

MO. APP.

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COMPLETE TITLE OF CASE

LEWIS E. COLE,

Appellant

v.

ROBIN CARNAHAN, et al.,

Respondents

ZINE VRONS, et al.,

Respondents

**DOCKET NUMBER WD 70082
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: OCTOBER 31, 2008

Appeal from

Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

JUDGES

Howard, P.J., Holliger and Welsh, JJ .

CONCURRING

ATTORNEYS

Randall M. England

Jefferson City, Missouri
for Appellant

Paul Campbell Wilson

Jefferson City, Missouri
for Respondents Carnahan and Montee

Tina M. Crow Halcomb

Jefferson City, Missouri
for Respondents Vrons, Blakley and Colby

MISSOURI APPELLANT COURT OPINION SUMMARY

COURT OF APPEALS, WESTERN DISTRICT

WD 70082

LEWIS E. COLE,
v.
ROBIN CARNAHAN, et al.,
ZINE VRONS, et al.,

Appellant
Respondents
Respondents

Cole County, Missouri

Lewis Cole appeals from the judgment of the Cole County Circuit Court declaring valid the summary statement and the fiscal note summary of the official ballot title for an initiative petition for the Quality Home Care Act. Mr. Lewis contends that the summaries are insufficient and unfair. Because granting effectual relief is impossible in this case, the appeal is dismissed.

Special Division holds:

Since Cole requests a different remedy on appeal than requested at the trial court, since section 116.190, the statute under which Mr. Cole filed this action, does not authorize the remedies Cole seeks on appeal, and since the remedy allowed under section 116.190 could not be effectually granted because the trial court as no authority to place an issue on the ballot less than six weeks before the election, the appeal is dismissed.

Opinion by Howard, P.J.
Panel: Howard, P.J., Holliger and Welsh, JJ.

October 31, 2008

Ruling: Appeal **DISMISSED**.

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

LEWIS E. COLE, Appellant,
v.
ROBIN CARNAHAN, et al, Respondents,
ZINE VRONS, et al, Respondents.

No. WD 70082

Cole County

Concurring Opinion holds:

The opinion's discussion of whether post-election relief is available is unnecessary and dicta because Cole did not request such relief.

Opinion by: Ronald R. Holliger, Judge

Date: October 31, 2008

Before: Victor C. Howard, Presiding Judge, Ronald Holliger, Judge and James Welsh, Judge

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