

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

PULASKI BANK,)	No. ED102563
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
C.W. HOLDINGS, LLC, et al.,)	Hon. Robert Cohen
)	
Appellants.)	FILED: May 3, 2016

Appellants C.W. Holdings, LLC, Martin Warenburg, individually and as Trustee of the Martin Warenburg Trust, Octavio Chirino, and Anne Chirino, (collectively referred to as “ the C.W. defendants”) appeal from the judgment of the trial court granting summary judgment in favor of Respondent Pulaski Bank (“Pulaski”). On appeal, the C.W. defendants contend the trial court erred in granting summary judgment in favor of Pulaski because Pulaski’s failure to answer the C.W. defendants’ counterclaim for lulling raised a genuine issue of material fact which needed to be addressed before summary judgment could properly be entered.

AFFIRMED.

DIVISION FOUR HOLDS: Because Pulaski was entitled to judgment as a matter of law on the basis of undisputed facts with respect to the C.W. defendants’ counterclaim for lulling, we affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, Judge
concur.

Sherri B. Sullivan, P.J., and Lisa P. Page, J.,

Attorney for Appellant: Dale Wiley

Attorney for Respondent: Daniel J. McNamee

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.
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