IN THE SUPREME COURT OF MISSOURI

No. SC96499
CIVIL

JEFF REED

Plaintiff/Appellant

v.

THE REILLY COMPANY, LLC

Defendant/Respondent

On Appeal from the Circuit Court of Jackson County, Missouri
Honorable Marco Roldman, Circuit Judge
Circuit Court Case No. 1616-CV15889

BRIEF OF *AMICI CURIAE* MISSOURI BANKERS ASSOCIATION, MISSOURI INSURANCE COALITION, PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA, AND THE AMERICAN INSURANCE ASSOCIATION IN SUPPORT OF RESPONDENT

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STATEMENT OF INTEREST

Amicus curiae the Missouri Bankers Association is a statewide trade association and professional organization that represents the interests of more than 280 banks and savings and loan institutions in Missouri. For 125 years, the Association has advocated for the banking industry and provided educational opportunities and services to its members. The Association's members have more than 30,000 employees who work in more than 1,900 locations throughout the state.

Amicus curiae the Missouri Insurance Coalition is a nonprofit governmental affairs and consumer education organization representing approximately 85 insurance groups and affiliated organizations across Missouri. The Coalition reviews legislative and regulatory proposals pertaining to insurance, and prepares and disseminates educational material to the public.

Amicus curiae Property Casualty Insurers Association of America (PCI) promotes and protects the viability of a competitive private insurance market for the benefit of consumers and insurers. PCI is composed of nearly 1,000 member companies, representing the broadest cross-section of insurers of any national trade association. PCI members write $216 billion in annual premium, 36 percent of the nation's property casualty insurance. Member companies write 43 percent of the U.S. automobile insurance market, 29 percent of the homeowners market, 34 percent of the commercial property and liability market and 36 percent of the private workers compensation market. In Missouri, PCI members write 39.6 percent of the personal lines insurance market and 38.4 percent of

the commercial lines insurance market. PCI often files amicus briefs in state and federal courts in cases that involve issues of interest to insurers and their policyholders.

Amicus curiae The American Insurance Association (AIA), founded in 1866 as the National Board of Fire Underwriters, is a leading national trade association representing more than 320 major property and casualty insurance companies based in Missouri and most other states. AIA members collectively underwrite more than $125 billion in direct property and casualty premiums nationwide, including more than $2.2 billion in this state, and range in size from small companies to the largest insurers with global operations. AIA advocates sound and progressive public policies on behalf of its members in legislative and regulatory forums nationwide. AIA also files amicus curiae briefs in significant cases before federal and state courts, including this Court, on issues of importance to the insurance industry and marketplace.

Members of the *amici* regularly conduct business across the state. The National Consumer Law Center ("NCLC") as *amicus curiae* has urged this Court to adopt an anti-textual reading of §§ 407.020 and 407.025 of the Missouri Merchandising Practices Act in order to eliminate the long-standing exemption for certain highly regulated entities in Missouri, including banks and insurers. If the Court were to accept the NCLC's invitation to unnecessarily wade into the issue of exemptions for claims brought under § 407.025, this Court's decision could affect the *amici's* members by determining whether the legis-

latively granted exemption for certain highly regulated entities will be enforced as written.[1]

RELEVANT HISTORY OF THE MMPA

Although the NCLC's brief provided some relevant history of the Missouri Merchandising Practices Act (MMPA), there are many important aspects of the Act that were not addressed. *Amici* believe that a fuller account of the various provisions at issue (or not at issue but injected by the NCLC) will assist the Court in deciding this case.

The MMPA was first enacted in 1967. At that time, the MMPA consisted of thirteen sections. *See* §§ 407.010–.130, RSMo (Supp. 1967). Then—as now—the conduct prohibited was found primarily in § 407.020, which stated that the

> act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of any material fact with intent that others rely [on it] . . . is an unlawful practice.

