MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHRISTOPHER PATTERSON, AS NEXT FRIEND FOR MINOR CHILD C.P., APPELLANT,

v.

STEPHANIE ROACH, DEFENDANT, AND LAKEVIEW TERRACE PROPERTY, LLC, RESPONDENT.

DOCKET NUMBER WD86159

DATE: MARCH 5, 2024

Appeal From:

Clay County Circuit Court
The Honorable David P. Chamberlain, Judge

Appellate Judges:

Special Division: Gary D. Witt, Chief Judge, Presiding, Cynthia L. Martin, Judge, and James E. Welsh, Special Judge

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Attorneys:

Erika V. Dopuch, Daniel Timothy Defeo, Gregory Dominic Defeo, Kansas City, MO, for appellant.

Kathryn Anne Regier, Kansas City, MO, Stephen Michael Strum, Saint Louis, MO, Michael Francis Lecinski, St. Louis, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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v.

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WD86159 Clay County

Before Special Division: Gary D. