In the Missouri Court of Appeals
Eastern District

DIVISION THREE

MICHAEL O. SEBRIGHT,	)	No. ED108613
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Honorable Michael J. Fagras
SHANNON MANN,	)	
	)	
Respondent.	)	FILED: August 25, 2020

Michael O. Sebright ("Sebright") appeals from the circuit court's dismissal of his claim for malicious prosecution against Shannon Mann. In his sole point on appeal, Sebright contends his petition adequately pleads the elements of malicious prosecution to state a cause of action.

REVERSED AND REMANDED.

DIVISION THREE HOLDS: Because the petition alleges that the defendant filed the preceding small-claims action against the petitioner with malicious intent to force payment of additional attorneys' fees in an unnecessary proceeding initiated without probable cause and which was dismissed in favor of the petitioner, the petition adequately pleads the elements of malicious prosecution sufficient to state a claim for relief. Thus, the circuit court erred in granting the motion to dismiss the petition. Accordingly, we reverse the circuit court's dismissal and remand for further proceedings consistent with this opinion.

Opinion by: Kurt S. Odenwald, Judge
Angela T. Quigless, P.J., and James M. Dowd, J., concur.

Attorney for Appellant: David C. Knieriem

Attorney for Respondent: Stephen A. Martin

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