§ 407.020, RSMo (Supp. 1967). And then—as now—that same provision also contained an exemption for certain highly regulated entities under the direct supervision of the Director of the Division of Savings and Loan, the Director of the Division of Insurance, or the Commissioner of Finance, unless the directors of those divisions specifically request-

[1] Respondent consents to the filing of this brief. Appellant denied consent. This brief has been conditionally filed with a motion for leave to file the brief, in accordance with Missouri Rule 84.05(f)(3).

ed the Attorney General to implement the powers of the Act. *Id*. There was also an exemption for advertisements that complied with the Federal Trade Commission's rules and regulations and an exemption for media companies unless it was known that the advertisement being run was false, misleading, or deceptive. *See id.* The 1967 version of the MMPA included provisions that permitted the Attorney General to issue civil investigative demands, enter into an Assurance of Voluntary Compliance, and seek an injunction from a court to prohibit violations of the Act. *See* §§ 407.030, 407.040, 407.100, RSMo (Supp. 1967).

The first significant amendments to the MMPA were passed six years later in 1973. As relevant here, the amendments included the addition of a private cause of action for violations of § 407.020, which was codified in § 407.025. That subsection—which has remained substantively the same since its enactment—provided (in part) that

> Any person who purchases or leases goods or services primarily for personal, family, or household purposes and thereby suffers an ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by Section 407.020, may bring a private civil action in either the circuit court of the county in which the seller or lessor resides or in which the transaction complained of took place, to recover actual damages.

§ 407.025(1), RSMo (Supp. 1973). This section also permitted class actions, subject to a number of requirements. *See* § 407.025(2) (Supp. 1973).

In 1985, another major set of amendments to the MMPA was passed. At that time, the Attorney General's authority to seek an injunction under § 407.100 was enlarged to include any violation of the "Act," instead of only violations of §§ 407.010 to 407.130. *See* § 407.100 (Supp. 1967 & Supp. 1985). A year later, the legislature removed the exemption for advertisements that complied with Federal Trade Commission rules and regulations—an exemption that had been in § 407.020 since the enactment of the MMPA. *See* § 407.020 (Supp. 1967 & Supp. 1986). Sections 407.911 through 407.915, which address commission payments, were added in 1989. *See* §§ 407.911–.915, RSMo (Supp. 1989).

In 1992, the legislature amended the exemption for certain highly regulated entities. The limitation on the exemption in instances where the division director specifically authorizes the Attorney General to "implement the powers of this chapter" was expanded to include instances where "such powers are provided to either the attorney general or a private citizen by statute." § 407.020.2(2) (Supp. 1992). The same bill also made revisions to Missouri Chapter 367, which addresses pawnbrokers and small loans. The bill added §§ 367.300 through 367.310, which prohibit loan brokers from assessing, collecting, or receiving an advance fee from a borrower to provide services. *See* §§ 367.300–.310, RSMo (Supp. 1992). "Loan brokers" are defined to exclude a number of entities such as banks, savings and loan associations, trust companies, credit unions and insurance companies regulated or licensed by an agency of the United States or Missouri. *See* § 367.300(4). The bill also made any violation of the loan broker prohibition an "unlawful practice under sections 407.010 to 407.130, RSMo" and gave the Attorney General

"all powers, rights and duties regarding violations of sections 367.300 to 367.310 as are provided in sections 407.010 to 407.130." § 367.310. Finally, the bill stated that "each principal of a loan broker shall be liable under sections 407.010 to 407.140, RSMo, for the actions of the loan broker." § 367.307.

In 2008, the legislature made largely non-substantive changes to the highly regulated entities exemption under § 407.020. It now reads:

> Nothing contained in this section shall apply to:
>
> . . .
>
> (2) Any institution, company, or entity that is subject to chartering, licensing, or regulation by the director of the department of insurance, financial institutions and professional registration under chapter 354, RSMo, or chapters 374 to 385, RSMo, the director of the division of credit unions under chapter 370, RSMo, or director of the division of finance under chapters 361 to 369, RSMo, or chapter 371, RSMo, unless such directors specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.

§ 407.020.2(2).

ARGUMENT

I. THIS COURT SHOULD NOT ADDRESS THE NCLC'S ASSERTION THAT § 407.025 NEGATES THE EXEMPTION CONTAINED IN § 407.020.

Amicus NCLC focuses almost entirely on an argument not raised by Appellant in this Court or in any court below—*i.e.*, that § 407.025 negates the exemption provided for certain highly regulated entities in § 407.020. This Court, however, should follow its own well-established precedent and not address the NCLC's primary argument because § 407.025 is not at issue in this case.

