# OPINION SUMMARY

# MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

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| SHARON WATSON, AS TRUSTEE OF THE GEORGE T. AND MARY E. WATSON TRUST DATED NOVEMBER 18, 1997, | ) | ED109525 |
| Appellant, | ) | Appeal from the Circuit Court of St. Louis County 19SL-CC03157 |
| v. | ) | Honorable Thomas C. Albus |
| MENARD, INC. D/B/A MENARDS, AND CITY OF RICHMOND HEIGHTS, MISSOURI, | ) | Filed: November 23, 2021 |
| Respondents. | ) | |

Plaintiff, Sharon A. Watson, as Trustee of the George T. and Mary E. Watson Trust, (Appellant) appeals from the trial court's dismissal of Appellant's Amended Petition for Damages against defendants City of Richmond Heights (the City) and Menard, Inc. (Menards) (collectively, Respondents).

AFFIRM.

Division Four holds: The applicable statute of limitations for a negligence action is five years under Section 516.120. We find the damages were clearly ascertainable on March 5, 2014, when Appellant filed a claim for damages with the Insurer, and arguably could have started even before that when the damage was ascertainable and Appellant resisted vacating the Property. *Aguilar v. Thompson Coburn LLP*, 540 S.W.3d 910, 914-15 (Mo. App. E.D. 2018). Thus, the five-year limitations period had expired when Appellant filed her negligence claims against Respondents and the trial court properly dismissed them as time-barred.

Opinion by: Lisa P. Page, J.

Michael E. Gardner, P.J. and James M. Dowd, J., concur.

Attorney for Appellant: Jelani Aitch

Attorney for Respondents: Kelley F. Farrell
Kenneth J. Heinz and J. Patrick Chassaing

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**