MISSOURI COURT OF APPEALS
WESTERN DISTRICT

KIPPING FARMS, LLC, ET AL., Appellants,
v.
WAKENDA LEVEE DISTRICT OF CARROLL COUNTY, MISSOURI,
Respondent.

DOCKET NUMBER WD88277

DATE: JUNE 16, 2026

Appeal From:

Carroll County Circuit Court
The Honorable James B. Funk, Judge

Appellate Judges:

Division Two Judges: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge, and Mark D. Pfeiffer, Judge

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Attorneys:

Michael J. Kelly, Karin M. Jacoby, Kansas City MO; Joanne Sandifer, St. Louis, MO, for Appellant,

Joseph P. Bednar, Jefferson City, MO; Angus W. Dwyer, Olawale O. Akinmoladun, Kansas City, MO, for Respondent

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

KIPPING FARMS, LLC, ET AL., Appellants,
v.
WAKENDA LEVEE DISTRICT OF CARROLL COUNTY, MISSOURI, Respondent.

WD88277 Carroll County

Before Division Two Judges: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge, and Mark D. Pfeiffer, Judge

Landowners in the Carr-Sal Levee District appeal the circuit court's entry of summary judgment in favor of the Wakenda Levee District of Carroll County, Missouri ("Wakenda District") on Landowners' inverse condemnation claims and request for injunctive relief. Landowners contend genuine issues of material fact remain on their inverse condemnation claims and assert their request for injunctive relief is not precluded by an adequate legal remedy.

AFFIRMED IN PART AND REVERSED IN PART.

Division Two holds:

1. The circuit court erred in granting summary judgment in favor of the Wakenda District on Landowners' inverse condemnation claims because genuine issues of material fact remain on the issue of causation. In their response to the summary judgment motion, Landowners presented evidence that the Wakenda District's affirmative act of lowering the height of the Cross Levee prior to the June 2021 rainfall directly caused or directly contributed to cause the damage to their property.

2. The circuit court did not err in granting summary judgment in favor of the Wakenda District on Landowners' request for an injunction requiring the Wakenda District to restore the Cross Levee to its previous height. Landowners failed to demonstrate Chapter 245's legal remedy of filing a petition to amend or change the plan of reclamation is inadequate.

Opinion by: Lisa White Hardwick, Judge June 16, 2026

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