OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

E.M. by and through her mother and next friend, MELANEE MCINNIS,	)	
Appellant,	)	No. ED108227
vs.	)	
GATEWAY REGION YOUNG MEN'S CHRISTIAN ASSOCIATION, ST. LOUIS PUBLIC SCHOOLS, MICHAEL HOLLOMAN, and JOHN DOE and/or JANE DOE,	)	Appeal from the Circuit Court of the City of St. Louis Honorable Joan L. Moriarty
Defendants,	)	Filed: April 21, 2020
and	)	
TAMEKA WIGGINS,	)	
Respondent/Cross-Appellant.	)	

The plaintiff, E.M., by and through her mother and next friend, Melanee McInnis, appeals the judgment entered by the Circuit Court of the City of St. Louis dismissing her petition for negligence against her teacher, the defendant Tameka Wiggins, for failure to state a claim. E.M.'s petition alleged that she disclosed to Wiggins that another teacher was pursuing a relationship with her, that Wiggins failed to report E.M.'s disclosure to State authorities or school authorities, and that E.M. was then sexually assaulted by the other teacher. Wiggins cross-appeals, claiming the trial court erred in declining to dismiss E.M.'s cause of action against her on the additional bases of sovereign immunity and official immunity.

AFFIRMED.

DIVISION THREE HOLDS: We hold that section 210.115 RSMo. (2016), which requires reporting of suspected child abuse to State authorities, and the St. Louis Public Schools' regulation P4843, which requires reporting to specified school authorities any complaint of sexual harassment, each create a duty to the general public only. Such reporting requirements do not create a duty to particular individuals. Because E.M. cannot establish the element of a duty owed to her by Wiggins, E.M. cannot plead a negligence claim. Thus, the trial court properly dismissed E.M.'s petition against Wiggins for failure to state a cause of action.

In addition, because Wiggins has prevailed in obtaining dismissal of E.M.'s petition based on the public-duty doctrine, Wiggins is not aggrieved by the trial court's judgment, which rejected dismissal on the alternative bases of sovereign immunity and official immunity. Therefore, we decline to consider those questions. We affirm the trial court's judgment.

Opinion by: Angela T. Quigless, J. Mary K. Hoff, P.J. and Sherri B. Sullivan, J., concur.

Attorneys for Appellant: Matthew J. Padberg, Theresa A. Appelbaum, and Nicole Burlison Knepper

Attorneys for Respondent/Cross-Appellant: Joshua E. Douglass and Brittany L. Newell

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.