MISSOURI COURT OF APPEALS
WESTERN DISTRICT

NANCY J DUCOULOMBIER,

Appellant

v.

FORD MOTOR COMPANY,

Respondent

DOCKET NUMBER WD83430

DATE: April 13, 2021

Appeal From:

Circuit Court of Clay County, MO
The Honorable David Chamberlain, Judge

Appellate Judges:

Division Three
Karen King Mitchell, Presiding Judge, Gary D. Witt, Judge, Anthony Rex Gabbert, Judge

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Attorneys:

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Counsel for Appellant

Attorneys:

Robert T. Adams, Kansas City, MO,
Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

NANCY J. DUCOULOMBIER, Appellant,
v.
FORD MOTOR COMPANY, Respondent.

WD83430 **Clay County**

Before Division Three Judges: Karen King Mitchell, Presiding Judge, Gary D. Witt, Judge, and Anthony Rex Gabbert, Judge

Nancy J. Ducoulombier ("Appellant") appeals the circuit court's Judgment granting Ford Motor Company's ("Ford") motion for summary judgment on Appellant's Petition for Medical Malpractice and Wrongful Death, contending the circuit court plainly erred in determining that the Division of Workers' Compensation had exclusive jurisdiction over her claim against Ford.

AFFIRMED.

Division Three holds:

The circuit court did not plainly err in granting Ford's motion for summary judgment. As Appellant's petition alleged that Mr. Ducoulombier became incapacitated while at work and thereafter suffered additional injury on Ford's premises due to Ford's negligence, we find no evident, obvious, or clear error in the circuit court's conclusion that Appellant's claims involved the employer/employee relationship such that the Labor and Industrial Relations Commission had exclusive authority to determine whether Mr. Ducoulombier's injury and death arose out of and in the course of his employment.

Opinion by: Anthony Rex Gabbert, Judge Date: April 13, 2021

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