MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JASON HARTMAN, ET AL.

APPELLANTS,

v.

KEN LOGAN AND QUENTIN KEARNEY

RESPONDENTS.

DOCKET NUMBER WD83039 Consolidated with WD83139

DATE: May 26, 2020

Appeal From:

Jackson County Circuit Court
The Honorable S. Margene Burnett, Judge

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge and Thomas N. Chapman, Judge

---

Attorneys:

Kenneth N. Caldwell, Kansas City, MO, for appellants.

David L. Zeiler, Kansas City, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JASON HARTMAN, ET AL., APPELLANTS,
v.
KEN LOGAN AND QUENTIN KEARNEY, RESPONDENTS.

WD83039 (Consolidated with WD83139) Jackson County

Before Division One Judges: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge, and Thomas N. Chapman, Judge

Jason Hartman and Platinum Properties Investor Network, Inc. appeal from the trial court's entry of an original and an amended judgment, each of which sustained Ken Logan and Quentin Kearney's motion to dismiss the amended petition. Hartman and Platinum Properties argue that the trial court erred in dismissing their amended petition because their claims were not barred by a two-year statute of limitations and because the trial court did not allow them time to engage in discovery to demonstrate that the amendment of the petition related back to the filing of their original petition.

AMENDED JUDGMENT VACATED IN PART. ORIGINAL JUDGMENT AFFIRMED IN PART, AND REVERSED AND REMANDED IN PART.

Division One holds:

(1) The trial court lacked jurisdiction to enter its amended judgment. The amended judgment is vacated pursuant to our authority under Rule 84.14.

(2) The trial court did not convert the motion to dismiss to a motion for summary judgment.

(3) The amended petition asserted claims for tortious interference with prospective economic advantage of business expectancy, negligence, and *prima facie* tort, along with an associated request for equitable injunctive relief, all of which were subject to a five-year statute of limitations that had not expired. It was error to dismiss those claims.

(4) The amended petition established that the claims therein asserted for defamation and injurious falsehood accrued more than two years prior to the filing of the amended petition, and were barred by the applicable statute of limitations.

(5) The amended petition did not relate back to the date the original petition was filed because the amended petition added Logan and Kearney as new party-defendants.

Opinion by: Cynthia L. Martin, Judge May 26, 2020

****

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