



In the Missouri Court of Appeals  
Eastern District

OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT

LISA ADAMS, et al., ) No. ED92601  
 )  
Appellants, ) Appeal from the Circuit Court  
 ) of St. Louis County  
v. )  
 )  
STEFANO COSSA, et al., ) Honorable Brenda Stith Loftin  
 )  
Respondents. ) Filed: September 29, 2009

Lisa Adams (Adams), William O. Weindell and Pauline Weindell (Weindells) (Adams and Weindells collectively referred to as Plaintiffs) appeal from the trial court's grant of summary judgment in favor of Stefano Cossa and Susan Cossa (Defendants) on Plaintiffs' First Amended Petition alleging misrepresentation.<sup>1</sup> We reverse the grant of summary judgment and remand to the trial court for a hearing on Plaintiffs' remaining count against Defendants.

REVERSED AND REMANDED.

Division Two Holds: The trial court erred in granting summary judgment in favor of Defendants because, as a matter of law and undisputed fact, Adams had standing to bring this action as the assignee of all of the Weindells' right, title and interest in their claim against Defendants for damage to real property based on misrepresentation.

Opinion by: Sherri B. Sullivan, P.J. Patricia L. Cohen, J., and Kurt S. Odenwald, J., concur.

Attorneys for Appellant: Gregory H. Wolk

Attorneys for Respondent: Alex R. Lumaghi and Gregory D. Vescovo

**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.**

<sup>1</sup> Plaintiffs additionally alleged a breach-of-warranty claim in their petition; however, this count was directed solely toward Metropolis Building Inspection Services, a defendant below but not a party to this appeal.