SUPREME COURT OF MISSOURI
en banc

GLENDALE SHOOTING CLUB, INC.,	)	
	)	
Respondent,	)	
	)	
v.	)	No. SC101187
	)	
WILLIAM K. LANDOLT AND JERI F. LANDOLT,	)	***Opinion issued July 21, 2026***
	)	
	)	
Appellants.	)	

APPEAL FROM THE CIRCUIT COURT OF FRANKLIN COUNTY
The Honorable Craig E. Hellmann, Judge

William K. Landolt and Jeri F. Cashin[1] (collectively, the "Landolts") appeal from the circuit court's judgment setting aside a 1987 permanent injunction entered against Glendale Shooting Club, Inc. ("Glendale"). The Landolts argue the circuit court erred in relying solely on section 537.294.2 to determine continued enforcement of the injunction would be inequitable.[2] In evaluating Glendale's argument, the judgment misstated precedent from *Glendale Shooting Club, Inc. v. Landolt*, 661 S.W.3d 778 (Mo. banc 2023)

[1] Similar to the first time this case was before this Court, this Court recognizes Jeri Cashin's last name was erroneously listed as Landolt in this matter. The appellants will continue to be referred to as the Landolts for ease of reference.

[2] Unless otherwise noted, all statutory references are to RSMo 2016. Section 537.294 was enacted in 1988 and was amended last in 2008.

("*Glendale I*"), regarding when a party may be granted relief from a judgment pursuant to Rule 74.06(b)(5). The circuit court held, alternatively, that changes in circumstances on Glendale's property rendered continued enforcement of the injunction inequitable. Because this Court agrees with the circuit court's alternative holding, the judgment is affirmed.

Background

Glendale acquired property immediately adjacent to the Racine family property in 1976 with the intent to use the property as a gun club and firing range.[3] Shortly thereafter, the Racines brought a nuisance action in the Franklin County circuit court, seeking a permanent injunction against Glendale to prevent the property's use as a firing range. The Racines argued gunshots persisted through all hours of the day and night and could be heard, plainly and loudly, at their residence.

The circuit court agreed with the Racines and, in 1987, granted a permanent injunction against Glendale limiting its operation of the firing range. Specifically, Glendale could host only 10 shooting competitions per year with no more than eight people shooting at the same time. Outside of these competitions, Glendale's members were restricted to shooting between the hours of 9 a.m. and 6 p.m., and firearms with a caliber higher than .22 could be shot only on Tuesdays, Thursdays, and Saturdays. Both litigants

[3] This case has a lengthy procedural history, including a prior decision from this Court. This opinion discusses all of the facts necessary for its current holding. For a more in-depth review of the procedural history and facts, see *Glendale I*, 661 S.W.3d 778.

appealed, and the court of appeals affirmed. *See Racine v. Glendale Shooting Club, Inc.*, 755 S.W.2d 369 (Mo. App. 1988).

Shortly thereafter, the general assembly enacted a new statute providing immunity to firearm ranges, preventing courts from enjoining a range's use on the basis of noise and sound emissions, and preventing liability for nuisance and trespass actions.[4] The Landolts purchased the property from the Racines the following year in 1989.

Glendale has actively sought to set aside the injunction since it was entered, initially filing a motion to dissolve the injunction in 1998. It argued the injunction had been rendered "absurd" due to the passage of section 537.294 and the material modifications made to the shooting range to reduce noise. The circuit court originally dismissed Glendale's motion but was reversed on appeal. *See Landolt v. Glendale Shooting Club, Inc.*, 18 S.W.3d 101 (Mo. App. 2000), *overruled by Glendale I*, 661 S.W.3d at 785. After the court of appeals remanded the case, but before the circuit court heard the claim, the

[4] In full, section 537.294.2 states,

> All owners and authorized users of firearm ranges shall be immune from any criminal and civil liability arising out of or as a consequence of noise or sound emission resulting from the use of any such firearm range. Owners and users of such firearm ranges shall not be subject to any civil action in tort or subject to any action for public or private nuisance or trespass and no court in this state shall enjoin the use or operation of such firearm ranges on the basis of noise or sound emission resulting from the use of any such firearm range. Any actions by a court in this state to enjoin the use or operation of such firearm ranges and any damages awarded or imposed by a court, or assessed by a jury, in this state against any owner or user of such firearm ranges for nuisance or trespass are null and void.

parties entered into a settlement agreement precluding any litigation between the parties for 20 years.

After the 20-year prohibition expired, Glendale brought this action to set aside the injunction. Glendale argued the enactment of section 537.294, along with the physical changes made to the shooting range, abated the nuisance and, as such, it was no longer equitable to enforce the injunction. Both parties moved for summary judgment, and the circuit court sustained Glendale's motion. The Landolts appealed, and the case came before this Court for the first time. *See Glendale I*, 661 S.W.3d 778. The Landolts argued section 537.294 violates the Missouri Constitution. *Id*. at 781. This Court did not reach that question and, instead, held the circuit court failed to properly weigh the equities when determining if Glendale should be granted relief from the injunction. *Id*. at 784. Specifically, the circuit court improperly assumed section 537.294's enactment, by itself, was sufficient to grant Glendale relief from the injunction. *Id*. at 785. The case was remanded to the circuit court. *Id*.

