
COMPLETE TITLE OF CASE:

RONALD D. GREGG, ET AL., APPELLANTS,

v.

CITY OF KANSAS CITY, MISSOURI, ET AL., RESPONDENTS.

DOCKET NUMBER WD68989
MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: October 28, 2008

Appeal From:
Platte County Circuit Court
The Honorable Owens L. Hull Jr, Judge

Appellate Judges:
James M. Smart, Jr., P.J., Lisa White Hardwick, and James E. Welsh, JJ.

Attorneys:
John G. Sommer, Independence, MO, for appellant.

Douglas McMillan, Kansas City MO, for respondent;
Carolyn Gail Vasterling, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

RONALD D. GREG, ET AL., APPELLANTS

v.

CITY OF KANSAS CITY, MISSOURI, ET AL., RESPONDENTS

WD68989

PLATTE COUNTY CIRCUIT COURT

This appeal arises from the granting of dispositive motions in a wrongful death action brought against the City of Kansas City and members of the Kansas City Board of Police Commissioners.

AFFIRMED IN PART AND REVERSED IN PART

Held: The City filed a motion to dismiss and attached documents to the motion. Because the court failed to indicate that the motion would be treated as one for summary judgment, the motion is treated as one to dismiss. The plaintiffs alleged in their petition that the City's sovereign immunity was waived by the purchase of insurance. This allegation was sufficient to overcome a motion to dismiss wherein the City alleged it did not possess insurance. Thus, it was error to dismiss the claims against the City. The provision of airport security is governmental as opposed to proprietary, and the City is accordingly protected by sovereign immunity unless waived.

The public duty doctrine protects the Board from liability for negligent licensing. Summary judgment in the Board's favor was proper.

Opinion by James M. Smart, Jr., Judge

October 28, 2008

This summary is **UNOFFICIAL** and
should not be quoted or cited