

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MARK GERAN,
APPELLANT
vs.**

**XEROX EDUCATION SERVICES, INC.,
RESPONDENT**

DOCKET NUMBER WD77507

DATE:

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Robert M. Schieber, Judge

Appellate Judges:

Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Attorneys:

Traci L. Fann, for Appellant

David S. Ladwig, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MARK GERAN, APPELLANT

v.

XEROX EDUCATION SERVICES, RESPONDENT

WD77507

Jackson County, Missouri

Before Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Mark Geran appeals from the summary judgment in favor of Xerox Education Services, Inc. (XES), a loan servicer, in his suit for damages for violations of the Missouri Merchandising Practices Act and for intentional infliction of emotional distress surrounding the modification of the repayment schedule of his 2005 consolidated student loan. The judgment is affirmed.

AFFIRMED.

Division Two holds:

(1) Where the renegotiation of the terms of repayment and the modification of the repayment schedule of Mr. Geran's consolidated loan were not included in the bundle of services of the loan, XES was not enforcing the terms of that loan in modifying the repayment schedule, therefore, its actions surrounding the modification of the repayment schedule were not "in connection with" the consolidated loan so as to be actionable under the MMPA. The trial court did not err in entering summary judgment in favor of XES on Mr. Geran's claims for violation of the MMPA.

(2) Where the uncontradicted evidence indicated that XES had a legitimate business purpose for its conduct surrounding the repayment modification, Mr. Geran could not establish that it acted with the sole motivation to cause emotional distress, and the trial court did not err in entering summary judgment in favor of XES on the claim for intentional infliction of emotional distress.

Opinion by: Victor C. Howard, Judge

Date: May 19, 2015

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