

Stinson Attorneys Prevail in Eighth Circuit Drinking Water Utility Matter

Press Release

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Case addressed the intersection of statute of limitations with the continuing violations doctrine

A team of Stinson attorneys led by Partner [Aimee Guzman Davenport](#) successfully defended their client, City Utilities of Springfield (CU), against a rural water district's federal § 1926(b) claims regarding its provision of drinking water service in Greene County, Missouri.

In 2020, Public Water Supply District No. 1 of Greene County filed *Water Supply District No. 1 of Greene Co v. City of Springfield, Missouri*, alleging that CU had unlawfully provided drinking water services to several subdivisions within the district's territory for nearly 50 years. The rural water district sought injunctive relief, damages and the relinquishment of CU's drinking water infrastructure serving the subdivisions based on a federal statute that protects federally-indebted rural water districts from encroachment by other utilities. This week, the court denied the district's relief due to the passage of time.

Davenport argued that CU's continued drinking water service to the subdivisions, which began in the early 1970s and 1990s, did not violate § 1926(b), in part, since the rural water district waited decades after CU began providing service to file its claims. Rejecting the plaintiff's theory that the continuing violations doctrine "resets" the five-year statute of limitations each day CU continues to provide drinking water service and each time CU adds a new customer to an area already served, the Eighth Circuit deemed the plaintiff's claims well out of time.

CU's position, and the court's holding, supports the purpose of the federal statute to encourage meaningful investments by utilities in drinking water infrastructure. Any result to the contrary would have done much to discourage such investments, threatening significant investments made by utilities decades after they are made.

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“At a time where delivering safe drinking water services to our communities is key, the court’s decision strengthens City Utilities of Springfield’s ability to make these important investments where needed, without reprisal,” Davenport said.

CU previously prevailed on summary judgment in the U.S. District Court for the Western District of Missouri, and the rural water district appealed. On October 24, 2022, the Eighth Circuit Court of Appeals found that CU’s ongoing provision of water service in the disputed subdivisions is a result of CU’s initial service and not a continuing violation, thus affirming the judgement of the U.S. District Court for the Western District of Missouri.

“Aimee Davenport and the entire Stinson legal team did great work for us,” CU’s General Counsel and Vice President Dwayne Fulk said. “They were responsive to our requests and understood the business issues in our case, which led to the right result and the protection of our ongoing investments in providing exceptional drinking water service in Greene County.”

Additional Stinson personnel involved in this matter include attorneys [Alexander Barrett](#) and Caleb Hall and Partners [Nicci Warr](#) and [Jeremy Root](#).

CONTACTS

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