

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

BUSEY TRUCK EQUIPMENT, INC.,)	No. ED93091
Appellant,)	
)	
vs.)	Appeal from the Circuit Court of
)	Cape Girardeau County
AMERICAN FAMILY MUTUAL)	
INSURANCE CO., Defendant,)	
)	Honorable Benjamin F. Lewis
and)	
)	
JANEY FOUST, Respondent.)	Filed: November 24, 2009

OPINION SUMMARY

Plaintiff Busey Truck Equipment, Inc. (“Busey”) brought suit against American Family Mutual Insurance Co. (“Insurance Company”) for breach of contract and vexatious refusal to pay and Insurance Company’s agent, Janey Foust (“Agent”), for negligent failure to procure insurance. Agent filed a motion to dismiss for failure to state a claim. The circuit court granted Agent’s motion to dismiss.

REVERSED AND REMANDED.

Division Two Holds: Plaintiff’s petition alleged sufficient facts to state a claim for negligent procurement of insurance.

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

Attorney for Appellant: John W. Grimm

Attorney for Respondent: Robert J. Wulff

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.