

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

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| MARY NOEL, ET AL., |) | No. ED101630 |
| |) | |
| Respondent, |) | Appeal from the Circuit Court |
| |) | of the City of St. Louis |
| vs. |) | |
| |) | Honorable Robert H. Dierker |
| BOARD OF ELECTION, ET AL., |) | |
| |) | |
| Defendant. |) | FILED: June 30, 2015 |

Appellants Leonard Jones, Pearl Olsen, Courtnae Smith, David Scott, and Lynn Oldham (collectively, "Drafters") appeal from the trial court's judgment, following a bench trial, holding that the Initiative Petition at issue conflicts with state law and granting injunctive relief. Mary Erin Noel, Joseph McNeal, Melinda Gorman, and the Law Offices of Fehlig, Fehlig & Tatum, LLC (collectively, "Plaintiffs") also cross-appeal from the trial court's judgment holding that the form of the Initiative Petition submitted by Drafters was lawful and dismissing Plaintiffs' equal protection claim.

AFFIRMED

Division Four Holds: The trial court did not err in holding the Initiative Petition conflicts with state law, as Missouri statutes permit what the Initiative Petition attempts to prohibit, and thus the Initiative Petition is unconstitutional. The trial court did not err in finding the form of the Initiative Petition was in substantial conformity with the law, as there is no requirement in the Charter of the City of St. Louis that Drafters include a summary statement. Finally, the trial court did not err in finding Plaintiffs' equal protection claim moot, as the Initiative Petition was already found unconstitutional on other grounds.

Opinion by: Roy L. Richter, J.

Patricia L. Cohen, P.J., and Robert M. Clayton III, J. concur.

Attorney for Appellant: Stuart P. Keating, Ronald A. Fein

Attorney for Respondent: Thomas E. Schwartz, Mark J. Gaertner, Jane E. Dueker

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