

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

GATEWAY HOTEL HOLDINGS, INC.,)	No. ED97066
RICHFIELD HOSPITALITY SERVICES)	
INC., RICHFIELD HOLDINGS, INC.,)	Appeal from the Circuit Court
LIBERTY MUTUAL FIRE INSURANCE)	of the City of St. Louis
COMPANY and LIBERTY MUTUAL)	
GROUP, Appellants,)	Hon. Mark H. Neill
v.)	
CHAPMAN-SANDER, INC. and)	Filed:
TOM BORMANN, Respondents.)	July 10, 2012

Gateway Hotel Holdings, Inc., Richfield Hospitality Services, Inc., Richfield Holdings, Inc. (collectively “the Regal”) and Liberty Mutual Fire Insurance Company and Liberty Mutual Group (collectively “Liberty Mutual”) appeal from the trial court’s grant of summary judgment in favor of Chapman-Sander, Inc. (“Chapman-Sander”) and Tom Bormann (“Bormann”). The Regal and Liberty Mutual contend the trial court erred in granting summary judgment in favor of Chapman-Sander and Bormann because: (1) there was a genuine issue of material fact regarding whether Chapman-Sander and Bormann fully performed their duties under the contract with Doug Hartmann Productions, L.L.C. (“Hartmann, L.L.C.”), and (2) there was a genuine issue of material fact regarding whether the Regal and Liberty Mutual could prove a breach of duty in negligence.

REVERSED.

Division Three holds: The trial court erred in granting summary judgment in favor of Chapman-Sander and Bormann on counts II and XI of the petition because there was a genuine issue of material fact regarding whether Chapman-Sander and Bormann fully performed their duties under the contract with Hartmann, L.L.C. The trial court also erred in granting summary judgment in favor of Chapman-Sander and Bormann on counts III and IX of the petition because there was a genuine issue of material fact regarding whether the Regal and Liberty Mutual could prove a breach of duty in negligence.

Opinion by: Robert G. Dowd, Jr., P.J.
Mary K. Hoff, J. and Sherri B. Sullivan, J., concur.

Attorneys for Appellant: Debbie S. Champion, Victor H. Essen, II

Attorneys for Respondent: Robert E. Tucker, Ellen K. Siegel

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.