

Summary of SC92851, *The Humane Society of the United States, Dogwood Animal Shelter, Inc., and Stray Rescue of St. Louis, Inc. v. State of Missouri and Missouri Department of Agriculture*

Appeal from the Cole County circuit court, Judge Patrica Joyce
Argued and submitted March 5, 2013; opinion issued August 13, 2013

Attorneys: The animal shelters were represented during arguments by David Cosgrove and Jurt J. Schafers of the Cosgrove Law Group LLC in St. Louis, (314) 563-2490; the state was represented by Missouri Attorney General Chris Koster, Solicitor General James R. Layton and Jessica Blome of the attorney general's office in Jefferson City, (573) 751-3321; and the amicus parties were represented by Michelle Monhan and Emery Reusch of St. Louis, (314) 863-4675.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: The Humane Society and two local animal shelters (collectively “The Humane Society”) challenge a trial court’s finding that their cause of action was moot (legal proceedings would have no effect). In a unanimous decision written by Judge Patricia Breckenridge, the Supreme Court of Missouri affirms the judgment.

Facts: Senate Bill 795 was passed on May 14, 2010, and it repealed and reenacted several statutes, along with enacting 30 new sections relating to animals and agriculture. One of the repealed and reenacted statutes (section 273.327, RSMo) changed a provision which exempted animal shelters from the requirement to pay a licensing fee for commercial animal care. Senate Bill 161 was passed April 27, 2011 and again repealed and reenacted the licensing statute, this time amending the maximum licensing fee which could be charged from \$500 to \$2,500. The Humane Society filed for declaratory judgment (judicial determination) claiming that the amended version of the statute was unconstitutional and void because SB795 (2010) was amended during its passage to change its original purpose.

The Humane Society claims that the trial court erred in ruling that its cause of action regarding SB795 (2010) is moot because the repeal and reenactment of section 273.327 through SB161 (2011) did not eliminate existing constitutional defects. The trial court granted the state’s motion for summary judgment (judgment on the pleadings), finding that the Humane Society’s claim was moot due to the subsequent passage of SB161.

AFFIRMED.

Court en banc holds: Because the Humane Society’s petition does not challenge the current version of section 273.327, and it seeks no relief for any action taken under the repealed version of section 273.327, the relief the Humane Society seeks is no longer available and its claim is moot. The trial court’s judgment is affirmed.