

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

RACHAL LAUT, f/k/a GOVRO, and ) ED99424  
JOHN M. SOELLNER, )  
 ) Appeal from the Circuit Court  
Appellants, ) of Jefferson County  
 )  
v. ) 10JE-CC01193  
 )  
CITY OF ARNOLD, ) Honorable Gary P. Kramer  
 )  
Respondent. ) Filed: December 3, 2013

Rachel Laut (Laut) and John Soellner (Soellner) (collectively referred to as Appellants) appeal the trial court’s summary judgment in favor of the City of Arnold (City), on Appellants’ petition seeking disclosure of documents under Missouri’s Sunshine Law, Chapter 610, RSMo. (Supp. 2012). Appellants argue that the documents at issue contained an investigation into alleged criminal activity, and as such, any exemptions for personnel or disciplinary records did not apply.

**AFFIRMED IN PART; REVERSED AND REMANDED IN PART.**

Division Four Holds: The exemptions to disclosure of documents under Section 610.021.3 and 13 of the Sunshine Law may only be applied after determining whether disclosure of documents is otherwise required by law. Here, the evidence was insufficient for the trial court to determine whether exemptions could apply to all of the documents responsive to Appellants’ requests. Moreover, a genuine issue of material fact exists regarding whether the Internal Affairs report qualifies as an investigative report. Summary judgment was proper regarding Appellants’ request for any public records, besides investigative reports, containing only the reasons for discipline of the City employees, as disclosure of such records is not otherwise required by law. On remand, the trial court must examine the remaining responsive documents in camera and determine which documents or portions of documents, if any, must be disclosed under the Sunshine Law. The court must also reconsider Appellants’ request for civil penalties, costs, and attorney’s fees.

Opinion by: Gary M. Gaertner, Jr., J.  
Lisa S. Van Amburg, P.J., and Patricia L. Cohen, J., concur.

Attorneys for Appellant: W. Bevis Schock, Hardy C. Menees  
Attorney for Respondent: Robert K. Sweeney

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