

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN RE: THE CREATION OF THE)	
CLARKSON KEHRS MILL)	
TRANSPORTATION DEVELOPMENT)	No. ED93691
DISTRICT,)	
)	
LAWRENCE F. BEHYMER, SR.)	Appeal from the Circuit Court
MARITAL TRUST)	of St. Louis County
DATED JUNE 7, 1994)	
and)	
SCHNUCK MARKETS, INC.,)	Honorable Judy Preddy Draper
)	
Petitioners/Respondents,)	
v.)	Filed: April 27, 2010
)	
CITY OF BALLWIN, MISSOURI)	
and)	
ST. LOUIS COUNTY, MISSOURI)	
and)	
MISSOURI HIGHWAYS AND)	
TRANSPORTATION COMMISSION,)	
)	
Respondents/Respondents,)	
v.)	
)	
ROBERT MINBOLE, ET AL,)	
)	
Movants/Appellants)	

Appellants, Robert Minbole, *et al.* (Movants), appeal from the trial court’s judgment denying their Motion to Intervene as of right and their Motion to Set Aside Judgment and for Public Hearing.

AFFIRMED IN PART AND DISMISSED IN PART.

Division Two Holds: Movants do not have a direct and immediate interest in the underlying litigation and, therefore, have not established an essential element for intervention in the action as a matter of right. The trial court’s judgment denying Movants’ Motion to Intervene is supported by substantial evidence, is not against the weight of the evidence, and does not erroneously declare or apply the law. We affirm the trial court’s judgment denying Movants’ Motion to Intervene, and dismiss Movants’ appeal of the trial court’s denial of their Motion to Set Aside Judgment for lack of standing.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J., and Patricia L. Cohen, J., concur.

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Attorneys for Respondent City of Ballwin, Missouri: Robert E. Jones, Adam R. Lorenz

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