Summary of SC99701, *Glendale Shooting Club, Inc. v. William K. Landolt and Jeri F. Landolt*

Appeal from the Franklin County circuit court; Judge Craig E. Hellman
Argued and submitted December 14, 2022; opinion issued March 21, 2023

Attorneys: The landowners were represented by David L. Baylard of Baylard, Billington, Dempsey, Jensen, Struzzi & Piontek PC in Union, (636) 583-5103. Glendale Shooting Club was represented by David R. Bohm and Lauren L. Wood of Danna McKitrick PC in St. Louis, (314) 726-1000.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: Two landowners appeal from a judgment dissolving a permanent injunction that had placed restrictions on a gun club that owned the neighboring property. In a unanimous decision written by Judge W. Brent Powell, the Supreme Court of Missouri vacates the circuit court's judgment and remands (sends back) the case. Because the shooting club did not assert or demonstrate a change in statutory law made the continued enforcement of the injunction inequitable, the shooting club failed to establish it was entitled to judgment as a matter of law.

Facts: In 1987, the owners of property in Franklin County obtained injunctive relief limiting the operation of a firing range Glendale Shooting Club Inc. owned on the neighboring property. The circuit court found the shooting range was a nuisance that prohibited peaceful enjoyment of the property. In 1988, the legislature enacted section 537.294, RSMo, which purports to grant firearm ranges immunity from nuisance and trespass actions and prohibit courts from enjoining the use or operation of firearm ranges on the basis of noise or sound emission. In 1989, William Landolt and Jeri Cashin (collectively, "the landowners") acquired the property neighboring the shooting club. In 1998, the shooting club moved to dissolve the permanent injunction pursuant to section 537.294. The landowners and the shooting club ultimately entered into a settlement agreement precluding further litigation over the injunction for at least 20 years. After the 20-year period expired, the shooting club again sought to dissolve the injunction pursuant to section 537.294. The landowners argued section 537.294 was unconstitutional as it effectuated a taking of their property rights. Both parties moved for summary judgment (judgment on the court filings, without a trial). The circuit court granted summary judgment in the shooting club's favor and dissolved the permanent injunction. The landowners appeal.

VACATED AND REMANDED.

Court en banc holds: Because the shooting club did not assert or demonstrate the change in law resulting from section 537.294's adoption made it inequitable to continue enforcing the injunction, the shooting club failed to establish it was entitled to judgment as a matter of law. A change in fact or law on its own is insufficient to set aside a permanent injunction. There also must be a showing of inequity demonstrating the necessity of vacating or modifying a permanent injunction.