In the Missouri Court of Appeals
Eastern District

DIVISION THREE

DUSTIN M. BRAY,	)	No. ED108971
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	1822-CC00911
	)	
TONY Y. LEE, JAMIE S. FUHRMAN, and CHRISTOPHER A. GOHLKE,	)	Honorable Joan M. Moriarty
	)	
Respondents.	)	Filed: March 9, 2021

Angela T. Quigless, P.J., Kurt S. Odenwald, J., and James M. Dowd, J.

Dustin M. Bray appeals the trial court's order of summary judgment against him on the basis that he lacked standing to recover for property damage to the rented residence located at 6169 Westminster Place by tenants Tony Y. Lee, Jamie S. Fuhrman, and Christopher A. Gohlke. Bray asserts that he established the requisite standing to prosecute his claims because he was the owner of the subject property at all times relevant to this litigation and therefore had a legally protectable interest and could seek recovery for damages; or, in the alternative, that his petition should have been dismissed without prejudice because, due to his lack of standing, the trial court lacked the requisite subject matter jurisdiction to make a decision on the matter based on the merits.

Affirmed in part; reversed in part and remanded with instructions.

DIVISION III HOLDS: We affirm the trial court's finding that Bray lacked standing. We reverse the summary judgment order and remand this cause to the trial court for entry of an order of dismissal without prejudice due to the lack of standing on the part of Bray.

Opinion by: James M. Dowd, J.

Angela T. Quigless, P.J., and Kurt S. Odenwald, J. concur.

Attorney for Appellant: Michael J. Sewell and Brian M. Wendler

Attorney for Respondent: Craig R. Klotz, Charles F. Dufour, and Robert T. Plunkert

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.