

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION TWO

| | | |
|-----------------------------|---|-------------------------------|
| HARRISON H. STRABLE, JR., |) | No. ED97849 |
| |) | |
| Plaintiff/Appellant, |) | Appeal from the Circuit Court |
| |) | of St. Louis County |
| vs. |) | 09SL-CC03048 |
| |) | |
| UNION PACIFIC RAILROAD CO., |) | Honorable Ellen L Siwak |
| |) | |
| Defendant/Respondent. |) | FILED: March 5, 2013 |

Harrison H. Strable, Jr. (Strable) appeals from the grant of summary judgment in favor of Union Pacific Railroad Co. (Union Pacific) on his claim against Union Pacific, under the Federal Employers' Liability Act, alleging negligence which caused his traumatic and cumulative injuries during the course of his employment with the railroad.

AFFIRMED.

Division Two Holds: Because Union Pacific presented uncontroverted evidence that Strable violated his statutory duty to disclose his lawsuit as an asset, and Strable failed to identify the existence of a genuine issue of material fact preventing summary judgment on the issue of inadvertence, the trial court properly granted summary judgment in favor of the railroad.

Opinion by: Mary K. Hoff, Judge
Kathianne Knaup Crane, Presiding Judge, concurs and
Lisa S. Van Amburg, Judge, dissents in separate opinion.

Attorney for Appellant: Drew C. Baebler
Attorney for Respondent: Nicholas J. Lamb, David Allen Dick
Co-Counsel: Ross E. Rochat

| |
|--|
| 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. |
|--|