

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

John Leuchtmann,	)	
	)	
Complainant,	)	
	)	
vs.	)	<u>Case No. WC-2026-0368</u>
	)	
Liberty Utilities (Missouri Water) LLC,,	)	
	)	
Respondent.	)	

**OPPOSITION TO MOTION TO AMEND COMPLAINT AND
MOTION TO DISMISS IN PART**

COMES NOW Respondent Liberty Utilities (Missouri Water) LLC (“Liberty” or “Company”), by and through counsel, and for its *Opposition to Complainant’s Motion to Amend Complaint* and for its *Motion to Dismiss Complaint in Part*, respectfully states as follows:

1. Complainant John Leuchtmann filed his *Formal Complaint* on June 23, 2026.
2. Included with Mr. Leuchtmann’s *Formal Complaint* was a second document that appeared to be a complaint made by the later Intervenor, Lakewood Hills Homeowners’ Association.
3. Lakewood Hills Homeowners’ Association applied to intervene on June 26, 2026, which application was granted on July 7, 2026. In its *Order Granting Intervention*, the Commission did not recognize Lakewood Hills status as an additional complainant.
4. Complainant Leuchtmann and Intervenor Lakewood Hills HOA now seek leave to amend the *Complaint*. In their pleading, they incorrectly describe themselves as “jointly, Complainants.” As noted above, Lakewood Hills HOA is an intervenor and not a complainant.

5. The proposed amendments to the Mr. Leuchtmann's *Complaint* refer only to certain grievances of an unidentified "resident" of the Lakewood Hills development.

6. Liberty objects to the proposed amendments to the *Complaint* because the amendments have no connection to Mr. Leuchtmann and seek to introduce matters wholly unrelated to the claims involving him. While practice before the Commission is not governed by the Missouri Supreme Court's Rules of Civil Procedure, they provide guidance for situations not covered specifically by the Commission's own rules. Rule 52.01 states, "Every civil action shall be prosecuted in the name of the real party in interest[.]"¹ The proposed new claim has no connection to Mr. Leuchtmann. He is not the real party in interest with respect to that claim and therefore may not pursue it in this proceeding. Likewise, Mr. Leuchtmann lacks standing to assert the claims of this unnamed "resident." The *Amendment to Complaint* also references another unnamed resident at another address. It is not proper substantively or procedurally to raise issues relating to other unnamed and non-signing persons in Mr. Leuchtmann's complaint. Therefore, the Commission must deny the *Motion to Amend*.

7. At this time, Liberty also moves to dismiss the second document that was filed with Mr. Leuchtmann's *Complaint* and which appears to be a complaint made by Intervenor Lakewood Hills HOA. Mr. Leuchtmann is not the real party in interest as to the claims in that document and he likewise lacks standing to assert claims that belong to the Intervenor. The HOA's complaint should have been docketed as a separate case, not as part of Mr. Leuchtmann's case.

¹ The rule states certain exceptions that do not apply here.

8. The Missouri Supreme Court has described the Doctrine of Standing as “a jurisdictional matter antecedent to the right to relief.” ***Healthcare Servs. of the Ozarks, Inc. v. Copeland***, 198 S.W.3d 604, 612 (Mo. banc 2006). If a court finds a party lacks standing, it “must dismiss the case because it does not have jurisdiction of the substantive issues presented.” *Id.* The Standing Doctrine “is used to ascertain if a party is sufficiently affected by the conduct complained of in the suit, so as to [e]nsure that a justifiable controversy is before the court.” ***Mitchell v. Residential Funding Corp.***, 334 S.W.3d 477, 488 (Mo. App. W.D. 2010). For a litigant to demonstrate standing, the court must conclude “that the parties seeking relief must have some personal interest at stake in the dispute, *even if that interest is attenuated, slight or remote.*” ***Ste. Genevieve Sch. Dist. R-II v. Bd. of Alderman of Ste. Genevieve***, 66 S.W.3d 6, 10 (Mo. banc 2002). Here, Mr. Leuchtmann has no interest in and is not the real party in interest with respect to, the new allegations he seeks to add to his *Complaint*. Likewise, there is no overlap between Mr. Leuchtmann’s claims and those asserted by the Intervenor, as neither has a legally cognizable interest in the claims of the other.

The purpose of Missouri’s Standing Doctrine is to “ensure that an actual controversy exists between persons whose interests are adverse and that those who stand to benefit from the litigation have a legally protectable interest at stake.” ***St. Louis Association of Realtors v. City of Ferguson***, 354 S.W.3d 620, 623 (Mo. banc 2011). Where a litigant asserts a claim belonging to another, there is no personal interest at stake, no injury to redress.

WHEREFORE, by reason of all the above, Liberty respectfully requests that the Commission deny Complainant’s *Motion to Amend the Complaint* and dismiss or sever

the complaint of the Intervenor that was filed as part of Mr. Leuchtmann's *Complaint*; and grant such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By: /s/ Kevin A. Thompson

Kevin A. Thompson, Mo. Bar No. 36288

P.O. Box 456

Jefferson City, Missouri 65102-0456

Telephone (573) 635-7166

Email: kthompson@brydonlaw.com

ATTORNEYS FOR LIBERTY UTILITIES
(MISSOURI WATER) LLC D/B/A LIBERTY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was sent by electronic mail to all parties of record this 7th day of October, 2026.

/s/ Kevin A. Thompson