A. This Court Does Not Issue Advisory Opinions.

The Missouri Constitution grants the appellate courts—including this Court—jurisdiction over "cases." Mo. Const. Art. V, § 3. "Cases" include a "true case or controversy between parties with real interests in the outcome. *Mo. Alliance for Retired Ams. v. Dep't of Labor & Indus. Relations*, 277 S.W.3d 670, 681 n.2 (Mo. 2009). "Appellate courts, like circuit courts, lack authority to issue advisory opinions on matters of law that are not part of a live case or controversy." *Id.*; *see also State v. Self*, 155 S.W.3d 756, 761 (Mo. 2005) ("[I]t is not this Court's prerogative to offer advisory opinions on hypothetical issues that are not necessary to the resolution of the case before it."), *holding modified on other grounds by State v. Claycomb*, 470 S.W.3d 358 (Mo. 2015); *State ex rel. Mathewson v. Bd. of Election Comm'rs of St. Louis Cty.*, 841 S.W.2d 633, 635 (Mo. 1992) ("This Court has steadfastly refused to expand its jurisdiction to include the issuance of advisory opinions."); *Harris v. Consol. Sch. Dist. No. 8 C, Dunklin Cty.*, 328 S.W.2d 646, 654 (Mo. 1959) (refusing to give advisory opinion on issue that had not yet occurred). This Court's refusal to issue advisory opinions is not only constitutionally pre-

scribed, but also good policy. That is because "persons who do not pose present, real, live, and personal . . . claims of right under the law do not give the Court the honed development of facts and legal argument that are the hallmark of real controversies." *State ex rel. Mathewson*, 841 S.W.2d at 635.

B. Plaintiff Did Not—and Could Not—Bring a Claim Under § 407.025.

Even though the NCLC focuses almost all of its fire on § 407.025, Appellant never brought a claim under that provision of Missouri law. Appellant's Petition cites only to § 407.911 *et seq*. (LF_14 (Count IV)), a fact that Appellant acknowledges in his briefing to this Court. *See* App. Sub. Brief at 21 ("Reed's MMPA claim is wholly based on Reilly's alleged violations of RSMo §§ 407.911 to 407.915."). Appellant apparently agrees that NCLC arguments in support of his position are irrelevant, candidly advising the Court that "[t]he issue of whether a consumer can bring a civil suit brought under RSMo § 407.025 against a person or entity exempted from enforcement actions under § 407.020 is a separate matter not at issue in this case." App. Sub. Brief at 21 n.6.

In fact, even if Appellant had wanted to bring a claim under § 407.025, he could not have done so. That section provides a cause of action only to a "person who purchases or leases merchandise primarily for personal, family or household purposes." § 407.025. Appellant's claim involves alleged sales commissions and he does not allege he purchased or leased anything, much less merchandise primarily for personal, family, or household purposes.

Despite the NCLC's steadfast focus on § 407.025, that provision of Missouri law simply is not at issue in this case. This Court should decline the NCLC's invitation to

reach out to decide an issue that the parties never raised and the lower courts never addressed.

II. EVEN IF THE COURT WOULD ADDRESS THE NCLC'S ARGUMENT ABOUT § 407.025, THE NCLC'S INTERPRETATION OF THE MMPA IS INCORRECT.

Even if this Court reaches the issue the NCLC spends the majority of its brief arguing, the interpretation put forth by that group is directly contrary to the plain language of the statute and would make the exemption language in § 407.020 meaningless. As numerous state and federal courts have found, the exemption for highly regulated entities is not eliminated by the private cause of action in § 407.025.

A. The Plain Language of the Statute Requires the Exemption to Apply to Certain Highly Regulated Entities.

The NCLC asks this Court to hold that the exemption for certain highly regulated entities in § 407.020 of the MMPA is not applicable here (or in any other case) because the exemption is negated by the private right of action for violations of § 407.020 found in § 407.025. This creative interpretation is belied by the plain language of the statute, which makes clear that the exemption applies.

"When construing statutes, this Court ascertains the intent of the legislature from the language used and gives effect to that intent." *See Gott v. Dir. of Revenue*, 5 S.W.3d 155, 158 (Mo. 1999). The provisions of a statute should not be read in isolation; they should be construed together and read in harmony with the statute as a whole. *Mo. Dep't of Soc. Servs., Div. of Aging v. Brookside Nursing Ctr., Inc.*, 50 S.W.3d 273, 276 (Mo.

