

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MICHAEL CHRIST, et al.,)	No. ED92123
Plaintiffs/Appellants,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
THE METROPOLITAN ST. LOUIS)	
SEWER DISTRICT,)	Hon. Barbara W. Wallace
Defendant/Respondent.)	FILED: June 2, 2009

Michael and Leslie Christ (“plaintiffs”) appeal the judgment of the trial court granting summary judgment in favor of the Metropolitan St. Louis Sewer District (“MSD”). Plaintiffs argue the trial court erroneously required evidence of elements of notice and duty in plaintiffs’ inverse condemnation action. In addition, plaintiffs claim the trial court erroneously ruled that the undisputed facts showed heavy rain caused the alleged inverse condemnation.

AFFIRMED.

DIVISION THREE HOLDS: There was no evidence in the summary judgment record that MSD had knowledge of any problem with the sewer prior to the backup, and therefore, plaintiffs could not prove the element of causation and recover on their claim of inverse condemnation. As a result, MSD was entitled to summary judgment.

Opinion by: Clifford H. Ahrens, J. Robert G. Dowd, Jr., J. and Sherri B. Sullivan, J., concur.

Attorneys for Appellants: Timothy A. Engelmeyer

Attorneys for Respondents: Larry D. Hale

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.