In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

TOMMY HEINZ,	)	No. ED107617
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	of St. Louis County
vs.	)	18SL-CC00313
	)	
DRIVEN AUTO SALES, LLC, D/B/A DRIVEN AUTO SALES,	)	Honorable Michael T. Jamison
	)	
Defendant,	)	
	)	
FIRST COMMUNITY CREDIT UNION,	)	
	)	
Respondent.	)	Filed: June 16, 2020

Tommy Heinz appeals the trial court's judgment granting First Community's motion to dismiss wherein First Community asserted that it was immune from MMPA liability based on language found in § 407.020.2 of the MMPA, language that First Community claims exempts it from MMPA liability.

REVERSED.

DIVISION IV HOLDS: We find that Heinz's petition states a cause of action against First Community because by virtue of its status as the assignee and holder of Driven Auto's sales contract and loan, First Community "stands in the shoes" of Driven Auto for all purposes including being subject to the same liability exposure in connection with those transactions and Driven Auto's liability has already been conclusively established by the default judgment entered against it. As a result, we need not reach the question regarding First Community's claimed exemption under § 407.020.2.

Opinion by: James M. Dowd, P.J.

Gary M. Gaertner, Jr., J., and Robin Ransom, J., concur.

Attorney for Appellant: Bryan E. Brody

Attorneys for Respondent: Jerina D. Phillips and John J. Hall

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.