

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

ROBERT L. JOHNSON,	)	
	)	
Respondent/Cross-Appellant,	)	ED101018
	)	
v.	)	Appeal from the Circuit Court
	)	of St. Louis County
AUTO HANDLING CORPORATION,	)	10SL-CC01851-01
	)	
Cross-Respondent,	)	Honorable Thomas J. Prebil
	)	
and	)	
	)	Filed: April 12, 2016
COTTRELL, INC.,	)	
	)	
Appellant/Cross-Respondent.	)	

This is a products liability case resulting in a partial verdict for the plaintiff, Robert Johnson (Johnson) against one of the defendants, Cottrell, Inc. (Cottrell). Before submitting the case to the jury, the trial court directed a verdict in favor of the other defendant, Auto Handling Corporation (AHC). Cottrell appeals the judgment in favor of Johnson, and Johnson cross-appeals the directed verdict in favor of AHC.

REVERSED.

Division Two Holds: The trial court erred in giving Instruction 10, the verdict director for negligence, because it was not based on the applicable Missouri Approved Instruction, and because its language was vague and invited a roving commission. Because Johnson’s negligence and strict liability claims were intertwined, we reverse the judgment and remand for a new trial on all of Johnson’s claims against Cottrell. Additionally, the trial court’s directed verdict in favor of AHC is reversed, as Johnson put forth sufficient evidence from which the jury could find AHC responsible for a faulty repair, ultimately resulting in injury to Johnson.

Opinion by: Gary M. Gaertner, Jr., J.  
Philip M. Hess, P.J., and Angela T. Quigless, J., concur.

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