

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

KENNETH E. STOREY, TRUSTEE OF	)	No. ED101817
THE KENNETH E. STOREY	)	
REVOCABLE TRUST DATED	)	
NOVEMBER 13, 1998,	)	Appeal from the Circuit Court
	)	of Cape Girardeau County
Plaintiff/Appellant,	)	
	)	
v.	)	
	)	
RGIS INVENTORY SPECIALISTS, LLC	)	Honorable Benjamin F. Lewis
and NYRA CAMPBELL,	)	
	)	
Defendants/Respondents.	)	Filed: May 12, 2015

Kenneth E. Storey, Trustee of the Kenneth E. Storey Revocable Trust Dated November 13, 1998 (Storey) appeals from the trial court’s grant of summary judgment in favor of RGIS Inventory Specialists, LLC (RGIS) and Nyra Campbell (Campbell) on Storey’s claims for breach of contract and negligent retention and hiring. On appeal, Storey argues the trial court erred in granting RGIS’s motion for summary judgment on his breach of contract claim because RGIS breached the parties’ lease agreement by failing to pay for damages to Storey’s real property, the leased property, resulting from a fire set by former RGIS employee, Mark Carleton (Carleton). Storey maintains the trial court erred in granting Campbell’s motion for summary judgment on his claim against her for negligent retention and hiring because there is a genuine issue of material fact as to whether she hired or retained Carleton as an RGIS employee.

AFFIRMED.

Division Two Holds: As a matter of law, Storey cannot maintain an action against RGIS under the lease agreement for the fire damage to the leased property based upon the lease’s insurance procurement clause obligating Storey to obtain and maintain insurance on the property and all improvements for the benefit of Storey and RGIS against loss or damage caused by fire. It is an undisputed material fact that Campbell did not have the authority to hire or fire any RGIS employee and was not involved in the process of hiring Carleton and thus Campbell was entitled to judgment as a matter of law.

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

Attorneys for Appellant: Thomas W. Collins, III and Shaun D. Hanschen  
Attorneys for Respondents: Jeffrey K. Suess and Jennifer L. Woulfe

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