

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**MARCUS HALEY**

**v.  
ERLE BENNETT  
and  
CHRIS SMOOT**

**APPELLANT,  
RESPONDENT,  
RESPONDENT.**

---

DOCKET NUMBER WD78509 Consolidated with WD78517

DATE: February 9, 2016

---

Appeal From:

Saline County Circuit Court  
The Honorable Dennis A. Rolf, Judge

---

Appellate Judges:

Special Division: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge and Zel M. Fischer,  
Special Judge

---

Attorneys:

T. Drew Schaffler, Columbia, MO, for appellant.

Aaron E. Schwartz, Overland Park, KS, for respondent Chris Smoot.  
James W. Childress, St. Louis, MO, for respondent Erle Bennett

---

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**MARCUS HALEY,**

**APPELLANT,**

**v.**

**ERLE BENNETT,**

**RESPONDENT,**

**and**

**CHRIS SMOOT,**

**RESPONDENT.**

No. WD78509 Consolidated with WD78517

Saline County

Before Special Division: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge and Zel M. Fischer, Special Judge

Marcus Haley appeals from the grant of summary judgment in favor of Erle Bennett and Chris Smoot in Haley's negligence lawsuit filed after Haley, a high school student, suffered injuries at a summer football camp.

**AFFIRMED.**

**Special Division holds:**

The trial court did not err in granting summary judgment in favor of Bennett and Smoot because, as public school teachers and coaches, Bennett and Smoot were entitled to assert the affirmative defense of official immunity.

The uncontroverted facts established that Bennett's and Smoot's alleged acts of negligence were committed during the course of their official duties. Since Bennett's and Smoot's alleged acts of negligence were discretionary in nature, official immunity applies and each is immune from suit.

**Opinion by: Cynthia L. Martin, Judge**

February 9, 2016

\*\*\*\*\*

**This summary is UNOFFICIAL and should not be quoted or cited.**