

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, ex rel.)	No. ED92485
MISSOURI HIGHWAY AND)	
TRANSPORTATION COMMISSION,)	Appeal from the Circuit Court
Appellant,)	of St. Louis County
)	Hon. James R. Hartenbach
vs.)	
)	
WESTGROVE CORPORATION, et al.,)	Filed:
Respondents.)	February 2, 2010

The Missouri Highways and Transportation Commission (“MHTC”) appeals from the judgment of the trial court granting Westgrove Corporation and David and Patricia Matula’s (“the Matula’s”) motion for summary judgment.

DISMISSED.

Division Two holds: The trial court did not resolve all of the issues in the underlying case, and, as a result, its judgment is not final and we do not have authority to decide this case.

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

Attorneys for Appellant: John E. Toma, Jr. and Melissa M. Zensen

Attorneys for Respondents: Wendy S. Menghini, Wendy D. Kasten and Charles L. Merz

**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.**