

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

STANLEY SAKABU AND)	No. ED97934
CINDY PROVINCE,)	
)	
Appellants,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	
REGENCY CONSTRUCTION CO., INC.,)	Honorable Jon A. Cunningham
)	
Respondent.)	Filed: October 2, 2012

Stanley Sakabu and Cindy Province (“Plaintiffs”) appeal the trial court’s grant of summary judgment in favor of Regency Construction Co., Inc. (“Regency”). On appeal, Plaintiffs argue a genuine issue of material fact existed, the trial court failed to resolve a disputed issue of material fact, and the trial court misinterpreted Missouri law.

REVERSED AND REMANDED.

Division Five Holds: The trial court erred in granting summary judgment in favor of Regency, because a genuine issue of material fact existed regarding whether Kirsch Plumbing was an independent contractor, in that the terms “subcontractor” and “independent contractor” are not interchangeable. The trial court likewise erred in granting summary on the issue of negligence, because judgment depends on whether Kirsch Plumbing was an independent contractor, about which the record was silent.

Opinion by: Robert M. Clayton III, J.
Gary M. Gaertner, Jr., C.J. and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Ronald C. Willenbrock
Attorneys for Respondent: Jackie M. Kinder, Kenneth Goleaner

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.