Attorney Katie Doherty defeats critical motion to dismiss or stay discovery in recent *pro bono* case

May 26, 2021

In her latest *pro bono* project, MG+M attorney Katie Doherty, working together with the Legal Services of Eastern Missouri's Neighborhood Vacancy Initiative, defeated a critical motion to dismiss or stay discovery filed by a commercial developer-defendant regarding an abandoned industrial property that the defendant has allowed to deteriorate, catch fire, and function as a crime haven for almost a decade. This is a significant win because this case is the first of its kind utilizing the recently-enacted Missouri statutes to cure a commercial public blight.

The State of Missouri's progressive set of nuisance property statutes allow property owners and neighborhood associations to file suits for injunctive relief and monetary damages against other property owners who do not fix nuisance conditions. In 2019, Missouri expanded these statutes to allow awards for expenses and attorney's fees in cases *against commercial or industrial property owners*, which is how this case came to fruition.

The commercial developer-defendant filed a motion to dismiss Katie's client's petition to determine whether the defendant had sufficient resources to fix the property at issue and to investigate any unsavory activity by the defendant in retaining the property. The defendant also requested to stay the discovery and sought a protective order to protect information about the property and owner.

Katie and her team defeated the motion and successfully obtained an order allowing them to proceed with the claims and the discovery that the defendant sought to avoid.

“I am excited about the direction of this litigation, as it has the potential to serve as a catalyst for future suits against commercial and industrial property owners who have failed in their duty to maintain their property,” said Katie.

Questions about our *pro bono* practice? Email ProBonoCommittee@mgmlaw.com.

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