OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

CYPRESS HORAN, LLC, Respondent, v. CITY OF FENTON, MISSOURI, ET AL., Appellants.	)	ED113842 Filed: July 28, 2026

Appeal from the Circuit Court of St. Louis County
The Honorable Bruce Hilton, Judge

SUMMARY:
Appellants City of Fenton and City Clerk Jane Hungler appeal the circuit court's grant of summary judgment in favor of Respondent Cypress Horan, LLC, on Respondent's claim alleging Appellants violated the Missouri Sunshine Law by charging Respondent a flat rate fee of $1,900 to produce email records. Appellants raise five points on appeal challenging the circuit court's factual findings supporting the grant of summary judgment and arguing that the judgment went beyond the scope of the pleadings.

REVERSED AND REMANDED.

DIVISION THREE HOLDS:
The circuit court granted summary judgment on the finding that Appellants purposely violated the Sunshine Law by charging the flat rate fee. However, Respondents pleaded only a statutory violation. A trial court may not enter judgment on a cause of action that a plaintiff did not plead. *Rosenfeld v. Boniske*, 445 S.W.3d 81, 89 (Mo. App. E.D. 2014). We find that the judgment was therefore in error and must be vacated, and we reverse and remand to the circuit court.

Opinion by: Renée Hardin-Tammons, Chief Judge
Angela T. Quigless, Judge, concurs and Thomas C. Clark II, Judge, dissents in separate opinion.

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