

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MIDWEST GRAIN & BARGE COMPANY,)	No. ED91930
Respondent,)	
)	
vs.)	Appeal from the Circuit Court of
)	Cape Girardeau County
BILL POEPELMEYER d/b/a B&B FARMS,)	
Appellant.)	Filed: October 13, 2009

OPINION SUMMARY

Bill Peoppelmeyer (Defendant) appeals from the judgment entered by Circuit Court of Cape Girardeau County in favor of Midwest Grain & Barge Co. (Plaintiff). Defendant claims that the trial court erred in: (1) entering judgment for Plaintiff without giving him adequate notice of the hearing and a meaningful opportunity to be heard in violation of his due process rights under the U.S. Constitution's Fourteenth Amendment, and (2) denying his motion to set aside the judgment as irregular.

REVERSED and REMANDED with instructions.

Division Two Holds: The trial court erred in entering judgment for Plaintiff because it deprived Defendant of due process by failing to provide Defendant, who was not in default, notice of the hearing where the trial court entered its judgment.

Opinion by: Patricia L. Cohen, J. Sherri B. Sullivan, P.J., and Robert G. Dowd, Jr., J., concur.

Attorney for Appellant: Russell D. Oliver

Attorney for Respondent: Charles S. Kramer

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.