



In the Missouri Court of Appeals
Eastern District
DIVISION ONE

MILLARD ARBOGAST and)	No. ED90137
ZOIE HELMS,)	
)	
Respondents,)	Appeal from the Circuit Court
)	of the City of St. Louis
)	22024-00583
vs.)	
)	
CITY OF ST. LOUIS,)	Honorable Michael B. Calvin
)	
Appellant.)	Filed: May 19, 2009

OPINION SUMMARY

The City of St. Louis appeals the judgment entered upon a jury verdict awarding Millard Arbogast and Zoie Helms ("Plaintiffs") \$65,000.00 on their wrongful demolition claim. The City asserts that the trial court did not have subject-matter jurisdiction over Plaintiffs' claim because Plaintiffs failed to exhaust their administrative remedies before filing suit.

AFFIRMED.

Division One holds: Plaintiffs were excused from exhausting their administrative remedies because the City failed to provide them with notice, reasonably calculated under the circumstances, to apprise them of the condemnation and potential demolition of their property and afford them an opportunity to present their objections. Therefore, Plaintiffs' failure to exhaust their administrative remedies did not deprive the trial court of subject-matter jurisdiction.

Opinion by: Glenn A. Norton, J. Kurt S. Odenwald, P.J. and Patricia L. Cohen, J., concur

Attorney for Respondents: James M. Martin

Attorneys for Appellant: Stephen J. Kovac, City Counselor and Maribeth McMahon,
Assistant City Counsel

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS
BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT
BE QUOTED OR CITED.**