

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**AMERICAN FAMILY MUTUAL INSURANCE COMPANY,**

**Appellant,**

**v.**

**STEPHEN PARNELL, DEANNA PARNELL, C.P., A MINOR, M.S. A MINOR and K.L.  
NATURAL MOTHER AND NEXT FRIEND OF M.S.,**

**Respondents.**

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**DOCKET NUMBER WD77813**

**Date: October 27, 2015**

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Appeal from:  
Boone County Circuit Court  
The Honorable Mary (Jodie) C. Asel, Judge

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Appellate Judges:  
Division Two: Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and James E.  
Welsh, Judges

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Attorneys:  
Susan F. Robertson, J. Zachary Bickel, Kansas City and Michael R. Baker, Columbia,  
MO for appellant.  
Jonathan D. McQuilkin, Columbia, MO for respondents.

# MISSOURI APPELLATE COURT OPINION SUMMARY

## COURT OF APPEALS -- WESTERN DISTRICT

**AMERICAN FAMILY MUTUAL INSURANCE COMPANY**

**Appellant,**

**v.**

**STEPHEN PARNELL, DEANNA PARNELL, C.P., A MINOR, M.S. A MINOR and  
K.L. NATURAL MOTHER AND NEXT FRIEND OF M.S.,**

**Respondents.**

WD77813

Boone County

Before Division Two: Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and James E. Welsh, Judges

American Family Mutual Insurance Company ("American Family") appeals the circuit court's grant of summary judgment in favor of M.S., by and through her next friend and mother, K.L. The court determined that two American Family homeowner's insurance policies issued to Stephen and Deanna Parnell ("the Parnells") provided coverage for M.S.'s claims of negligent supervision against the Parnells. On appeal, American Family contends two exclusions applied to bar coverage and the concurrent proximate cause rule was not applicable.

**AFFIRMED.**

Division Two holds:

The circuit court did not err in finding that the concurrent proximate cause rule applies to afford coverage to the Parnells for M.S.'s negligent supervision claim. The claim for negligent supervision of a minor is unrelated to and can occur without the

excluded causes of intentional injury and sexual abuse. That M.S.'s harm was caused by intentional sexual abuse was merely incidental, and not essential, to the negligent supervision claim. Therefore, M.S.'s claim of negligent supervision is a separate and non-excluded cause of her injuries, apart from the intentional sexual abuse. American Family is obligated to defend and indemnify the Parnells in M.S.'s lawsuit against them.

Opinion by: Lisa White Hardwick, Judge

October 27, 2015

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**