2001). That is even more important in this case since § 407.025 explicitly references § 407.020. "When read together, the legislature's intent as to sections 407.020 and 407.025 is clear and unambiguous." *Meyers v. Kendrick*, No. SD 34777, 2017 WL 4276261, at *5 (Mo. App. Sept. 27, 2017). Section 407.020 lays out the conduct prohibited as well as those entities exempted from the prohibition, while § 407.025 provides the private cause of action for individuals harmed by violations of statute.

Nothing in § 407.025 negates the highly regulated entities exemption in § 407.020 because § 407.025 does not provide a private cause of action specifically against insurers (or any other exempt entity). *See Myers v. Sander*, No. 4:13CV2192 CDP, 2014 WL 409081, at *7 (E.D. Mo. Feb. 3, 2014) ("In order to negate the title insurance company exemption, the Myers would have to point to a statute giving private citizens the power to enforce Section 407.020 *specifically* against title companies."); *Reitz v. Nationstar Mortg., LLC*, 954 F. Supp. 2d 870, 893 (E.D. Mo. 2013) (entity exempt from MMPA claim because "plaintiff has failed to cite any Missouri statute that would provide her a cause of action independent of the MMPA"). Instead, it is a general private cause of action for violations of § 407.020. *See Vogt v. State Farm Life Ins. Co.*, No. 2:16-CV-04170-NKL, 2017 WL 471574, at *10 (W.D. Mo. Feb. 3, 2017), *vacated in part on other grounds*, No. 2:16-CV-04170-NKL, 2017 WL 1498073 (W.D. Mo. Apr. 26, 2017) (A Plaintiff "must identify a statute that grants private citizens the power to enforce Section 407.020 of the MMPA specifically against insurance companies. This is not what Section 407.025 does."). The plain language of §§ 407.020 and 407.025 does not permit the strained interpretation the NCLC would put on them.

B. The NCLC's Interpretation Would Render the Highly Regulated Entities Exemption Meaningless.

Even if the language of the statutes were not clear, the NCLC's interpretation flies in the face of well-settled standards of statutory construction. "It is presumed that the legislature intended that every word, clause, sentence, and provision of a statute have effect. Conversely, it [is] presumed that the legislature did not insert idle verbiage or superfluous language in a statute." *Hyde Park Hous. P'ship v. Dir. of Revenue*, 850 S.W.2d 82, 84 (Mo. 1993); *see also State ex rel. Unnerstall v. Berkemeyer*, 298 S.W.3d 513, 519 (Mo. 2009). But contrary to the NCLC's assertions, its interpretation of §§ 407.020 and 407.025 would render the language providing an exemption to certain highly regulated entities meaningless.

1. Under the NCLC's interpretation, the exemption would only apply when an individual lacks a private right of action under § 407.025, which renders the exemption useless.

The NCLC asserts that its interpretation of §§ 407.020 and 407.025 does not actually *eliminate* the exemption provided in § 407.020 because the cause of action is provided only to a subset of private citizens—*i.e.*, those "who purchase(s) or lease(s) merchandise primarily for personal, family or household purposes." § 407.025.1. This argument misapprehends the purpose of creating an exemption from a law. An exemption is only meaningful if granted to protect against a cause of action. Yet under the NCLC's interpretation, the exemption in § 407.020 would only survive for those individuals who do not have a cause of action under § 407.025, and are thus not given the "powers of this

chapter" by statute. The NCLC's reduction of the exemption to be viable only against those individuals that do not have a private cause of action in the first place turns the entire idea of an exemption on its head.

2. The Attorney General's authority under the MMPA also renders the exemption meaningless under the NCLC's interpretation.

Under the NCLC's interpretation of § 407.020—whereby another provision of the MMPA can itself provide the statutory authority to negate the highly regulated entities exemption—no entity could ever be exempt from any action by the Attorney General. That is because the Attorney General has authority to issue civil investigative demands, enter into an Assurance of Voluntary Compliance (the breach of which has great consequences), and go to court to obtain an injunction against entities that violate *any* provision of Chapter 407. *See* §§ 470.030, 470.040, 470.100. If the cause of action provided in § 407.025 is sufficient to provide "the powers of this chapter" to a private citizen, then these sections certainly would qualify as sufficient to provide "the powers of this chapter" to the Attorney General. The highly regulated entities exemption would thus *never* be applicable as against the Attorney General.

