

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JAMES BOEVER and CHERYL BOEVER, Plaintiffs/Appellants,)	No. ED92698
)	
v.)	Appeal from the Circuit Court of St. Louis County
)	
SPECIAL SCHOOL DISTRICT OF SAINT LOUIS COUNTY, MICHAEL LASPE, JEANIE WOLF, and STACY DURHAM, Defendants/Respondents.)	Honorable James R. Hartenbach
)	Date: September 22, 2009

Plaintiffs filed a lawsuit against a school district and three of its employees seeking damages for the wrongful death of their son. The school district filed a motion to dismiss on the ground of sovereign immunity, and the employees moved to dismiss on the ground of official immunity. The trial court sustained the motions.

AFFIRMED.

Division One Holds:

1. The liability of a public entity for torts is the exception to the general rule of immunity for tort and it is incumbent upon a plaintiff who seeks to state a claim for relief to specifically allege facts establishing that an exception applies.
2. By failing to allege a breach of a statutory or regulatory duty, plaintiffs failed to state a claim for breach of a ministerial duty falling within an exception to the official immunity doctrine.
3. By failing to allege a physical defect in the property, plaintiffs failed to state a claim falling within the dangerous condition exception to the sovereign immunity doctrine.

Opinion by: Kathianne Knaup Crane, P.J.
Clifford H. Ahrens, J. and Nannette A. Baker, J., concur.

Attorneys for Appellants: Dana Hockensmith, Jeffrey Damerall

Attorneys for Respondents: Elizabeth C. Carver, Charles B. Jellinek, and Travis R. Kearbey

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.