MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

COLLIN M. STOSBERG,

Appellant

v.

ELECTRIC INSURANCE COMPANY.

Respondent

DOCKET NUMBER WD83723 Consolidated with WD83741

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: February 9, 2021

Appeal From:

Circuit Court of Platte County, MO
The Honorable James Walter Van Amburg, Judge

Appellate Judges:

Division One
Thomas N. Chapman, P.J., Mark D. Pfeiffer, and W. Douglas Thomson, JJ.

Attorneys:

James Manning, Harrisonville, MO — Counsel for Appellant
Phillip Smith, Kansas City, MO — Co-Counsel for Appellant

Attorneys:

Shawn Rogers, Kansas City, MO — Counsel for Respondent
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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COLLIN M. STOSBERG, Appellant,
v.
ELECTRIC INSURANCE COMPANY, Respondent.

WD83723 (Consolidated with WD83741) **Platte County**

Before Division One Judges: Chapman, P.J., Pfeiffer, and Thomson, JJ.

Collin Stosberg appeals from the Platte County Circuit Court's entry of summary judgment in favor of Electric Insurance Company on Stosberg's claim for Uninsured Motorist ("UM") benefits. The trial court based its entry of summary judgment on three independent grounds: (1) UM coverage did not apply to Stosberg's injuries because his injuries did not "arise out of the ownership, maintenance, or use of the 'uninsured motor vehicle'"; (2) an exclusion to Stosberg's UM coverage applied; and (3) workers' compensation, rather than private automobile insurance, is the remedy chosen by the legislature to provide financial compensation for injury or death sustained in the line of duty by Missouri State Highway Patrol officers. Stosberg asserts that the trial court erred on each of these three grounds.

REVERSED AND REMANDED.

Division One holds:

(1) The trial court erred in finding that Stosberg's injuries did not, as a matter of law, "arise out of" the "use" of the uninsured motor vehicle, because there was a causal relationship between the uninsured third party's use of his motorcycle and Stosberg's claimed injury.

(2) The trial court erred in finding that Stosberg's UM claim was subject to the exclusion in Stosberg's policy which stated that UM coverage shall not apply to benefit any insurer under any workers' compensation law, because Stosberg's employer's workers' compensation insurer had no right of subrogation with respect to Stosberg's first-party UM claim against Electric Insurance Company.

(3) The trial court erred in granting summary judgment on public policy grounds where no support for the purported public policy was identified in legislation or case law.

Opinion by: Thomas N. Chapman, Presiding Judge February 9, 2021

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