67685
1010 Market Street, Suite 1620
St. Louis, Missouri 63101
Telephone: (314) 241-2224
Facsimile: (314) 241-2227
roberthaar@haar-woods.com
lpake@haar-woods.com
sbindler@haar-woods.com
jkopchick@haar-woods.com

Relator National Football League is represented by:

COVINGTON & BURLING LLP CARMODY MacDONALD P.C.

Gregg H. Levy (pro hac vice)
 John E. Hall, #39434
 Benjamin J. Razi (pro hac vice)
 One CityCenter
 850 Tenth Street, NW
 Washington, D.C. 20001-4956
 Telephone: (202) 662-6000
 Facsimile: (202) 662-6291
 glevy@cov.com
 jhall@cov.com
 brazi@cov.com

Gerard T. Carmody, #24769
 Meghan M. Lamping, #59987
 Patrick G. Carmody, #62784
 120 South Central Avenue
 Suite 1800
 St. Louis, Missouri 63105
 Telephone: (314) 854-8600
 Facsimile: (314) 854-8660
 gtc@carmodymacdonald.com
 mml@carmodymacdonald.com
 pgc@carmodymacdonald.com

Other Defendants also represented by Covington & Burling LLP and Carmody MacDonald P.C.: Paul Allen; Daniel Ariens; Thomas Benson; John Bergstrom; William Bidwill; Stephen Bisciotti; Arthur Blank; Pat Bowlen; Michael Brown; Mark Davis; Denise DeBartolo York; Susan Finco; Martha Firestone Ford; Casey Foyt; Bryan Glazer; Edward Glazer; Joel Glazer; James Haslam; Susan Haslam; Clark Hunt; James Irsay; Carlie Irsay-Gordon; Kalen Jackson; Robert Johnson; Jerral Jones; Darcie Glazer Kassewitz; Shahid Khan; Robert Kraft; Alan Landis; Jeffrey Lurie; David Mandelbaum; John Mara; Virginia McCaskey; Mark McMullen; Robert McNair; Mark Murphy; Thomas Olejniczak; Thomas Olson; Kim Pegula; Terrence Pegula; Jerry Richardson; Daniel Rooney; Stephen Ross; Daniel Snyder; John Sobrato; Alex G. Spanos; Dean Alexander Spanos; Amy Adams Strunk; Steve Tisch; Mark Wan; Leonard Wilf; Mark Wilf; Zygmunt Wilf; Jed York; John York; Gideon Yu; Arizona Cardinals Football Club LLC; Atlanta Falcons Football Club, LLC; Baltimore Ravens Limited Partnership; Buccaneers Football Corporation; Buffalo Bills, LLC; Chargers Football Company, LLC; Cincinnati Bengals, Inc.; Cleveland Browns Football Company LLC; Dallas Cowboys Football Club, Ltd.; Forty Niners Football Company LLC; Football Northwest LLC; Green Bay Packers, Inc.; Houston NFL Holdings, LP; Indianapolis Colts, Inc.; Jacksonville Jaguars LLC; Kansas City Chiefs Football Club, Inc.; Miami Dolphins, Ltd.; Minnesota Vikings Football, LLC; New England Patriots LLC; New Orleans Louisiana Saints, LLC; New York Football Giants, Inc.; New York Jets LLC; The Oakland Raiders, A California Limited Partnership; Panthers Football, LLC; PDB Sports, Ltd.; Philadelphia Eagles, LLC; Pittsburgh Steelers LLC; Pro-Football, Inc.; Tennessee Football, Inc.; The Chicago Bears Football Club, Inc.; and The Detroit Lions, Inc.

PLAINTIFFS:

Plaintiffs: St. Louis Regional Convention & Sports Complex Authority,
the City of St. Louis, and the County of St. Louis.

Plaintiffs Represented By:

BLITZ, BARDGETT & DEUTSCH, L.C. DOWD BENNETT LLP

Robert D. Blitz #24387
Christopher O. Bauman #52480
120 South Central Ave.,
Suite 1500
St. Louis, Missouri 63105
314-863-1500
314-863-1877 (facsimile)
rblitz@bbdlc.com
cbauman@bbdlc.com

James F. Bennett #46826
Edward L. Dowd, Jr. #28785
Michelle Nasser #68952
7733 Forsyth Blvd., Suite 1900
St. Louis, Missouri 63105
314-889-7300
314-863-2111 (facsimile)
jbennett@dowdbennett.com
edowd@dowdbennett.com
mnasser@dowdbennett.com

Nature of the underlying action: Plaintiffs St. Louis City, St. Louis County and the St. Louis Regional Convention & Sports Complex Authority have filed a lawsuit against the Rams, the Rams' owner, the NFL, and 87 other defendants (including all other NFL clubs, NFL owners, and others). Plaintiffs assert claims under various legal theories related to the relocation of the Rams football team from the City of St. Louis to Los Angeles.

Action of Respondent being challenged, including date thereof: On August 31, 2021, Respondent denied Relators' Application for a Change of Venue under Rule 51.04 on both grounds asserted in the motion, that is: (a) Plaintiffs have undue influence over the prospective jury pool in St. Louis City; and (b) the inhabitants of St. Louis City are prejudiced against Defendants.

Relief sought by Relators: Relators filed an application for change of venue under Rule 51.04(a)(2) because there is no way to eliminate the undue influence of Plaintiffs over prospective jurors in St. Louis City given Plaintiffs' sweeping damages claim for alleged losses to City residents of jobs, economic development, and civic pride. Relators also sought a change of venue under Rule 51.04(a)(1) based on extensive and continuing prejudicial pretrial publicity in the venue. Respondent's denial of the application for change of venue was error as to each of the two independent grounds asserted in the application. Without a change of venue, Relators will be denied their constitutional right to a trial before a fair and impartial jury. Relators ask that the Court issue a preliminary and permanent writ of prohibition ordering Respondent to transfer this cause to a venue outside the metropolitan St. Louis area where no prejudice exists.

