

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

CAROLYN JOHNSON,)	
Plaintiff/Appellant,)	No. ED95317
v.)	
)	
DELMAR GARDENS WEST, INC.,)	
Defendant,)	Appeal from the Circuit Court
and)	of St. Louis County
)	
DELMAR GARDENS OF)	
CHESTERFIELD, L.L.C., d/b/a)	
DELMAR GARDENS OF)	Honorable Michael T. Jamison
CHESTERFIELD and)	
DELMAR GARDENS OF)	Filed: March 8, 2011
CHESTERFIELD, INC.,)	
Defendants/Respondents.)	

Carolyn Johnson (Plaintiff) appeals from the trial court’s judgment granting the motion to dismiss of Delmar Gardens of Chesterfield, L.L.C., d/b/a Delmar Gardens of Chesterfield and Delmar Gardens of Chesterfield, Inc. (collectively the Chesterfield Defendants) and dismissing all claims against them with prejudice.

On appeal, Plaintiff argues the trial court erred in finding that her amended petition joining the Chesterfield Defendants filed after the statute of limitations had run did not relate back to the date of the filing of the original petition pursuant to Missouri Rule of Civil Procedure 55.33.

REVERSED AND REMANDED.

Division Three Holds: The trial court erred in granting the Chesterfield Defendants’ motion to dismiss because Plaintiff joined the Chesterfield Defendants in an attempt to correct a misidentification of a party defendant and Plaintiff has satisfied the notice requirements of Rule 55.33. We reverse the trial court’s decision and remand with instructions for the court to substitute the Chesterfield Defendants for the original defendant in Plaintiff’s action.

Opinion by: Sherri B. Sullivan, P.J. Clifford H. Ahrens, J., and Lawrence E. Mooney, J.,
concur.

Attorney for Appellant: Andrew L. Mandel
Attorney for Respondents: Gregory J. Minana and JoAnn T. Sandifer

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.
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