

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT “BOB” ONDER, ET AL.,

Plaintiffs,

v.

STATE OF MISSOURI, ET AL.,

Defendants.

Case No. 4:26-cv-01424-SRC

**DEFENDANTS’ MOTION TO DISMISS CLAIMS AGAINST THE STATE OF
MISSOURI AND MEMORANDUM IN SUPPORT**

Defendants respectfully move this Court to dismiss all claims against the State of Missouri based on its sovereign and Eleventh Amendment immunities. In support, Defendants state:

1. Although Missouri is a sovereign State, Plaintiffs sued the State of Missouri in its own name. Compl. ¶ 11.
2. But unless Plaintiffs can show either that the State has “express[ly]” waived its sovereign immunity or that Congress has “unequivocal[ly]” abrogated the State’s immunity with respect to these claims, *Edelman v. Jordan*, 415 U.S. 651, 673 (1974); *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 56 (1996), Missouri is “immune from suit under the terms of the Eleventh Amendment and the doctrine of sovereign immunity,” *Whole Woman’s Health v. Jackson*, 595 U.S. 30, 39 (2021).

3. Plaintiffs have identified no such “express” waiver or “unequivocal” abrogation of Missouri’s immunity. *See generally* Compl. Nor are Defendants aware of any waiver or abrogation of the State’s immunity with respect to these claims.

4. Therefore, the State of Missouri is entitled to its sovereign and Eleventh Amendment immunities.

5. Defendants acknowledge that Plaintiffs’ constitutional claims for equitable relief may proceed against the state officer Defendant. *See Ex parte Young*, 209 U.S. 123, 159–60 (1908).

WHEREFORE, Defendants respectfully request that the Court dismiss all claims against the State of Missouri.

Dated: September 6, 2026

Respectfully submitted,

CATHERINE L. HANAWAY

ATTORNEY GENERAL

/s/ Louis J. Capozzi III

Louis J. Capozzi III, #77756(MO)

Solicitor General

William James Seidleck, #77794(MO)

Principal Deputy Solicitor General

Graham Miller, #77656(MO)

Deputy Solicitor General

OFFICE OF THE ATTORNEY GENERAL

Old Post Office Building

815 Olive Street, Suite 200

St. Louis, MO 63101

Phone: (573) 645-9662

Louis.Capozzi@ago.mo.gov

William.Seidleck@ago.mo.gov

Graham.Miller@ago.mo.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2026 the foregoing was filed electronically through the Court's electronic filing system to be served electronically on counsel for all parties.

/s/ Louis J. Capozzi III