

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

CITY OF GREENWOOD, MISSOURI,

Respondent,

v.

MARTIN MARIETTA MATERIALS, INC., and  
HUNT MARTIN MATERIALS, LLC,

Appellants.

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**DOCKET NUMBER WD70495**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** February 9, 2010

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**Appeal from**

The Circuit Court of Jackson County, Missouri  
The Honorable Jack R. Grate, Jr., Judge

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**APPELLATE JUDGES**

Division Three: James Edward Welsh, P.J., and Mark D. Pfeiffer and Karen King Mitchell, JJ.

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**ATTORNEYS**

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facts that Greenwood now claims establish irreparable harm were necessary to prove its claim for public nuisance.

We further find that the trial court lacked jurisdiction to decide the issue of injunctive relief in that it had already issued judgments purporting to dispose of each count in Greenwood's amended petition. Those judgments were already in this court pending appeal when the trial court heard evidence and argument on the injunctive issue and then entered yet another judgment granting injunctive relief. Despite the Missouri Supreme Court's decision in *Webb v. Wyciskalla*, 275 S.W.3d 249 (Mo. banc 2009), we find that this course of action was beyond the trial court's jurisdiction.

Because our rulings on the above issues obviate the need for a ruling on Quarry's additional points on appeal, we do not address them. We reverse the November 17, 2008 judgment of the trial court.

**Opinion by: Karen King Mitchell, Judge**

February 9, 2010

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.