MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ANGELA BROWN,

Appellant

v.

VA SECOND LP.,

Respondent

DOCKET NUMBER WD84077

DATE: AUGUST 3, 2021

Appeal From:

Circuit Court of Jackson County, MO
The Honorable John M. Torrence, Judge

Appellate Judges:

Division One
Anthony Rex Gabbert, Presiding Judge, Edward R. Ardini, Jr., Judge, Thomas N. Chapman, Judge

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Attorneys:

Stacy Lynn Shaw, Kansas City, MO,
Counsel for Appellant

Attorneys:

Thomas J. Golson, Kansas City, MO,
Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ANGELA BROWN, Appellant,
v.
VA SECOND LP., Respondent

WD84077 **Jackson County**

Before Division One Judges: Anthony Rex Gabbert, Presiding Judge, Edward R. Ardini, Jr., Judge, and Thomas N. Chapman, Judge

Angela Brown appeals the circuit court's Judgment dismissing Brown's First Amended Petition for Damages against VA Second LP. Brown contends on appeal that the circuit court erred in dismissing her petition because Brown's voluntary dismissal of Victoria Arms Apartment Limited Partnership cured Brown's defective pleading which added VA Second LP as a defendant, and Brown's Amended Petition and Voluntary Dismissal and Substitution of Parties acted together to substitute VA Second LP for Victoria Arms Apartment Limited Partnership, thereby making application of the relation back doctrine under Rule 55.33(c) appropriate in this case.

AFFIRMED.

Division One holds:

The circuit court did not err in dismissing Brown's amended petition. The relation back doctrine under Rule 55.33(c) is inapplicable in this case as Brown's amended petition added VA Second LP as a defendant, and Brown's subsequent voluntary dismissal of another defendant did not convert Brown's addition of VA Second LP as a defendant into a substitution for the dismissed defendant.

Opinion by: Anthony Rex Gabbert, Judge Date: August 3, 2021

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