

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

ANDREW PRESTON and)	No. ED94294
REBECCA PRESTON,)	
)	
Appellants,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
AMERICAN FAMILY MUTUAL)	Honorable Larry L. Kendrick
INSURANCE COMPANY,)	
)	
Respondent.)	FILED: September 21, 2010

Andrew Preston ("Preston") appeals the trial court's decision granting American Family Mutual Insurance Co.'s ("American Family") Motion for Summary Judgment ("motion").

REVERSED AND REMANDED

Division One Holds: Preston has presented sufficient evidence that the unidentified motorist could have been negligent in gesturing for him to cross a busy street with traffic approaching from the opposite direction. Because there is a genuine issue of material fact summary judgment was improper.

Opinion by: Roy L. Richter, C.J.
Kenneth M. Romines, J., and Michael Bullerdieck, Sp. J., concur

Attorneys for Appellant: Brian S. McChesney, Craig M. Ortwerth

Attorneys for Respondent: Kimberly A. Maschmeyer

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.