

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**SHELTER MUTUAL INSURANCE COMPANY,
APPELLANT**

vs.

**JAY MACVITTIE and DEBRA MACVITTIE,
RESPONDENTS**

DOCKET NUMBER WD76401

DATE: DECEMBER 24, 2013

Appeal from:

The Circuit Court of Callaway County, Missouri
The Honorable Dorothea C. Carpenter, Judge

Appellate Judges:

Division Two: Mark D. Pfeiffer, Presiding Judge, Joseph M. Ellis, Judge and Victor C. Howard,
Judge

Attorneys:

Bradley C. Letterman, For Appellant

Jacquelyn Brazas, for Respondents

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

SHELTER MUTUAL INSURANCE COMPANY, APPELLANT

v.

JAY MACVITTIE and DEBRA MACVITTIE, RESPONDENTS

WD76401

Callaway County, Missouri

Before Division II: Mark D. Pfeiffer, Presiding Judge, Joseph M. Ellis Judge and Victor C. Howard, Judge

Shelter Mutual Insurance Company (“Shelter”) appeals the trial court’s judgment granting judgment on the pleadings in favor of Jay and Debra MacVittie and against Shelter in the amount of \$100,000.00. Shelter argues that the subject automobile insurance policy’s limit of liability provisions subject Jay MacVittie’s personal injury claim and Debra MacVittie’s derivative loss of consortium claim to the same “each person” limit because the policy unambiguously provides that derivative claims are subject to the same “each person” limit available to the injured claimant.

REVERSED AND REMANDED.

Division Two Holds:

That Jay and Debra MacVittie’s claims are subject to the same “each person” limit under the applicable auto insurance policy because the limit of liability section provides that derivative claims are subject to the same “each person” limit available to the injured claimant. The trial court erred in granting judgment on the pleadings in favor of Jay and Debra MacVittie and against Shelter in the amount of \$100,000.00. On remand, the trial court is to enter judgment consistent with this opinion.

Opinion by: Victor C. Howard, Judge

Date: December 24, 2013

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