Although the NCLC strives to justify its strained reading of the MMPA, the reality is that its forced interpretation would render the exemption in § 407.020 entirely meaningless. The exemption would always be negated by the Attorney General's long-standing powers under the Act, and any immunity from private lawsuits would be illusory. This is the very reason that the Eighth Circuit found such an interpretation impermissible. *See Rashaw v. United Consumers Credit Union*, 685 F.3d 739, 745 (8th Cir. 2012)

("The contention that one provision of the MMPA completely negates another violates well-accepted principles of statutory construction.").

C. The History of the MMPA Undermines the NCLC's Interpretation.

The NCLC asserts that that history of the MMPA shows that it has been broadened over the years, and that the highly regulated entities exemption should therefore be viewed with skepticism. But the NCLC's arguments fail to account for the longstanding nature of the exemption and the other actions of the legislature at the time that the exemption was modified in 1992.

The history of legislation can, of course, be a useful tool in statutory construction. "In construing statutes *in pari materia*, endeavor should be made, by tracing history of legislation on the subject, to ascertain the uniform and consistent purpose of the Legislature or to discover how the policy of the Legislature with reference to the subject matter has been changed or modified from time to time. With this purpose in view therefore it is proper to consider, not only acts passed at the same session of the Legislature, but also acts passed at prior and subsequent sessions, and even those which have been repealed." *State ex rel. Geo. B. Peck Co. v. Brown*, 105 S.W.2d 909, 911 (Mo. 1937). The history of the MMPA is replete with occurrences that indicate that a statute *separate* from the MMPA must provide the statutory "power of this chapter" required to revoke the highly regulated entities exemption.

The highly regulated entities exemption has been a part of the MMPA since its inception in 1967. During that time, one of the three initial exemptions—the exemption for advertisements in compliance with Federal Trade Commission rules and regulations—

was explicitly repealed. If the legislature had intended for the highly regulated entities exemption to be repealed, it easily could have done so. It has not.

The NCLC essentially argues that the legislature *implicitly* repealed the highly regulated entities exemption in 1992 when it added the language that disallows the exemption in instances where a statute provides the powers of the chapter to the Attorney General or a private citizen. But the statute that supposedly gave the private citizens that power—§ 407.025—had been in effect for almost twenty years by the time the 1992 amendments were made. And the power of the Attorney General to enforce the chapter had been in effect for even longer—since the initial enactment of the statute. To presume—as the NCLC does—that the 1992 amendment turned these longstanding portions of the statute into a mechanism to implicitly repeal the highly regulated entities exemption is contrary to the well-settled rulings of this Court. "Repeals by implication are not favored—in order for a later statute to operate as a repeal by implication of an earlier one, there must be such manifest and total repugnance that the two cannot stand." *State ex rel. Geo. B. Peck Co.*, 105 S.W.2d at 911. "When two provisions are not irreconcilably inconsistent, both must stand even if 'some tension' exists between them." *Turner v. Sch. Dist. of Clayton*, 318 S.W.3d 660, 667 (Mo. 2010). Here, it is possible to give effect to both the highly regulated entities exemption and the other sections of the MMPA—including § 407.025—by interpreting the 1992 amendment to § 407.020 to require a statutory provision *outside* the MMPA to countermand the exemption.

