

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

LONNIE SNELLING,)	No. ED102960
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1222-CC09472
)	
PATRICK J. KENNY, et al.,)	Honorable Joan L. Moriarty
)	
Respondent.)	Filed: March 15, 2016

Lonnie Snelling (“Appellant”) appeals the judgment granting the motions to dismiss filed by Respondents Larry T. McFadden, Eufabya McFadden, Patrick J. Kenny, Armstrong Teasdale, LLP (“Armstrong Teasdale”), Riverfront Times, LLC (“the Riverfront Times”), Thompson Coburn, LLP (“Thompson Coburn”), Mark Sableman, Michael Nepple, Ann Ahrens Beck, Heidi Kuns Durr, Barnes-Jewish Hospital, Jack Fishman and the Fishman Law Firm, P.C. (“the Fishman Law Firm”).

AFFIRMED.

Division Three holds:

- (1) The trial court did not err in dismissing Appellant’s claims against Larry T. McFadden, Eufabya McFadden, Kenny, and Armstrong Teasdale, because they are barred by the law of the case and res judicata in that they were considered and rejected in prior appeals. To any extent that these issues or arguments were not directly resolved in the prior appeals, they arise out of the same set of operative facts and thus they are equally barred, as they could have been brought in the prior appeals.
- (2) The trial court did not err in dismissing Appellant’s claims against the Riverfront Times, because they are barred by res judicata in that they were considered and rejected in a prior appeal and involve the same thing sued for, the same causes of action, the same parties to the action, and the same quality of the person for or against whom the claim was made.
- (3) The trial court did not err in dismissing Appellant’s tort claims against Thompson Coburn, Sableman, Nepple, Beck, and Durr, because they are barred by the two-year statute of limitations in section 516.140 RSMo 2000¹ and the five-year statute of limitations in section 516.120, in that they arise out of events occurring on November 30, 2005, but Appellant did not file this suit until August 9, 2012.

¹ All further statutory references are to RSMo 2000.

- (4) The trial court did not err in dismissing Appellant's declaratory judgment claim against Thompson Coburn, Sableman, Nepple, Beck, and Durr because Appellant did not demonstrate he had no adequate remedy at law.
- (5) The trial court did not err in dismissing Appellant's claims against Barnes-Jewish Hospital, because they are barred by the five-year statute of limitations in section 516.120, in that they arise out of events occurring on November 5, 2005, but Appellant did not file this suit until August 9, 2012.
- (6) The trial court did not err in dismissing Appellant's claims against Fishman and the Fishman Law Firm, because they are barred by the five-year statute of limitations in section 516.120, in that they arise out of events occurring on May 23, 2005, but Appellant did not file this suit until August 9, 2012.
- (7) The trial court did not err in dismissing Appellant's requests to further amend his petition and supplement his motion for a new trial. Appellant presented no support or argument as to how additional leave to amend would have cured any of the above deficiencies in his case.
- (8) Appellant's appeal is frivolous in that his arguments present no justiciable questions and are so readily recognizable as devoid of merit on the face of the record that there is little prospect that they can ever succeed. For filing a frivolous lawsuit in violation of Rule 84.19, Appellant is ordered to pay each Respondent, and each Respondent shall have a judgment against him as follows: \$750 to Larry T. McFadden, \$750 to Eufabya McFadden, \$750 to Kenny, \$750 to Armstrong Teasdale, \$500 to the Riverfront Times, \$500 to Thompson Coburn, \$500 to Sableman, \$500 to Nepple, \$500 to Beck, \$500 to Durr, \$250 to Barnes-Jewish Hospital, \$250 to Fishman, and \$250 to the Fishman Law Firm, resulting in a total sanction of \$6,750.²

Opinion by: Robert M. Clayton III, P.J.
Lawrence E. Mooney, J., and James M. Dowd, J., concur.

Attorney for Appellant: Lonnie Snelling, Acting Pro Se

Attorney for Respondent: Patrick J. Kenny, Bruce D. Ryder, Heidi K. Durr, Acting Pro Se,
Jonathan Garside, Sarah B. Callier,

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.

² We grant the portion of the Respondents' motion taken with the case which requests our Court award sanctions for Appellant's filing a frivolous lawsuit in violation of Rule 84.19. However, we deny the portion of Respondents' motion taken with the case which urges our Court to strike Appellant's brief and to dismiss his appeal on the grounds Appellant's brief fails to comply with Rule 84.04. We deny Appellant's motion taken with the case to file a supplemental legal file.