

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

CONCERNED CITIZENS FOR CRYSTAL)	No. ED94135
CITY, et al.,)	
Appellants,)	
vs.)	Appeal from the Circuit Court
	of Jefferson County
CITY OF CRYSTAL CITY, MISSOURI,)	
et al.,)	Hon. Benjamin F. Lewis
Respondents,)	
and)	
WINGS ENTERPRISES, INC.,)	
Intervenor/Respondent.)	FILED: November 30, 2010

Concerned Citizens for Crystal City, William McKenna, Jill Thomas, Sheryl Boss, and William Ginnever (collectively “Plaintiffs”) appeal from the judgment of the trial court dismissing their lawsuit and all of their claims against the City of Crystal City, Missouri (“Crystal City”) and a number of current and former Crystal City officials, as a sanction for discovery violations.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

DIVISION THREE HOLDS:

1. The trial court abused its discretion and erred in dismissing with prejudice all of the claims of all of the Plaintiffs as a sanction for failing to respond fully to overbroad discovery requests.
2. The trial court abused its discretion and erred in denying Plaintiffs’ motion for leave to file their first amended petition. There is no absolute right to file even a first amended petition, but the rules stress liberality in such matters, especially where the prejudice to the non-moving party is minimal.
3. The trial court did not err in denying Plaintiffs’ second motion for sanctions for purported failures to comply with discovery requests.

Opinion by: Clifford H. Ahrens, Judge Sherri B. Sullivan, P.J., and
Lawrence E. Mooney, J., concur.

Attorney for Appellant: Kathleen G. Henry

Attorney for Respondent: David P. Senkel, Jeffrey D. Sigmund, David O. Kreuter

**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.**