



**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

JS, et al.,	)	
	)	
Plaintiffs,	)	
vs.	)	
	)	Division No. 9
ST. LOUIS COUNTY, MISSOURI, et al.,	)	Date: March 30, 2017
	)	
Defendants.	)	

**ORDER AND JUDGMENT**

This matter is before the Court on defendants’ motion to dismiss the first amended petition for declaratory and injunctive relief and to deny the motion for preliminary injunction (motion to dismiss), as electronically filed on March 12, 2017. This motion was heard and submitted to the Court during a court hearing on March 13, 2017. A March 30, 2017 court hearing was also held. The Court, being advised in the premises, enters its ruling as follows.

The basic allegations of this lawsuit are that the plaintiffs JS, NS, and KE, as taxpayers, are bringing this lawsuit against the defendants St. Louis County, and its County Executive and Council Members, in their official capacities, to challenge the Great River Greenway’s project to enhance Cliff Cave Park, a national heritage park, with funding and construction provided by Metropolitan Park and Recreation District d/b/a Great Rivers Greenway, a political subdivision created by Missouri statute.

In their motion to dismiss, the defendants state, inter alia, that this Court lacks jurisdiction to consider this case on its merits because the plaintiffs lack legal standing to bring this lawsuit against the defendants, and therefore this case should be dismissed. The defendants argue, through their

counsel, that the plaintiffs have not pleaded sufficient allegations to show that St. Louis County has paid out a direct expenditure of funds generated through taxation for the project, without any intervening agency or step. In a memorandum filed in this matter, the defendants cite Missouri Supreme Court decisions in the cases of *Manzara v. State*, 343 S.W.3d 656 (Mo. Banc 2011) and *Weber v. St. Louis County*, 342 S.W.3d 318 (Mo. banc 2011). In their reply and opposition to the motion to dismiss, the plaintiffs claim that they do have legal standing to bring the lawsuit.

The mere filing of this lawsuit does not confer “taxpayer standing” upon the plaintiffs that would have allowed them to sue the defendants. See *Manzara*, 343 S.W.3d at p. 659. For taxpayers to have legal standing to bring a lawsuit, they must sufficiently allege and establish in their pleadings that one of three conditions exist: (1) defendants’ direct expenditure of funds generated through taxation; (2) an increased levy in taxes; or (3) a pecuniary loss attributable to the challenged transaction of a municipality. *Id.* For purposes of standing, “direct expenditure of funds,” however, does not include general operating costs and salaries of government employees. *Ours v. City of Rolla*, 965 S.W.2d 343, 345 (Mo. App. 1998).

In their pleadings in the first amended petition for declaratory and injunctive relief and motion for preliminary injunction against the defendants, the plaintiffs alleged that (1) the Great River Greenway’s project to enhance Cliff Cave Park, a national heritage park, is funded by the Metropolitan Park and Recreation District d/b/a Great Rivers Greenway, a separate political subdivision; and (2) “a belief” that the defendants intend to spend \$1.7 million of county funds on the project.

These pleadings do not include any allegations that the project has or will cause an increase levy in taxes or that plaintiffs have a pecuniary loss attributable to any transaction of the defendants.

Also, for the plaintiffs to have legal standing in this matter, their allegations must show defendants' *direct expenditure of funds* generated through taxation for the project, *without any intervening agency or step*. Id, at 660.

After review of the pleadings and memoranda filed in this matter, the Court finds that the plaintiffs lack legal standing to bring this lawsuit against the defendants because their allegations in the first amended petition for declaratory and injunctive relief and motion for preliminary injunction do not sufficiently show St. Louis County's *direct expenditure* of funds generated through taxation for the project. Rather, the allegations: show that the project is being funded by the Metropolitan Park and Recreation District d/b/a Great Rivers Greenway, a wholly different entity; are based on beliefs, not supported by facts, or abandoned; or involve the expenditure of general operating costs and salaries of government employees which are not considered for a taxpayer's legal standing.

Because plaintiffs' allegations in the first amended petition fail to show St. Louis County's direct expenditure of funds for the project, the plaintiffs lack legal standing to bring this lawsuit, the Court lacks jurisdiction over this matter, and this case must be dismissed. For similar reasons, plaintiffs' motion for leave to file second amended petition, as electronically filed on March 20, 2017, is denied.

Accordingly, defendants' "motion to dismiss the first amended petition for declaratory and injunctive relief and to deny the motion for preliminary injunction" is granted and sustained. This cause of action is dismissed, with costs assessed against the plaintiffs.

**So Ordered:**

**Dated: March 30, 2017**

cc: Attorneys of record

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**Hon. David Lee Vincent, III**  
**Circuit Judge, Division No. 9**