

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

LAUBER-CLAYTON, LLC,)	No. ED98302
)	
Appellant,)	
vs.)	Appeal from the Circuit Court
)	of St. Louis County
NOVUS PROPERTIES COMPANY,)	
)	
Respondent.)	Filed: February 26, 2013

In this action for damages and attorneys' fees, stemming from a real-estate transaction, Lauber-Clayton, LLC, appeals the trial court's entry of summary judgment in favor of defendant Novus Properties Company on res judicata grounds.

JUDGMENT REVERSED; CAUSE REMANDED

DIVISION FOUR HOLDS: Comparing the present litigation to the prior litigation, we find no identity of parties because the parties in the present litigation did not adjudicate anything between themselves in the prior litigation. Therefore, we hold res judicata does not preclude Lauber-Clayton from bringing the present suit.

Opinion by: Lawrence E. Mooney, P.J. Patricia L. Cohen, J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Thomas G. Berndsen

Attorney for Respondent: J. Vincent Keady, Jr.

**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.**