

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DON VAUGHN and REGINA VAUGHN) No. ED94465
)
Appellants,) Appeal from the Circuit Court of
) St. Charles County
v.) Cause No. 0811-CV-10247
) Honorable Lucy D. Rauch
ARTHUR GENASCI, JAMES VIETH,)
JAMES MEYER, CITY OF ST. CHARLES)
and ST. CHARLES COUNTY,)
)
Respondents.) Filed: October 26, 2010

OPINION SUMMARY

Don Vaughn and Regina Vaughn appeal the judgment of the Circuit Court of St. Charles County, the Honorable Lucy D. Rauch presiding. The Circuit Court granted Arthur Genasci, Jame Vieth, James Meyer, City of St. Charles and St. Charles County’s Motion to Dismiss.

AFFIRMED IN PART and REVERSED AND REMANDED IN PART.

Division One Holds: The Circuit Court did not err in granting James Meyer’s Motion to Dismiss. Appellants’ Petition stated no grounds for relief against Meyer. The Circuit Court erred in granting Arthus Genasci, James Vieth, City of St. Charles and St. Charles County’s Motion to Dismiss. Appellants pleaded sufficient facts in their Petition that, if proven, may entitle them to relief against Arthus Genasci, James Vieth, City of St. Charles and St. Charles County.

Opinion by: Kenneth M. Romines, J.
Roy L. Richter, C.J. and Stephen K. Willcox, Sp.,J., concur.

Attorneys for Appellant: Daniel J. McMichael

Attorneys for Respondent: Harold A. Ellis, Paul Simon, Jr., Grant J. Mabie

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.