

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, ex rel. ATTORNEY GENERAL CHRIS KOSTER AND MISSOURI DEPARTMENT OF NATURAL RESOURCES, Appellants,)	No. ED101149
)	
v.)	Appeal from the Circuit Court of St. Charles County
)	
DIDION LAND PROJECT ASSOCIATION, LLC, THOMAS T. STEWART, DANIEL FETSCH, JUDITH FETSCH and EPIC CONTRACTING, LLC, Respondents.)	Hon. Richard K. Zerr
)	
)	Filed: September 15, 2015

The State of Missouri and the Department of Natural Resources (collectively “the State”) appeal from the trial court’s dismissal of its amended petition against the Didion Land Project, LLC., seeking injunctive relief and civil penalties for violations of various Missouri environmental laws. Didion’s motion to dismiss was based on res judicata and collateral estoppel, claiming that further litigation was precluded by virtue of the trial court previous rulings on temporary restraining orders and preliminary injunctions.

REVERSED AND REMANDED.

Division One holds:

None of the preclusive principles asserted in Didion’s motion apply to the interlocutory preliminary injunction rulings of the trial court such that they preclude further litigation in the same case. Moreover, the hearing on those preliminary injunctions was not a trial on the merits of the claims asserted in the amended motion. Therefore, there was no basis on which to grant the motion to dismiss.

Opinion by: Robert G. Dowd, Jr., P.J.
Mary K. Hoff, J. and Roy L. Richter, J., concur.

Attorney for Appellant:

John K. McManus

Attorney for Respondent:

Timothy t. Stewart

<p>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.</p>