Indeed, the other legislative action taken at the time of the 1992 amendment validates this interpretation. The same bill that effectuated the 1992 amendment to the highly

regulated entities exemption also added statutory prohibitions for loan brokers under Chapter 367. Those provisions in a separate chapter explicitly referenced the MMPA by stating that any violation of the provisions would "be deemed an unlawful practice under section 407.010 to 407.130 and shall be subject to all penalties, remedies, and procedures provided in" those sections. § 367.310.1. And the Attorney General is given explicit authority to take action against violations of §§ 367.300 to 367.310 as if they are violations of the MMPA. *See id*. Even though banks, savings and loan associations, trust companies, credit unions, and insurance companies are generally not subject to the prohibitions for loan brokers, other entities that are licensed or regulated by the Director of the Division of Finance—and thus eligible for the highly regulated entities exemption—(such as pawnbrokers who are licensed under § 367.043) would be subject to the prohibitions. The very legislation that created the 1992 amendment, therefore, repudiates the NCLC's contention that the amendment was meant to turn the longstanding private right of action in § 407.025 into the silent killer of the highly regulated entities exemption. Instead, the 1992 amendment was meant to permit narrow, targeted exceptions to the exemption like the one for loan brokers that was included in the same enacting bill.

D. This Court Has Never Held—by Implication or Otherwise—that Claims Under § 407.025 Can Be Brought Against Exempted Entities.

Although Appellant explicitly disclaimed that § 407.025 is at issue in this case, he argued in his substitute brief that the exemption in § 407.020 does not apply to his claim brought under § 407.913 because this Court has ruled by "implication" in his favor. In support of this proposition, Appellant cites *Finnegan v. Old Republic Title Co. of St. Lou-*

is, Inc., 246 S.W.3d 928 (Mo. 2008) where the Court addressed whether the failure of notary publics to record their notarial acts in their journal precluded collection of notary charges under § 486.350.1. That case did not address the highly regulated entities exemption in § 470.020, even if some of the parties argued in the briefing that the exemption was a reason to uphold dismissal of the plaintiffs' MMPA claims. Rather than address the issue, the Court simply reversed the trial court's determination and remanded for further proceedings. *See Finnegan*, 246 S.W.3d at 930. The terms "exemption" and "§§ 407.020 and 407.025" appear nowhere in the opinion.

Contrary to Appellant's assertion, this Court does not decide cases by implication. *See State v. Honeycutt*, 421 S.W.3d 410, 422 (Mo. 2013), *as modified* (Dec. 24, 2013) ("Importantly, '[t]he maxim of stare decisis applies only to decisions on points arising and decided in causes' and does not extend to mere implications from issues actually decided."). "There is no doctrine better settled than that the language of judicial decisions must be construed with reference to the facts and issues of the particular case, and that the authority of the decision as a precedent is limited to those points of law which are raised by the record, considered by the court, and necessary to a decision." *Parker v. Bruner*, 683 S.W.2d 265, 265 (Mo. 1985); *see also Broadwater v. Wabash R. Co.*, 110 S.W. 1084, 1086 (Mo. 1908) ("We do not think the rule . . . above stated in respect to the effect of the judicial construction of a statute upon rights acquired under it should be applied to constructions that can at most be implied from something that was actually decided."). That is particularly true where, as here, the putative ruling attempting to be

grafted onto the Court's opinion through silence is at odds with the plain text of the statute.

This Court has never addressed whether § 407.025 negates the highly regulated entities exemption. Because Appellant did not (and could not) bring a claim under that section, this Court should not address that issue now. But even if the Court were to address the issue, the plain text of the statute, cannons of statutory construction, and history of the Act all demonstrate that § 407.025 does not eliminate the highly regulated entities exemption in § 407.020.[2]

[2] *Amici* take no position on whether the highly regulated entities exemption in § 407.020 applies to Appellant's claim under § 407.913. As the circuit court held, and for the reasons stated in Respondent's substitute brief, this case was appropriately dismissed due to the forum-selection clause regardless of whether the § 407.020 exemption applies to claims under § 407.913. *See* Resp. Sub. Br. at 38-40.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitations of Rule 84.06(b) of the Missouri Rules of Civil Procedure, because it contains 5,205 words, excluding the parts of the brief exempted by Rule 84.06(b). This brief complies with the typeface and type-style requirements of Rule 84.06(a) because this brief and its supplements have been prepared in a proportionally spaced typeface using Microsoft Word 2016 in font size 13, Times New Roman. This brief also includes the information required by Rule 55.03.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 25, 2017, the foregoing Brief of *Amici Curiae* Missouri Bankers Association, Missouri Insurance Coalition, Property Casualty Insurers Association of America, and the American Insurance Association was electronically filed with the Clerk of the Missouri Supreme Court using the Court's electronic and thereby served the same on all attorneys of record.

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