

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

DIVISION FOUR

|   |   |   |
|---|---|---|
| RICHARD J. STAHLHUTH and SALLY J. IRWIN, In their Individual Capacities and as Trustee of Special Trust a F/B/O RICHARD J. STAHLHUTH of the VIRGINIA HUNTER GRANTOR RETAINED INCOME TRUST DATED 7/25/89 and Trustee of Special Trust a F/B/O SALLY J. IRWIN of the VIRGINIA HUNTER GRANTOR RETAINED INCOME TRUST DATED 7/25/89, | ) | No. ED91990                                       |
|   | ) |   |
|   | ) | Appeal from the Circuit Court of St. Louis County |
|   | ) | 07CC-002568                                       |
|   | ) |   |
|   | ) | Honorable Carolyn C. Whittington                  |
| Plaintiffs/Respondents,   | ) |   |
|   | ) |   |
| vs.   | ) |   |
|   | ) |   |
| SSM HEALTHCARE OF ST. LOUIS,  | ) |   |
|   | ) |   |
| Defendant/Appellant.  | ) | FILED: April 28, 2009                             |

SSM Healthcare St. Louis (SSM) appeals from the trial court's Amended, Corrected, and Modified Order and Judgment (Amended Judgment) entered in favor of Richard J. Stahlhuth (Stahlhuth) and Sally J. Irwin (Irwin), in their individual capacities and as Trustee of Special Trust A F/B/O Richard J. Stahlhuth of the Virginia Hunter Grantor Retained Income Trust Dated 7/25/89 and Trustee of Special Trust A F/B/O Sally J. Irwin of the Virginia Hunter Grantor Retained Income Trust Dated 7/25/89, respectively, (collectively Plaintiffs) after a non-jury trial on Plaintiffs' Second Amended Petition for Damages seeking payment under an agreement between the parties.

AFFIRMED.

Division Four Holds: (1) The trial court properly construed the parties' agreement and correctly found that SSM breached its duty to pay Plaintiffs under the terms of the agreement; and (2) the trial court's Amended Judgment was supported by substantial evidence in the record.

Opinion by Mary K. Hoff, Judge and Kenneth M. Romines, Judge, dissents in separate opinion. Kathianne Knaup Crane, Presiding Judge, concurs

Attorney for Appellant

Kevin Francis Hormuth

Attorney for Respondent

Michael Morgan Godsy

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| <b>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.</b> |
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