MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JACK MURPHY

RESPONDENT,

v.

NEIL STEINER, ET AL.

APPELLANTS.

DOCKET NUMBER WD83885 Consolidated with WD83903

DATE: July 27, 2021

Appeal From:

Jackson County Circuit Court
The Honorable Joel P. Fahnestock, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Jonathan Sternberg, Kansas City, MO, for respondent.

Neil Steiner, Appellant Pro Se.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JACK MURPHY,

RESPONDENT,

v.

NEIL STEINER, ET AL.,

APPELLANTS.

WD83885 (Consolidated with WD83903) Jackson County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Gary D. Witt, Judge and Edward R. Ardini, Jr., Judge

Neil Steiner and Deborah Steiner appeal from the trial court's entry of summary judgment which awarded possession of real property located at 500 Northwest 36th Street Terrace in Blue Springs, Missouri and monetary damages to Jack Murphy, as agent and owner of Dahle's Property Solutions, LLC, on a theory of unlawful detainer.

DISMISSED.

Division Four holds:

Murphy, as agent and owner of Dahle's Property Solutions, pursued two distinct causes of action in his second amended petition: rent and possession, seeking possession of the property and unpaid rent during lease term, and unlawful detainer, seeking possession of the property and double the rental value of the property after the lease terminated. Because the trial court's entry of summary judgment disposed of the unlawful detainer action but the rent and possession action was never finally disposed of by the trial court, the rent and possession action remains pending in the trial court so that there is no final judgment for the purpose of appeal. In addition, Steiner filed a purported counterclaim that the trial court refused to strike. It also remains pending in the trial court so that there is no final judgment for the purpose of appeal.

Opinion by: Cynthia L. Martin, Judge July 27, 2021

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