

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

GREAT RIVERS ENVIRONMENTAL)	ED91964
LAW CENTER,)	
)	
Appellant,)	
)	Appeal from the Circuit Court of
)	St. Charles County
)	
vs.)	Cause No. 0711-CV07211
)	
CITY OF ST. PETERS,)	Honorable Ted C. House
)	
Respondent.)	Filed: May 26, 2009
)	

On July 26, 2007, Great Rivers Environmental Law Center (hereinafter, “Great Rivers”) requested records from the City of St. Peters (hereinafter “the City”) pursuant to Chapter 610 of the Missouri Revised Statutes (hereinafter, “the Sunshine Law”). Great Rivers sought information regarding the City’s efforts to revise a flood insurance rate map and a flood insurance study. Great Rivers filed suit on September 13, 2007, seeking enforcement of Section 610.027 RSMo (Cum. Supp. 2006).¹ Great Rivers and the City submitted the matter to the trial court on a stipulated record. The trial court found in favor of the City; Great Rivers brings this three point appeal.

AFFIRMED.

Division Two Holds: Great Rivers is unable to prove the City knowingly or purposely violated the Sunshine Law because the City availed itself to the procedure in Section 610.027.6 and Great Rivers filed suit prematurely. Further, Great Rivers cannot rely upon the City’s affirmative defense of the litigation exception when its petition fails.

Opinion by: George W. Draper III, J.

Roy L. Richter, P.J., and
Lawrence E. Mooney, J.,
concur

Attorneys for Appellant: Bruce A. Morrison
Attorney for Respondent: Victor S. Williams
Jeremy K. Johnson

¹ All further statutory references herein are to RSMo (Cum. Supp. 2006) unless otherwise indicated.

**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.**