

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)

FILED

JUN 04 2019

22ND JUDICIAL CIRCUIT
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REPRODUCTIVE HEALTH)
SERVICES OF PLANNED)
PARENTHOOD OF THE ST. LOUIS)
REGION,) No. 1922-CC02395
)
Petitioner,) Division No. 6
)
vs.)
)
MICHAEL L. PARSON, et al.,)
)
Respondents.)

ORDER

The Court has before it Petitioner's Motion for Clarification and, in the Alternative, for Continuance. The Court now rules as follows.

On Friday, May 31, 2019, this Court granted Petitioner's request for a temporary restraining order and set the matter for hearing on Petitioner's request for preliminary injunction for June 4. Both parties sought clarification from the Court as to the scope of the hearing scheduled for June 4, because the Court went on to state its intention to consolidate the preliminary injunction with the trial on the merits.

The analysis applicable to preliminary relief is not the same as that applicable to the issue of permanent relief after a full hearing. Furniture Mfg. Corp. v. Joseph, 900 S.W.2d 642, 647

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(Mo.App. W.D. 1995). A preliminary injunction hearing is generally not considered a trial on the merits. Zoological Park Subdist. of the Metro. Park Museum Dist. v. Smith, 561 S.W.3d 893, 896 (Mo.App. E.D. 2018).

Rule 92.02(c)(3) authorizes the trial court to consolidate the hearings on the preliminary and permanent injunctions. Id. However, the parties must be afforded notice of the consolidation to provide a reasonable opportunity to present their evidence, or the Court may only adjudicate the merits of a claim at the hearing on a preliminary injunction if the parties consent. Id. at 897.

At this time, the only issue that is ripe for adjudication is Petitioner's request for preliminary injunction on Count I of Petitioner's Verified Petition for Declaratory and Injunctive Relief.

THEREFORE, it is Ordered and Decreed that Petitioner's Motion for Clarification and, in the Alternative, for Continuance is GRANTED. The matter is set for June 5, 2019 at 9:00 a.m., on Petitioner's Request for Preliminary Injunction only.

SO ORDERED:


MICHAEL F. STELZER, Judge #40116

Dated: June 3, 2019