MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY,

Respondent

v.

PHILIP STRATMAN,

Appellant

DOCKET NUMBER WD83564

DATE: December 8, 2020

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Marco Roldan, Judge

Appellate Judges:

Division Four
Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge, Anthony Rex Gabbert, Judge

---

Attorneys:

Michael E. McCausland, Kansas City, MO,
Counsel for Respondent

Attorneys:

Stephen G Sanders, Kansas City, MO,
Counsel for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY, Respondent,
v.
PHILIP STRATMAN, Appellant

WD83564 **Jackson County**

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge, and Anthony Rex Gabbert, Judge

Philip Stratman appeals the judgment of the Jackson County Circuit Court finding that Kansas law applied to the substantive issues in his cross claim against Allstate Fire & Casualty Insurance Company ("Allstate") and in granting judgment on the pleadings and summary judgment in favor of Allstate. Stratman complains in six points on appeal that Missouri law applies to the dispute and, regardless of which state's law applies, the trial court erred in its judgment.

REVERSED AND REMANDED.

Division Four holds:

1. Pursuant to the Kansas Allstate insurance policy, a bad faith refusal to settle tort cause of action pertaining to a Missouri accident is governed by Missouri law only if Missouri law would apply in the absence of a choice of law provision. In Missouri, conflicts of law related to tort claims are determined using the most significant relationship test set forth in Restatement (Second) of Conflict of Laws § 145 (1971). Determining whether Missouri or Kansas law will apply to Stratman's claim will require the trial court to conduct a Section 145 analysis, which remains subject to the resolution of genuine issues of material fact in dispute.

Opinion by: Anthony Rex Gabbert, Judge Date: December 8, 2020

* * * * * * * * * * * * * * * * * *

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.