MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

MARLON PRICE AND MICHELLE PRICE, Respondents

v.

SHIRLEY THOMPSON, Respondent

AND

YOUNG AMERICA INSURANCE COMPANY. Appellant

DOCKET NUMBER WD83002

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: September 15, 2020

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Jennifer Marie Phillips, Judge

Appellate Judges:

Division Three
Gary D. Witt, P.J., Lisa White Hardwick, and Thomas N. Chapman, JJ.

Attorneys:

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MARLON PRICE AND MICHELLE PRICE, Respondents,
v.
SHIRLEY THOMPSON, Respondent; and
YOUNG AMERICA INSURANCE COMPANY, Appellant.

WD83002 **Jackson County**

Before Division Three Judges: Witt, P.J., Hardwick, and Chapman, JJ.

Young America Insurance Company ("Young America") appeals from the judgment of the Jackson County Circuit Court in favor of Marlon and Michelle Price in their action against Shirley Thompson for claims arising out of a motor vehicle accident. Young America, Thompson's liability insurer, intervened in the action pursuant to section 537.065.2, RSMo Cum. Supp. 2019. It raises six points on appeal. The judgment is affirmed.

AFFIRMED.

Division Three holds:

(1) Where Young America intervened in the underlying lawsuit filed against its insured by an injured third party pursuant to section 537.065.2, it has standing to appeal the trial court's judgment against its insured.

(2) Where Thompson authorized her friend Davis to operate her car, directed when the trip occurred, and determined the destination of the trip, and where Thompson's inability to drive that day and a stop at QuikTrip along the way (to which Thompson did not object) did not interrupt Thompson's realistic right to control Davis and the ends of his activities, the trial court did not misapply the law in concluding that a principal/agent relationship existed between Thompson and Davis and in imputing Davis's negligence to Thompson.

(3) Where the evidence was presented that Thompson asked Davis to drive her to her dental appointment on the day of the accident and she gave him the keys to her car and permission to drive it for that purpose, that Thompson did not object to Davis stopping at QuikTrip on the way to the appointment and the stop was okay with her, that as they were leaving QuikTrip, Davis initially began turning right to head southbound (in the opposite direction of the dentist's office) but then turned left toward the northbound lanes into the path of Marlon Price traveling in the southbound lanes, and that after the accident, Davis drove

Thompson to her appointment, the trial court's judgment imputing Davis's negligence to Thompson based on the existence of a principal/agent relationship between them was supported by substantial evidence and was not against the weight of the evidence.

Opinion by: Thomas N. Chapman, Judge September 15, 2020

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