

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

DIVISION THREE

PORTIA MCMILLAN,)	No. ED104321
)	
Plaintiff/Appellant,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	
PILOT TRAVEL CENTERS, LLC,)	Hon. Michael T. Jamison
)	
Defendant/Respondent.)	FILED: November 15, 2016

Appellant Portia McMillan appeals the trial court’s order granting Respondent Pilot Travel Centers, LLC’s motion to dismiss.

REVERSED AND REMANDED.

DIVISION THREE HOLDS: The trial court improperly dismissed Appellant’s petition as untimely because the plain language of the Missouri saving statute unequivocally provides a one-year grace period to re-file a cause of action if that action is “commenced” within the times prescribed in sections 516.010 to 516.370. The Missouri borrowing statute, Section 516.190, is clearly included in the Missouri saving statute. McMillan’s first lawsuit was timely “commenced” and, therefore, the Missouri saving statute attached to provide her with a one-year grace period in which to re-file her action after voluntary dismissal.

Opinion by: Lisa S. Van Amburg, Judge
Angela T. Quigless, P.J., and Robert G. Dowd, Jr., J. concur.

Attorney for Appellant: Tom P. Mendelson
Douglas B. Salsbury

Attorney for Respondent: Chad E. Blomberg

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.