On remand, the case proceeded to a bench trial as to whether continued enforcement of the injunction against Glendale was inequitable. The circuit court again found in Glendale's favor, determining continued enforcement of the injunction was inequitable. The Landolts appeal. This Court has exclusive appellate jurisdiction pursuant to article V, section 3 of the Missouri Constitution.

Standard of Review

A circuit court's ruling pursuant to Rule 74.06(b), is reviewed for an abuse of discretion. *City of Normandy v. Kehoe*, 709 S.W.3d 327, 332 (Mo. banc 2025) ("*Normandy*

III"); *Bate v. Greenwich Ins. Co.*, 464 S.W.3d 515, 517 (Mo. banc 2015). A circuit court abuses its discretion when its ruling is "clearly against the logic of the circumstances then before the court and is so unreasonable and arbitrary that it shocks the sense of justice and indicates a lack of careful, deliberate consideration." *Normandy III*, 709 S.W.3d at 333 (internal quotation omitted). The appellant bears the burden of showing the circuit court abused its discretion. *Id*. When reviewing a Rule 74.06(b) motion, this Court does not defer to the circuit court's judgment on questions of law but does defer to express or implied findings of disputed material facts. *Id*. at 332-33. "The ultimate question of whether it is inequitable to leave the injunction in effect, however, is committed to the circuit court's discretion." *Id*. at 333.

Analysis

The issue before this Court is whether the circuit court erred in setting aside the 1987 permanent injunction pursuant to Rule 74.06(b)(5). The Landolts have raised 11 points, asserting numerous reasons the circuit court erred in setting aside the injunction. Central to the majority of these arguments is the Landolts' contention that the circuit court erred by relying solely on section 537.294—either because the change in law, in and of itself, does not make the continuation of the injunction inequitable, or because the statute is unconstitutional. The Landolts also claim there was insufficient evidence to support a finding the nuisance was abated.[5]

[5] In addition, the Landolts argue they were entitled to a jury trial. "The right to trial by jury exists in actions at law but not in actions in equity." *State ex rel. Diehl v. O'Malley*, 95 S.W.3d 82, 85 (Mo. banc 2003). Rule 74.06(b) motions are "based on the historic power of a court of equity to modify its decree in light of changed circumstances." *City of*

The Landolts' principal assertion is that the circuit court erred in setting aside the 1987 final judgment enjoining Glendale in certain operational aspects. The finality of judgments is firmly protected, and this Court does not casually allow them to be set aside. *Glendale I*, 661 S.W.3d at 782. Safeguarding the finality of judgments serves the important interests of "protecting litigants from retrying identical cases and issues, ensuring uniformity of decisions, and promoting judicial economy." *Id*. (internal quotation omitted). Moreover, litigation must end to provide certainty to a litigant's rights and retain respect for judicial determinations. *Id*. Due to these significant considerations, this Court has established limited, narrow exceptions in allowing a party to obtain relief from a final judgment. *Id*. Relevant to this case, Rule 74.06(b)(5) grants the circuit court authority to relieve a party from a final judgment or order if "it is no longer equitable that the judgment remain in force."

This Court has previously expounded that, to set aside a final judgment, the circuit court must weigh the equities in the case to determine whether such equities warrant relief from the final judgment pursuant to Rule 74.06(b)(5). *Glendale I*, 661 S.W.3d at 783-84; *Normandy II*, 643 S.W.3d at 316. Accordingly, there are multiple relevant considerations the circuit court must weigh when deciding whether to sustain a Rule 74.06(b) motion. *Glendale I*, 661 S.W.3d at 783. Importantly, a factual or legal change in circumstance is,

---

Normandy v. Parson, 643 S.W.3d 311, 314 (Mo. banc 2022) ("*Normandy II*") (internal quotation omitted). Because the action below was based in equity, the Landolts did not possess a right to a jury trial. The circuit court did not err in overruling the Landolts' motion for a jury trial.

by itself, insufficient to warrant relief from a judgment. *Id*. This is now the third time recently this Court has had to reaffirm this principle.[6]

In *Glendale I*, this Court noted several disputed factual determinations would bear on the equities the circuit court would be required to weigh to determine whether to grant relief from a final judgment. *Id*. at 783-84. The parties had disputed whether the changes to Glendale's property reduced the noise that could be heard on the Landolts' property and whether stray bullets and vibrations could be seen or felt on the Landolts' property. *Id*. at 784. Because "Glendale failed to include any consideration of these factors in its motion for summary judgment, much less establish corresponding uncontroverted material facts," this Court found the circuit court had failed to weigh the equities properly to determine whether the injunction was unjust. *Id*. Summary judgment for Glendale was vacated. *Id*. at 785.

