

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

STEVE HIBBS,	)	No. ED100114
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of Jefferson County
vs.	)	
	)	Honorable Nathan Stewart
BRIAN BERGER, et al.,	)	
	)	
Respondents.	)	FILED: May 6, 2014

Steve Hibbs ("Plaintiff") appeals after summary judgment was entered against him, on Plaintiff's Petition against Brian Berger ("Berger") and Wood Nuts, Inc. ("Wood Nuts") (collectively, "Defendants").

AFFIRMED.

Division One Holds: Plaintiff, as a minority member of Tavern Creek Door Company, LLC ("Tavern Creek"), has authority to pierce the corporate veil in "appropriate circumstances." However, such circumstances did not exist, and the trial court appropriately entered judgment against Plaintiff. Furthermore, Defendants did not owe fiduciary duties to Plaintiff because Tavern Creek's Operating Agreement curtailed Defendants duties. Summary judgment was appropriately entered in favor of Defendants.

Opinion by: Roy L. Richter, P.J.  
Clifford H. Ahrens, J., and Glenn A. Norton, J., concur.

Attorneys for Appellant: John Hicks  
Attorneys for Respondent: Christopher C. Swenson, Elizabeth T. Gross

<p><b>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.</b></p>
---