

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DEBORAH THOMAS and) No. ED94414
PHILIP THOMAS, Appellants,)
)
vs.) Appeal from the Circuit Court
) of St. Louis County
MICHAEL BRANDT, JAMES LOEHRER,) Hon. John A. Ross
Respondents,)
and COMMUNITY FIRE PROTECTION)
DISTRICT, Defendant.) Filed: September 21, 2010

Deborah Thomas and Philip Thomas appeal the judgment of the Circuit Court of St. Louis County, the Honorable John A. Ross presiding. The Circuit Court granted Michael Brandt and James Loehrer’s Motion for Summary Judgment.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: The Circuit Court erred in granting official immunity protection to Respondents. Official immunity is available to publicly-employed emergency responders only when they are acting in a true emergency. The Circuit Court’s decision erroneously applied the law.

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

Attorneys for Appellant: Stephen F. Meyerkord, Steven D. Rineberg, Doreen A. Graham, Ryan Mielcarek

Attorneys for Respondent: Philip L. William, Robyn Greifzu Fox

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