

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

BUILDING OWNERS and MANAGERS) No. ED94799
ASSOCIATION OF METROPOLITAN)
ST. LOUIS, INC., Respondent,) Appeal from the Circuit Court of
) the City of St. Louis
vs.)
) Honorable Robert H. Dierker, Jr.
CITY OF ST. LOUIS, MISSOURI,)
Appellant.) Filed: April 26, 2011

The City of St. Louis (City) appeals the trial court's grant of summary judgment to Plaintiff Building Owners and Managers Association of Metropolitan St. Louis, Inc. (BOMA). The City contends the trial court erred by: (1) finding that BOMA had standing to bring suit; and (2) invalidating Ordinance #67423, entitled the Displaced Building Service Workers Protection Ordinance (Ordinance).

AFFIRMED.

Division Five Holds: BOMA had standing to file suit against the City challenging the constitutionality of the Ordinance because: (1) its members would otherwise have standing to bring suit in their own right; (2) the interests it seeks to protect are germane to the organization's purpose; and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. See Hunt v. Washington State Apple Advertising Comm'n, 432 U.S. 333, 342-43 (1977); Mo. Bankers Ass'n v. Dir. of Mo. Div. of Credit Unions, 126 S.W.3d 360, 363 (Mo. banc 2003). The trial court did not err in invalidating the Ordinance because it is special legislation prohibited by the Missouri Constitution. Mo. Const. Art III, § 40(30).

Opinion by: Patricia L. Cohen, J. Gary M. Gaertner, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant: Carl W. Yates, III

Attorney for Respondent: John W. Moticka

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.