

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**VICTOR ALLRED,
RESPONDENT**

vs.

**ROBIN CARNAHAN, ET AL.,
RESPONDENTS**

**MISSOURI JOBS WITH JUSTICE AND VALERIE GORDON,
APPELLANTS**

**DAVID ROBERTSON,
AMICUS CURIAE**

DOCKET NUMBER WD74870

DATE: APRIL 2, 2012

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Daniel R. Green, Judge

Appellate Judges:

Special Division: Joseph M. Ellis, P.J., Mark D. Pfeiffer and Karen King Mitchell, JJ.

Attorneys:

Edward D. Greim, for Respondent

Loretta K. Haggard, for Appellants

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

VICTOR ALLRED, RESPONDENT

v.

ROBIN CARNAHAN, ET AL., RESPONDENTS

MISSOURI JOBS WITH JUSTICE AND VALERIE GORDON, APPELLANTS

DAVID ROBERTSON, AMICUS CURIAE

WD74870

Cole County, Missouri

Before Special Division Judges: Joseph M. Ellis, P.J., Mark D. Pfeiffer and Karen King Mitchell, JJ.

Appellants Missouri Jobs with Justice ("MJJ") and Valerie Gordon appeal from a judgment entered by the Circuit Court of Cole County denying their motion to intervene as a matter of right in an action challenging the sufficiency and fairness of the ballot titles and fiscal notes of two ballot initiative petitions concerning Missouri's minimum wage law ("the Minimum Wage Initiative Petitions"). Appellant MJJ asserts it is entitled to intervene as of right because it has expended its time and financial resources in order to collect the requisite number of signatures to qualify the Minimum Wage Initiative Petitions for the November 2012 ballot. Appellant Gordon contends she is entitled to intervene as of right as a signatory and supporter of the Minimum Wage Initiative Petitions.

AFFIRMED IN PART AND REVERSED IN PART.

Special Division holds:

- (1) The trial court erred in denying MJJ's motion to intervene as of right because the evidence established that MJJ had an interest in the underlying § 116.190 litigation, that such interest would be impaired or impeded absent intervention, and that MJJ made the requisite minimal showing that there was a divergence of interests between it and the State defendants in order to establish that the State's representation may be inadequate. Thus, MJJ satisfied the three requisite elements of intervention as of right, thereby making its right to intervene absolute.
- (2) The trial court did not err in denying Valerie Gordon's motion to intervene as of right because Gordon's only interest in the underlying action is as a mere signatory of the Minimum Wage Initiative Petitions; thus, she failed to establish that she has anything more than a consequential, remote, or conjectural interest in the underlying litigation.

Dated: April 2, 2012

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