

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**TAFI LUAN COONS,
APPELLANT**

vs.

**DEVIN L. BERRY, et al.,
RESPONDENTS**

DOCKET NUMBER WD70080

DATE: DECEMBER 22, 2009

Appeal from:

Boone County Circuit Court
The Honorable Gary M. Oxenhandler, Judge

Appellate Judges:

Division Two: Victor C. Howard, P.J., Joseph M. Ellis and Mark D. Pfeiffer, JJ.

Attorneys:

Michael P. Healy, for Appellant

Gregory P. Robinson, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TAFI LUAN COONS, APPELLANT

v.

DEVIN L. BERRY, et al., RESPONDENTS

WD70080

Boone County, Missouri

Before Division Two Judges: Victor C. Howard, P.J., Joseph M. Ellis and Mark D. Pfeiffer, JJ.

Tafi Coons appeals from the trial court's dismissal of her wrongful death action against Devin Berry. In her petition, Ms. Coons asserted that Mr. Berry was negligent as a social host for offering, providing, and encouraging Ms. Coons's daughter, Litia Calloway, to consume alcohol at a party he hosted.

AFFIRMED.

Division Two holds:

(1) The trial court did not err in dismissing Ms. Coons's wrongful death action because § 311.310.2, RSMo 2005, cannot be applied retroactively to impose a duty on Mr. Berry that did not exist under Missouri law at the time Ms. Calloway died.

Opinion by: Joseph M. Ellis, Judge

Date: December 22, 2009

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