MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ALVIN BROCKINGTON, Individually and On Behalf of All Similarly-Situated,

Appellant

v.

NEW HORIZONS ENTERPRISES, LLC.

Respondent

DOCKET NUMBER WD83838

DATE: November 23, 2021

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Sandra Midkiff, Judge

Appellate Judges:

Division Two
Mark D. Pfeiffer, Presiding Judge, Karen King Mitchell, Judge, Anthony Rex Gabbert, Judge

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Attorneys:

Edward E. Keenan, Kansas City, MO,
Counsel for Appellant

Attorneys:

William S. Robbins, Jr., Kansas City, MO,
Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ALVIN BROCKINGTON, Individually and On Behalf of All Similarly-Situated, Appellant,
v.
NEW HORIZONS ENTERPRISES, LLC, Respondent.

WD83838 **Jackson County**

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, Karen King Mitchell, Judge, and Anthony Rex Gabbert, Judge

Alvin Brockington, individually and on behalf of all similarly-situated ("Appellant"), appeals the circuit court's grant of summary judgment to New Horizons Enterprises, LLC ("New Horizons") on Appellant's "Amended Class Action Petition" which alleged that New Horizons violated the Missouri Prevailing Wage Act (Sections 290.210-290.340, RSMo) and the Missouri Minimum Wage Law (Sections 290.500-290.530, RSMo). Appellant contends that the circuit court erred in granting New Horizons' motion for summary judgment, arguing that a reasonable jury could find that the prevailing wage act applied to Appellant in that evidence in the record presents a genuine issue of material fact as to whether the Commonwealth Project was performed "on behalf of" a public body.

AFFIRMED.

Division Two holds:

The circuit court did not err in granting New Horizons' motion for summary judgment. Because the summary judgment record shows that no public body was engaged in the construction of the Commonwealth Project on which New Horizons' workers worked via a contract with subcontractor, The Silliman Group, LLC, the workers were not employed "by or on behalf of any public body engaged in the construction of public works" such that the Missouri Prevailing Wage Act applied.

Opinion by: Anthony Rex Gabbert, Judge Date: November 23, 2021

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