Despite that holding in *Glendale I*, the circuit court's language in the "Conclusions of Law" section of the amended judgment here states, "This change in law, ***in and of itself***, renders continued enforcement of the 1987 injunction inequitable." (Emphasis added). This is plainly incorrect. As we stated in *Normandy III* and *Normandy II*, "[a] change in decisional law is neither necessary nor sufficient to warrant relief from judgment under

[6] Respondent's counsel refused to acknowledge this clear statement of law at oral argument and, instead, attempted to argue the enactment of a law by itself was sufficient as long as the provision made the injunction inequitable. This Court's precedent in *Glendale I* and *Normandy II* cannot be clearer on this point. "[T]his Court in [*Normandy II*] made clear that a change in fact or law ***on its own*** is insufficient to set aside a permanent injunction. ***There must also be a showing of inequity*** demonstrating the necessity of vacating or modifying a permanent injunction." *Glendale I*, 661 S.W.3d at 783 (emphasis added).

Rule 74.06(b)(5)." *Normandy III*, 709 S.W.3d at 334 (alteration in original) (*quoting Normandy II*, 643 S.W.3d at 314). As explained in *Glendale I*, the circuit court must weigh the equities requiring consideration of multiple facts regarding the circumstances of the case. Because the facts and circumstances in every case involving a Rule 74.06(b) motion will be unique, it is impossible to prescribe a minimum requirement for what must be considered to properly weigh the equities.[7] What is abundantly clear, however, is that a change in fact or law alone is not enough. As such, the circuit court's conclusion of law is a clear misstatement of this Court's prior holdings.

The circuit court's judgment in setting aside the injunction, however, did not exclusively rely on the change of law provided in section 537.294. The circuit court also found an alternative ground rendering continued enforcement of the injunction inequitable. Specifically, the circuit court found the recent changes Glendale made to its property regarding the use of the firearm ranges mitigated the noise that could be heard on the Landolts' property. These changes included the construction of sound barriers on top of the berms surrounding the various shooting ranges. Together these berms and barriers created a "sound shadow" reducing the noise level from gunfire on the range.

The circuit court weighed the evidence both parties presented and found the changes reduced the noise level to no longer qualify as a nuisance, at least comparatively with other

[7] For additional examples of what should be considered when weighing the equities, see *Normandy II*, 643 S.W.3d at 316-17.

county ordinances.[8] Pursuant to our standard of review, this Court defers to the circuit court on findings of fact. *Normandy III*, 709 S.W.3d at 332-33. As such, this Court holds the circuit court properly weighed the equities when evaluating the changed circumstances to find continued enforcement of the injunction inequitable. Moreover, it could hardly be argued the circuit court's analysis and holding was so clearly against the logic of the circumstances that it shocks one's sense of justice and lacks careful and deliberate consideration. *Normandy III*, 709 S.W.3d at 333.

Despite the circuit court's misstatement that a change in law, "in and of itself," rendered continued enforcement of the injunction inequitable, it is within this Court's authority to affirm the judgment on the basis of the circuit court's alternative holding that the changed circumstances to Glendale's property rendered continued enforcement of the injunction inequitable. *See, e.g.*, *Archdekin v. Archdekin*, 562 S.W.3d 298, 306 (Mo. banc 2018); *see also Bus. Men's Assurance Co. of Am. v. Graham*, 984 S.W.2d 501, 506 (Mo. banc 1999) (holding appellate courts are primarily concerned with the correct result, and the judgment may be affirmed "under any theory, regardless of whether the reasons advanced by the trial court are wrong or not sufficient"). The circuit court did not abuse its discretion in dissolving the 1987 permanent injunction.[9]

---

[8] Although it does not apply to Franklin County, the circuit court found such a sound reduction would be sufficient to comply with surrounding counties' noise nuisance ordinances.

[9] This Court need not address the Landolts' remaining arguments. Because a change in the law is neither necessary nor sufficient to render continued enforcement of an injunction inequitable, *Normandy III*, 709 S.W.3d at 334, the enactment and constitutional validity of section 537.294 is irrelevant to the grounds upon which this Court affirms the judgment.

Conclusion

For these reasons, the judgment is affirmed in accordance with this opinion.

_____
Mary R. Russell, Judge

All concur.

In points VI and VIII-X, the Landolts make various arguments regarding whether the evidence presented at trial was sufficient for the circuit court to find it was no longer equitable to enforce the injunction. These arguments misconstrue the standard of review this Court applies when reviewing the circuit court's judgment on a Rule 74.06(b)(5) motion. This Court applies an abuse of discretion standard, and the circuit court's findings of fact are subsumed in the overarching question of whether an injunction has become inequitable. *Normandy III*, 709 S.W.3d at 332-33. Because this Court holds the circuit court properly weighed the equities, and, consequently, did not abuse its discretion, the Landolts' sufficiency of the evidence arguments must necessarily fail.