# OPINION SUMMARY

## MISSOURI COURT OF APPEALS EASTERN DISTRICT

| | | |
|---|---|---|
| EPICE CORPORATION, INC., | ) | No.ED108226 |
| | ) | |
| Appellant, | ) | Appeal from the Circuit Court |
| | ) | of the City of St. Louis |
| vs. | ) | |
| | ) | Hon. Michael F. Stelzer |
| THE LAND REUTILIZATION AUTHORITY OF THE CITY OF ST. LOUIS, MISSOURI, | ) | |
| | ) | Filed: |
| Respondent. | ) | June 23, 2020 |

Epice Corporation, Inc. appeals from the judgment granting the Land Reutilization Authority of the City of St. Louis, Missouri's ("LRA") motion to dismiss four counts of Epice's petition and its motion for summary judgment on the remaining count.

AFFIRMED.

Division One holds:

The LRA is a public corporation acting in a governmental capacity and is therefore deemed to be within the broad meaning of the term "other municipal corporation" in Section 432.070, which requires all contracts with municipal corporations to be in writing. Epice's contractual and quasi-contractual counts based on an alleged oral agreement with the LRA were properly dismissed.

Res judicata precludes Epice from relitigating its claim for quiet title against the LRA because a federal court previously entered a judgment on the same claim and based on the same operative facts in which it declared the LRA holds title to the property in fee simple. Summary judgment in the LRA's favor was properly granted on the Epice's quiet title count.

Opinion by: Robert G. Dowd, Jr., J.
Robert M. Clayton III, P.J. and Michael E. Gardner, J., concur.

Attorney for Appellant: Henry P. Elster

Attorneys for Respondent: Robert M. Hibbs, Michael A. Garvin

**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.**