

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARY SN DOE,)	No. ED93007
Appellant,)	
)	
v.)	
)	
ROMAN CATHOLIC ARCHDIOCESE)	Appeal from the Circuit Court
OF ST. LOUIS, an unincorporated)	of the City of St. Louis
association, and ARCHBISHOP)	
RAYMOND BURKE, of the Archdiocese)	
of St. Louis, MO,)	
Respondents.)	Filed: February 23, 2010

Plaintiff Mary SN Doe (Appellant) appeals the trial court's dismissal of certain negligence-based claims contained in her action filed against the Roman Catholic Archdiocese of St. Louis (Archdiocese) and Archbishop Raymond Burke (Archbishop). We affirm the trial court's dismissal. The trial court dismissed Appellant's claims of (1) pure negligence, (2) negligent supervision of children, and (3) negligent supervision, retention, and failure to warn. In so dismissing, the trial court relied on Gibson v. Brewer, 952 S.W.2d 239 (Mo. banc 1997) (holding that the First Amendment bars these types of negligence claims against a religious institution).

On appeal, Appellant argues Gibson was wrongly decided and fails to comport with United States Supreme Court precedent.

AFFIRMED

Division Four Holds: Until the Missouri Supreme Court or the United States Supreme Court declares differently, Gibson constitutes controlling law in Missouri, law which this Court is bound to apply. As such, the trial court did not err in relying on Gibson to dismiss Appellant's negligence-based claims as a matter of law.

Opinion by: Kurt S. Odenwald, P.J.
George W. Draper III, J., and Gary M. Gaertner, Jr., Concur

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