

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ALEXA SMITH, FAITH MORGAN,)	No. ED98263
and DAVID BOYD, on behalf of)	
themselves and all other similarly situated,)	
)	
Respondents/Cross-Appellants,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Mark H. Neill
CITY OF ST. LOUIS,)	
)	
Appellant.)	FILED: June 11, 2013

Respondents Alexa Smith (“Smith”) and Faith Morgan (“Morgan”) (collectively, “Respondents”) filed suit challenging an ordinance enacted by the City of St. Louis (“City”) that authorized the use of automated red light cameras for enforcement of City’s traffic code. In their seven-count petition, Respondents alleged the enforcement of the ordinance violated their rights under the Missouri Constitution to due process, their privilege against self-incrimination, and their rights under the Confrontation Clause. Respondents further claimed that the ordinance was void because it conflicted with state law. Respondents also asserted claims of unjust enrichment and money had and received, and they sought a permanent injunction against enforcement of the ordinance.

After considering competing motions for summary judgment, the trial court ruled in favor of City on Respondents’ claims that enforcement of the ordinance violated their constitutional privilege against self-incrimination and violated their rights under the Confrontation Clause. The trial court also ruled that the doctrine of voluntary payment defeated Respondents’ claims for unjust enrichment and money had and received. The trial court ruled in favor of Respondents on their claims that the ordinance violated their right to procedural due process, and also found City lacked authority to enact the ordinance, thereby making the ordinance void. Respondents’ request for permanent injunction was dismissed without prejudice.

City now appeals the trial court’s entry of summary judgment finding the ordinance violated Respondents’ rights to procedural due process and finding the ordinance to be void. Respondents cross-appeal the trial court’s entry of summary judgment in favor of City on their claim that the ordinance violated their privilege against self-incrimination and on Respondent Smith’s claim for a refund of the fine she paid under the theories of unjust enrichment and money had and received.

AFFIRMED IN PART, REVERSED IN PART.

Division I holds: Respondent Morgan has an adequate remedy at law and may raise her procedural due process claims in municipal court. Therefore, we reverse the judgment of the trial court granting judgment in favor of Morgan on the issue of procedural due process, and we remand to the trial court with directions to dismiss Morgan from this action. Because the enactment of reasonable traffic regulations is a proper exercise of City's police power, and because City is a constitutional charter city possessing broad authority to enact legislation, we also reverse the trial court's judgment finding City lacked authority to enact the ordinance, and finding the ordinance void. However, since the ordinance does not comply with the mandatory notice requirements of the Missouri Supreme Court rules, we affirm the trial court's judgment in favor of Smith invalidating the ordinance, although not on procedural due process grounds. Because the ordinance is void due to its failure to meet the requirements of Missouri Supreme Court rules, we do not reach the issue of whether the ordinance violates the right against self-incrimination. Finally, we affirm the judgment of the trial court in favor of City on Smith's claims for restitution because Smith is barred from receiving a refund of the fine she voluntarily paid under either a theory of unjust enrichment or money had and received.

Opinion by: Kurt S. Odenwald, J. Clifford H. Ahrens, P.J., and Lawrence E. Mooney, J., Concur.

Attorney for Appellant: Patricia Hageman and Michael A. Garvin

Attorney for Respondents: Russell F. Watters and Patrick A. Bousquet

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.