



**In the Missouri Court of Appeals  
Eastern District  
DIVISION TWO  
OPINION SUMMARY**

DANCIN DEVELOPMENT, L.L.C.,	)	No. ED92128
	)	
Appellant,	)	
	)	Appeal from the Circuit Court of
	)	St. Louis County
	)	
vs.	)	Cause No. 06CC-03775
	)	
NRT MISSOURI, INC., D/B/A	)	Honorable David L. Vincent III
COLDWELL BANKER GUNDAKER,	)	
AND PATTY EMORY,	)	
	)	
	)	Filed: April 28, 2009
Respondents.	)	
	)	

Dancin Development, L.L.C. brought suit against NRT Missouri, Inc. d/b/a Coldwell Banker Gundaker and Patty Emory (hereinafter and collectively, “Respondent”) for fraudulent misrepresentation, negligent misrepresentation, breach of contract, and breach of fiduciary duty connected to their efforts in procuring a parcel of residential real estate for rehabilitation and resale. Respondent filed a motion for summary judgment which was granted by the trial court.

DISMISSED IN PART; AFFIRMED IN PART.

Division II Holds: (1) Failure to comply with Rule 84.04 briefing requirements does not preserve allegations of error for this Court to review; (2) Projections of future profitability of an investment cannot form the basis for reliance as a matter of law; (3) Contract is not breached when parties fail to reach mutuality of agreement; and (4) Failure to identify facts demonstrating breach of fiduciary duty does not create a genuine issue of material fact.

Opinion by: George W. Draper III, Judge

Roy L. Richter, P.J., and James  
Kelly, J., concur

Attorney for Appellant: Bradley J. Bakula

Attorney for Respondents: Paul F. Devine

**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.**