OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

JOHN N. PARKE,	)	No. ED108358
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
v.	)	19SL-CC00661
	)	
PROGRESSIVE CASUALTY	)	
INSURANCE COMPANY,	)	Honorable Stanley J. Wallach
	)	
Respondent.	)	FILED: June 16, 2020

John N. Parke ("Parke") appeals from the judgment of the trial court granting summary judgment in favor of Progressive Casualty Insurance Company ("Progressive") in Parke's suit for fraudulent misrepresentation.

REVERSED AND REMANDED.

Division Four Holds: The trial court erred in granting summary judgment in favor of Progressive, because (1) Parke was entitled to bring a common law action for fraudulent misrepresentation against Progressive arising from Progressive's alleged violation of its statutory duty to apply for a salvage certificate of title; and (2) there was a genuine issue of material fact whether Progressive had declared the vehicle at issue a salvage vehicle by characterizing it as a "salvage" and a "total loss" in its internal claim file.

Opinion by: Robin Ransom
James M. Dowd, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Mitchell B. Stoddard

Attorney for Respondent: Daniel E. Wilke

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.