

# OPINION SUMMARY

## MISSOURI COURT OF APPEALS EASTERN DISTRICT

### DIVISION FOUR

COLLIN AND COURTNEY	)	No. ED99895
JEFFERSON, BY AND THROUGH	)	
THEIR NATURAL FATHER AND	)	
NEXT FRIEND, ERIC JEFFERSON AND	)	Appeal from the Circuit Court
THE ESTATE OF GLORIA MITCHELL	)	of St. Louis County
MOSS, BY AND THROUGH ITS	)	
PERSONAL REPRESENTATIVE,	)	
WALTER MOSS,	)	
	)	
Plaintiff/Appellant,	)	Honorable Gloria C. Reno
	)	
vs.	)	
	)	
MISSOURI BAPTIST MEDICAL	)	
CENTER AND AMY MOSHER, M.D.	)	
AND MIDWEST RADIOLOGICAL	)	Filed: August 19, 2014
ASSOCIATES, P.C.,	)	
	)	
Defendants/Respondents.	)	

Plaintiffs Collin and Courtney Jefferson, by and through their natural father and next friend, Eric Jefferson, (“the Jeffersons”) appeal the Circuit Court of St. Louis County’s grant of summary judgment in favor of defendant Missouri Baptist Medical Center (“MBMC”).

REVERSED AND REMANDED.

DIVISION FOUR HOLDS: The trial court erred by determining that the term “employee” in section 538.210.2(3), R.S.Mo. (Cum Supp. 2007), should be defined according to the definition of “physician employee” found in section 538.205(9), R.S.Mo. (Cum. Supp. 2007). Instead, the term “employee” within the meaning of 538.210.2(3) should be defined in accordance with common-law principles of agency. Because the trial court’s grant of summary judgment in favor of MBMC was based on an erroneous definition of the term “employee,” we reverse the trial court’s judgment. We remand to the trial court with instructions to apply, in further proceedings, the definition of the term “employee” in section 538.210.2(3) in a manner consistent with this opinion.

Opinion by: Lisa S. Van Amburg, J.  
Patricia L. Cohen, J., and Philip M. Hess, J., concur.

Attorney for Appellant: Samuel Buffaloe  
Attorney for Respondent: Robert Bartholomew, Jr.

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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