

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

VIRGIL KIRCHOFF REVOCABLE TRUST DATED 06/19/2009;)	
BENJAMIN KIRCHOFF and MICHAEL WENZEL, Co-Trustees of the VIRGIL KIRCHOFF REVOCABLE TRUST DATED 06/19/2009; FAIRLYN FORSYTH KIRCHOFF MOORADIAN; and THE KIRCHOFF LIMITED PARTNERSHIP,)	No. ED102900
)	
Plaintiffs/Appellants,)	
)	
v.)	Appeal from the Circuit Court of St. Louis County
)	
MOTO, INC.,)	
)	
Defendant/Respondent.)	Honorable Colleen Dolan
)	
)	Filed: March 8, 2016

The Virgil Kirchoff Trust Dated 06/19/2009; Benjamin Kirchoff and Michael Wenzel, Co-Trustees of the Virgil Kirchoff Revocable Trust Dated 06/19/2009; Fairlyn Forsyth Kirchoff Mooradian; and the Kirchoff Limited Partnership (collectively Appellants) appeal from the trial court’s grant of summary judgment in favor of Moto, Inc. (Moto) on Appellants’ claim seeking dissolution of Moto due to shareholder oppression.

AFFIRMED.

Division Four Holds: The trial court did not err in granting Moto’s Amended Motion for Summary Judgment because (1) Appellants’ allegations that Moto failed to use reasonable care in selecting a valuation method for purposes for repurchasing shareholder stock are insufficient to support a finding of minority shareholder oppression, and (2) Moto’s Board of Directors was protected by the business judgment rule.

Opinion by: Sherri B. Sullivan, J. Lisa S. Van Amburg, C.J., and Kurt S. Odenwald, J., concur.

Attorneys for Appellants: Matthew A. Jacober, Scott J. Dickenson, Emily E. Kiser, and Patricia L. Silva

Attorneys for Respondent: David P. Neimeier, Edward A. Chod, and Kevin F. Hormuth

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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