OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

DEBBIE M. EARLEY,	)	No. ED110514
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of Jefferson County
v.	)	Cause No. 18JE-CC00453
	)	
MARY V. DUNN,	)	Honorable Victor J. Melenbrink
	)	
Respondent.	)	Filed: March 21, 2023

Debbie Earley appeals the circuit court's grant of summary judgment for Mary Dunn on her claim of negligence. Earley was sexually assaulted by Dunn's grandson while working as an in-home caregiver in Dunn's home. Earley alleged that Dunn was her employer and therefore owed a duty to protect Earley from third party criminal attacks. The circuit court found that the relationship between Earley and Dunn did not give rise to a duty to protect Earley, and granted summary judgment in favor of Dunn. Earley asserts on appeal that the employer-employee relationship is a "special relationship" that in itself gives rise to a duty to protect from third party criminal attacks.

AFFIRMED.

Division Three holds: Dunn is entitled to summary judgment on Earley's claim of negligence against her. Under Missouri law, the employer-employee relationship does not give rise to a duty to protect the employee from third party criminal attacks unless the employer had knowledge of the risk or danger. Regardless of whether Dunn was Earley's employer, Dunn had no particularized knowledge that Earley was in danger of a third party criminal attack. Without such knowledge, Dunn had no duty to protect Earley from such an act.

Opinion by: John P. Torbitzky, J.,
Gary M. Gaertner, Jr., P.J., and Cristian M. Stevens, J., concur.

Attorney for Appellant: Douglas B. Ponder, Jaclyn M. Zimmermann

Attorney for Respondent: Stephan J. Fields, Claire Coppage Kates

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