

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EPICE CORPORATION,)
)
Plaintiff,)
) Case No. 4:07CV206 HEA
v.)
)
THE LAND REUTILIZATION)
AUTHORITY OF THE CITY OF ST.)
LOUIS, MISSOURI, et al.,)
)
Defendants.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendants The Land Reutilization Authority of the City of St. Louis, Missouri and the City of St Louis, Missouri's Motion to Amend the Court's Opinion, Memorandum and Order of December 4, 2009, [Doc. No. 148]. Plaintiff opposes the motion. For the reasons set forth below, the motion is denied based on the reasons set forth by Defendants. The Opinion, Memorandum and Order is, however amended as herein detailed.

Defendants seek to delete from the Court's Opinion, Memorandum and Order the language concluding that material issues of fact remain as to Plaintiff's claim of just compensation paid for the property at issue, and the language finding that Count I remains pending as to the alleged violation of the Takings Clause. Defendant's argument is misplaced.

The Court's Order, in discussing the issue of just compensation denied

Plaintiff's motion for partial summary judgment; it did not grant summary judgment in favor of Defendants, as they did not seek summary judgment on that issue. The grant of summary judgment in Defendants' favor was with respect to the validity of the tax sale and the resulting fee simple title to the property that was conveyed to the Land Reutilization Authority. The separate issue of whether Plaintiff was paid just compensation for any interest it had in the property remains pending, as Defendants did not address it. While fee simple title has vested to the LRA, the question of monetary compensation for "taking", if any has yet to be resolved.

Accordingly,

IT IS HEREBY ORDERED that the Court's Opinion, Memorandum and Order dated December 4, 2009, is amended *nunc pro tunc*, as follows:

IT IS FURTHER ORDERED that Defendants The Land Reutilization Authority of the City of St. Louis and the City of St. Louis' Motion for Summary Judgment [Doc. No. 110] is **granted** as to Counts I on all issues except Plaintiff's claim that Defendants violated 42 U.S.C. §§ 1983 and 1988 by taking Plaintiff's property without just compensation, II, and IV and **denied** on Count III.

Dated this 10th day of June, 2010.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE