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Vianello v. City of Prairie Village, Kansas

United States District Court, D. Kansas - August 4, 2025 - Slip Copy - 2025 WL 2208041

Plaintiff Marc Vianello filed an action challenging Defendant City of Prairie Village's issuance of general obligation bonds associated with building a new City Hall. Plaintiff challenged the City's ability to issue general obligation bonds without voter approval, bringing claims under 42 U.S.C. § 1983 and Kansas law.

The dispute centered in large part around the City Council's approval of a resolution, which passed on June 16, 2025. The resolution authorized the issuance of general obligation bonds in the amount of up to \$30,000,000.00 to pay for improvements to certain City buildings, including City Hall.

Defendant moved to dismiss for lack of jurisdiction and for failure to state a claim.

Defendant asked the Court to expedite its decision on the motion to dismiss, i.e., give it priority over other pending motions, because it claimed that this action functioned as an injunction and prevented it from issuing bonds and moving forward on its improvement plans. It asserted that "delays on the project would result in an increase in costs of \$120,000 per month, or approximately \$28,000 per week; expediting briefing by even a week could save \$28,000 in taxpayer funds." In contrast, Defendant asserted that Plaintiff would suffer no damage if briefing was expedited.

The premise of Defendant's motion was that it "prevent[s] Defendant from issuing bonds that it is legally entitled to issue." This is because Defendant is required to obtain a non-litigation certificate prior to issuing the bonds authorized by the June 16, 2025 resolution. Defendant contends that "[w]ithout an expedited hearing, Defendant would be prevented from making an offering of bonds, effectively being enjoined from issuing bonds even without a court order that it should be enjoined." And Defendant contended that it would be prevented from issuing bonds in the current market, which it contemplated when preparing to issue them, which could increase the cost of the bonds and construction materials.

The US District Court denied the motion for expedited briefing and ruling on Defendant's motion to dismiss. The Court found the City's assertions of the cost associated with delay are speculative at best, particularly given the short period of time that had passed since the resolution was passed. And Defendant's assertion that the lawsuit operated as an injunction preventing it from issuing bonds that it was legally entitled to issue called for a decision on the merits.

"According to Defendant's own brief, it passed the resolution authorizing these bonds on June 16. Plaintiff filed his federal lawsuit one month later. Defendant quickly moved to dismiss. The normal schedule for briefing on this motion is 21 days to respond and 14 days to reply. Defendant asks the Court to shorten this period to 14 and 7 days, respectfully. Given how quickly this case was filed after the bond resolution, the Court cannot find that expediting the briefing schedule by two weeks is warranted. It is not true that Plaintiff would suffer no damage from expediting deadlines. Plaintiff would be denied an extra week of briefing on this dispositive motion. Once fully briefed, the Court will endeavor to decide the motion to dismiss as soon as practicable given the demands of its

caseload."

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