

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

LUCAS STUCCO & EIFS DESIGN, LLC,)	No. ED92941
Respondent,)	
)	Appeal from the Circuit Court of
vs.)	St. Louis County
)	
LOREN L. LANDAU, Appellant.)	Filed: February 2, 2010

OPINION SUMMARY

Loren Landau appeals the judgment of the Circuit Court of St. Louis County awarding Lucas Stucco & EIFS Design, LLC (“Lucas Stucco”): (1) \$4,900 for breach of contract and quantum meruit, and (2) \$10,567.04 in attorney fees under the Missouri Private Prompt Payment Act (PPPA), Mo. Rev. Stat. § 431.180. Mr. Landau appeals the trial court’s award of attorney fees. We reverse the portion of the judgment awarding attorney fees in favor of Lucas Stucco and against Mr. Landau.

REVERSED IN PART.

Division Two Holds: The trial court erred in awarding attorney fees to Lucas Stucco and against Mr. Landau under the PPPA because Lucas Stucco failed to properly plead its entitlement to attorney fees pursuant to the PPPA.

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

Attorney for Appellant: John W. Moticka

Attorney for Respondent: Norbert J. J. Glassl

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.