Date case set for trial, if set, and date of any other event bearing upon relief sought:
Trial is set for January 10, 2022.

Date, court and disposition of any previous or pending writ proceeding concerning the action or related matter: Eighty-five out-of-state defendants previously moved to dismiss the claims against them for lack of personal jurisdiction. Respondent denied that motion, at which point those defendants sought a writ of prohibition in this Court. By order dated January 24, 2018, this Court denied the petition for a writ of prohibition. *See* Jan. 24, 2018 Order, *State ex rel. Daniel Ariens v. McGraugh*, No. ED106257 (Mo. App. E.D.). On April 3, 2018, the Supreme Court of Missouri denied those defendants' petition for a writ of prohibition seeking the same relief. *See* Apr. 3, 2018 Order, *State ex rel. Daniel Ariens v. McGraugh*, No. SC96929 (Mo.).

On September 24, 2019, seventy-six defendants sought a writ of prohibition or mandamus directing Respondent to withhold requiring compliance with subpoenas issued for all party and non-party cellular records of these defendants for an eight-year period. By order dated October 7, 2019, this Court denied those defendants' petition for a writ of prohibition. *See* October 7, 2019 Order, *State ex rel. Paul Allen v. McGraugh*, No. ED108251 (Mo. App. E.D.). Defendants then sought relief from the Missouri Supreme Court, which denied the petition in an order dated November 19, 2019. *See* Nov. 19, 2019 Order, *State ex rel. Paul Allen v. McGraugh*, No. SC98159 (Mo.).

On August 24, 2021, Relator E. Stanley Kroenke sought a writ of prohibition from this Court to prohibit Respondent from requiring the production by Relator of financial statements of non-parties, and joint tax returns of Relator and his wife, who also is not a party. This Court denied that petition on August 25, 2021. *See* August 25, 2021 Order, *State ex rel. Kroenke v. McGraugh*, No. ED109887 (Mo. App. E.D.). On September 2, 2021, Mr. Kroenke then sought relief from the Missouri Supreme Court. On September 22, 2021, the Missouri Supreme Court denied the writ petition. *See* September 22, 2021, Order, *State ex rel. Kroenke v. McGraugh*, No. SC99287 (Mo.).

On August 25, 2021, defendants Clark Hunt, Jerral Jones, Robert Kraft, John Mara, and Jerry Richardson sought a writ of prohibition to prevent Respondent from ordering these defendants to produce personal financial documents in connection with Plaintiffs' claims for punitive damages. This Court denied the petition. *See* Aug. 26, 2021 Order, *State ex rel. Clark Hunt v. McGraugh*, No. ED10988 (Mo. App. E.D.). On September 1, 2021, those defendants sought relief from the Missouri Supreme Court. On September 22, 2021, the Missouri Supreme Court denied the writ petition. *See* September 22, 2021, Order, *State ex rel. Clark Hunt v. McGraugh*, No. SC99284 (Mo.).

Respectfully submitted,

Dated: October 1, 2021

By: /s/ Robert T. Haar

HAAR & WOODS, LLP
Robert T. Haar, #30044
Lisa A. Pake, #39397
Susan E. Bindler, #41436
Jozef J. Kopchick, #67685
St. Louis, Missouri 63101
Telephone: (314) 241-2224
Facsimile: (314) 241-2227
roberthaar@haar-woods.com
lpake@haar-woods.com
sbindler@haar-woods.com
jkopchick@haar-woods.com

KIRKLAND & ELLIS LLP
Andrew A. Kassof, P.C. (*pro hac vice*)
James R.P. Hileman (*pro hac vice*)
300 N. LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000
andrew.kassof@kirkland.com
james.hileman@kirkland.com

*Attorneys for Relators E. Stanley Kroenke
and The Rams Football Company, LLC*

By: /s/ Gerard T. Carmody
CARMODY MacDONALD P.C.
Gerard T. Carmody, #24769
Meghan M. Lamping, #59987
Patrick G. Carmody, #62784
120 South Central Avenue, Suite 1800
St. Louis, Missouri 63105
Telephone: (314) 854-8600
Facsimile: (314) 854-8660
gtc@carmodymacdonald.com
mml@carmodymacdonald.com
pgc@carmodymacdonald.com

COVINGTON & BURLING LLP
Gregg H. Levy (*pro hac admission*)
John E. Hall, #39434
Benjamin J. Razi (*pro hac admission*)
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
glevy@cov.com
jhall@cov.com
brazi@cov.com

Attorneys for Relator National Football League

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 1, 2021, a true copy of the foregoing was served upon the following via electronic mail and first class mail:

The Honorable Christopher McGraugh
Circuit Court of St. Louis City, Division 19
10 N. Tucker Blvd.
St. Louis, MO 63101
Christopher.McGraugh@courts.mo.gov

Respondent

BLITZ, BARDGETT & DEUTSCH, L.C.

Robert D. Blitz #24387
Christopher O. Bauman #52480
120 South Central Ave.,
Suite 1500
St. Louis, Missouri 63105
314-863-1500
314-863-1877 (facsimile)
rblitz@bbdlc.com
cbauman@bbdlc.com

DOWD BENNETT LLP

James F. Bennett #46826
Edward L. Dowd, Jr. #28785
Michelle Nasser #68952
7733 Forsyth Blvd., Suite 1900
St. Louis, Missouri 63105
314-889-7300
314-863-2111 (facsimile)
jbennett@dowdbennett.com
edowd@dowdbennett.com
mnasser@dowdbennett.com

Attorneys for Plaintiffs

/s/ Robert T. Haar