

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DAVID DUVALL,) No. ED93886
)
Plaintiff/Appellant,) Appeal from the Circuit Court of
) Monroe County
v.)
)
GARY TAWNEY and KEVIN JONES,) Honorable Robert M. Clayton, II
)
Defendants/Respondents.) Filed: September 14, 2010

David Duvall (Appellant) appeals from the trial court's summary judgment in favor of Monroe County Sheriff Gary Tawney and Deputy Sheriff Kevin Jones (collectively Respondents).

REVERSED and REMANDED.

Division Three Holds: Respondents are not entitled to summary judgment on Appellant's claim of negligent and/or intentional failure to execute a writ of execution pursuant to Section 513.340 RSMo 2004, because there remain disputed issues of material fact and credibility determinations precluding judgment as a matter of law in Respondents' favor.

Opinion by: Sherri B. Sullivan, P.J. Lawrence E. Mooney, J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Pro Se
Attorneys for Respondents: Joel D. Brett and Eddie B. Collier

<p>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.</p>
