

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**KANSAS CITY HISPANIC ASSOCIATION CONTRACTORS ENTERPRISE, INC
AND DIAZ CONSTRUCTION COMPANY,**

APPELLANTS,

v.

CITY OF KANSAS CITY, MISSOURI, ET AL.,

RESPONDENTS.

DOCKET NUMBER WD69246

DATE: MARCH 24, 2009

Appeal From:

JACKSON COUNTY CIRCUIT COURT

THE HONORABLE CHARLES E. ATWELL, JUDGE

Appellate Judges:

DIVISION TWO: JAMES M. SMART, P.J., LISA WHITE HARDWICK and
JAMES E. WELSH, JJ.

Attorneys:

SCOTT D. HOFER, ESQ., KANSAS CITY, MO, **for appellant.**

STEVEN E. MAUER, ESQ., CHRISTOPHER C. JAVILLONAR, ESQ., KRISTI K.
WILHELMY, ESQ., KANSAS CITY, MO ALLAN V. HALLQUIST, ESQ.,
KANSAS CITY, MO and **for respondent.**

**MISSOURI APPELLATE COURT OPINION
SUMMARY**

COURT OF APPEALS -- WESTERN DISTRICT

**KANSAS CITY HISPANIC ASSOCIATION CONTRACTORS ENTERPRISE, INC
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WD69246

Jackson County

Before Division Two Judges: James M. Smart, P.J., Lisa White Hardwick
and James E. Welsh, JJ.

Diaz Construction Company and the Kansas City Hispanic Association
Contractors' Enterprise, Inc. ("KCHACE") appeal from the summary judgment
ruling that denied their breach of contract and fraud claims against H&R
Block, Inc., H&R Block Services, Inc. and the Tax Increment Financing
Commission of Kansas City.

AFFIRMED.

Division Two holds: Summary judgment was properly granted
because Diaz Construction lacked standing to sue for breach of contract as a
third party beneficiary, and KCHACE lacked associational standing. Diaz
Construction also failed to present a genuine issue of fact on the elements of

its fraud claim against the H&R Block entities. The summary judgment is affirmed.

Opinion by: Lisa White Hardwick, Judge

March 24, 2009

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