

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION THREE

JEFFREY PALMORE, ET AL.,	)	No. ED98672
	)	
Appellants,	)	Appeal from the Circuit Court
	)	of Franklin County
vs.	)	
	)	Honorable John B. Berkemeyer
CITY OF PACIFIC, ET AL.,	)	
	)	
Respondents.	)	FILED: March 19, 2013

Appellants/Plaintiffs, Jeffrey Palmore, Bell Funeral Home, and Marvel Mason, Jr., appeal from the trial court's summary judgment in favor of Respondents/Defendants, City of Pacific, Sexton Alan Bruns and R.H. Bruns Vault and Monument Company.

AFFIRMED.

Division Three Holds: After a judgment in small claims court was rendered, R.H. Bruns Vault and Monument Company's application for trial *de novo* was void *ab initio* because it was not filed by an attorney. Therefore, we hold the doctrine of *res judicata* bars Plaintiffs from bringing the present suit.

Opinion by: Roy L. Richter, P.J.  
Robert G. Dowd, Jr., J., and Angela T. Quigless, J., concur.

Attorneys for Appellant: S. Todd Hamby, Sheila Greenbaum, John E. Batka  
Attorneys for Respondent City of Pacific: Evans & Dixon  
Attorneys for Respondent R.H. Bruns Vault & Monument: David C. Knieriem  
Attorneys for Respondent Alan J. Bruns:  
T. Michael Ward, Teresa M. Young, Samuel John Vincent III

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