

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

TONY BETHMAN, et al.,	)	No. ED101896
	)	
Appellants,	)	
	)	Appeal from the St. Charles County
vs.	)	Circuit Court
	)	
SALLY A. FAITH, et al.,	)	Honorable Jon A. Cunningham
	)	
Respondents.	)	Filed: June 9, 2015

Plaintiffs Tony Bethmann and Justin Rinaldi appeal the dismissal of their petition for writ of mandamus and civil negligence action brought against the City of St. Charles and numerous city officials. In their mandamus action, Plaintiffs sought to compel city officials to collect allegedly unpaid license taxes from restaurant businesses in the City. In their civil suit, Plaintiffs sought monetary damages against the City and city officials based on claims of negligence and respondeat superior. On appeal, Plaintiffs challenge the trial court's dismissal of their actions for lack of standing and failure to state a claim. Plaintiffs also contend that their civil suit is not barred by sovereign immunity, official immunity, or the public duty doctrine and that the trial court erred in denying their request for class action certification.

**AFFIRMED.**

**Division II Holds:**

The trial court did not err in dismissing Plaintiffs' petition for writ of mandamus and their civil negligence suit because they lacked standing and failed to state a claim. Because the first point is dispositive of the entire appeal, the three remaining points are denied as moot.

Opinion by: Philip M. Hess, J.  
Sherri B. Sullivan, P.J. and Mary K. Hoff, J. concur.

Attorney for Appellant: Daniel L. Goldberg  
Timothy A. Kohlenhoefer, Co-Counsel  
Jonathan F. Andres, Co-Counsel  
Martin M. Green, Co-Counsel

Attorney for Respondent: Robert J. Golterman  
Sarah E. Mullen, Co-Counsel

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