

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT

DIVISION THREE

BONZELLA SMITH and ISAIAH HAIR,)	No. ED95733
)	
Respondents/Cross-Appellants,)	
)	
and)	Appeal from the Circuit Court
)	of the City of St. Louis
CHERYL NELSON and)	
ELKE MCINTOSH,)	
)	
Intervenors-Respondents/)	
Cross-Appellants,)	
)	
vs.)	0922-CC09379
)	
CITY OF ST. LOUIS, BOARD OF)	
ALDERMEN FOR THE CITY OF)	
ST. LOUIS, TIF COMMISSION FOR)	
THE CITY OF ST. LOUIS, and)	
NORTHSIDE REGENERATION, LLC,)	Honorable Robert H. Dierker
)	
Defendants/Appellants.)	
)	FILED: June 19, 2012

Before Robert G. Dowd, Jr., P.J., Mary K. Hoff, J., and Sherri B. Sullivan, J.

PER CURIAM

The City of St. Louis (the City), the Board of Aldermen for the City of St. Louis (the Board of Aldermen), the TIF Commission for the City of St. Louis (the Commission), and Northside Regeneration, LLC, (Northside) (collectively referred to as Appellants) appeal from the trial court's judgment¹ granting a petition for declaratory judgment, temporary restraining order, preliminary injunction, and permanent injunction filed by Bonzella Smith (Smith) and Isaiah Hair (Hair) (Smith and Hair are collectively referred to as Plaintiffs) and intervened by Cheryl Nelson (Nelson)² and Elke McIntosh (McIntosh) (Nelson and McIntosh are collectively referred to as Intervenors).

¹ Appellants filed a motion requesting the appeal be dismissed without prejudice because the judgment was not final and because it is moot. The motion is denied.

² Nelson was originally named as a plaintiff but later joined McIntosh as an intervenor.

CAUSE ORDERED TRANSFERRED TO THE MISSOURI SUPREME COURT.

Division Three Holds: We would affirm the trial court's judgment because (1) the judgment addressed an issue that was properly before the court and, therefore, was not a void judgment; (2) Appellants' evidence at trial did not include any specific redevelopment project adopted prior to or in conjunction with the Ordinance 68484 and Ordinance 68485 as required by the TIF Act; (3) Appellants were not entitled to a new trial or to present additional evidence on the ground that they had been unaware of any need to present evidence at trial establishing a specific redevelopment project proposed prior to or in conjunction with the adoption of Ordinance 68484 and Ordinance 68485; and (4) the record lacks any evidence to support a finding that Respondents were entitled to attorneys' fees. However, because of the general interest and importance of the questions involved, we order this cause transferred to the Missouri Supreme Court, pursuant to Rule 83.02.

Attorneys for Appellants:

Paul J. Puricelli
Robb E. Hellwig
Julie L. Brothers
Daniel Emerson

Attorneys for Respondents:

D.B. Amon
W. Bevis Schock
Eric E. Vickers
James W. Schottel, Jr.

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.