

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

DAVID L. EVANS,)	No. ED101212
)	
Appellant,)	Appeal from the St. Louis
)	County Circuit Court
vs.)	
)	Honorable Tommy W. DePriest, Jr.
PANERA, LLC,)	
)	
Respondent,)	Filed: October 28, 2014

David Evans (Plaintiff) appeals the trial court’s judgment dismissing his first amended petition for damages against Panera, LLC (Defendant) for failure to state a claim upon which relief can be granted. Plaintiff contends that the trial court erred in dismissing his amended petition because his right to recover unpaid commissions from Defendant as compensation for his services was not barred by the written agreement requirement pursuant to § 375.116.3, RSMo.

AFFIRMED.

Division II Holds:

The trial court did not err in dismissing Plaintiff’s first amended petition for failure to state a claim because § 375.116.3 does not authorize an insurance broker to recover unpaid commissions from an insured as compensation for services in the absence of a written agreement specifying the amount and extent of compensation.

Opinion by: Philip M. Hess, J.
Sherri B. Sullivan, P.J. and Mary K. Hoff, J. concur.

Attorney for Appellant: William J. Foland, Jr.
Luke R. Hertenstein – Co-counsel

Attorney for Respondent: Jessica L. Liss
Amy White – Co-counsel

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.