

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

DIVISION FIVE

KATHRYN LOVE and)	No. ED103690
DELORES HENRY)	
)	
Plaintiffs/Appellants,)	
)	Appeal from the Circuit Court of
vs.)	the City of St. Louis
)	
PAUL PIATCHEK, et al.)	
)	Honorable David L. Dowd
Defendants/Respondents.)	
)	Filed: November 08, 2016

Kathryn Love (Mother) and Delores Henry (Grandmother) appeal from the trial court's judgment dismissing as untimely their wrongful death lawsuit against the St. Louis Board of Police Commissioners and certain St. Louis police officers after Mother's son, Darrell Williams, Jr., was shot and killed by two officers.

AFFIRMED

DIVISION FIVE HOLDS: Given that Darrell's parents were superior plaintiffs as members of the first class under §537.080, Grandmother was not an eligible third-class plaintiff, so her petition was never viable. Consequently, Mother's subsequent petition cannot relate back to Grandmother's petition under the saving statute.

Opinion by: Mary K. Hoff, Judge

Concurring Opinion by: Lisa S. Van Amburg, Presiding Judge
Colleen Dolan, Judge, concurs in both Judge Hoff's opinion and Judge Van Amburg's concurring opinion.

Attorneys for Appellants: Brian McChesney

Attorney for Respondents: Denise McElvein

**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.**