

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KENNETH WAYNE CLARK**

**APPELLANT,**

**v.**

**PROGRESSIVE PREFERRED  
INSURANCE COMPANY**

**RESPONDENT.**

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DOCKET NUMBER WD74631  
DATE: December 26, 2012

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Appeal From:

Jackson County Circuit Court  
The Honorable Richard E. Standridge, Judge

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Appellate Judges:

Division One: Thomas H. Newton, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt,  
Judge

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Attorneys:

Michelle N. Higinbotham, Lee's Summit, MO, for appellant.

Suzanne R. Bruss and Nikki E. Cannezzaro, Kansas City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
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**KENNETH WAYNE CLARK,**

**APPELLANT,**

**v.**

**PROGRESSIVE PREFERRED  
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**RESPONDENT.**

No. WD74631

Jackson County

Before Division One: Thomas H. Newton, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt, Judge

Kenneth Wayne Clark ("Clark") appeals the circuit court's grant of summary judgment in favor of his automobile insurance company, Progressive Preferred Insurance Company ("Progressive"). Clark was involved in an automobile accident. After the accident, Clark received a notice that his automobile insurance was being cancelled for nonpayment. Clark claimed coverage under the policy, but Progressive said the policy had lapsed and was effectively cancelled before the accident. The circuit court agreed with Progressive. Clark asserts one point on appeal. He argues that the trial court erred in determining that the policy had been effectively cancelled because Progressive had not properly issued a "present cancellation," under Supreme Court precedent, until after the accident.

**REVERSED.**

Division One holds: Clark's policy remained in effect during the period he was involved in an automobile accident because of the timing of Progressive's "present cancellation" of the policy and the application of the statute and Supreme Court precedent.

Opinion by Gary D. Witt, Judge

December 26, 2012

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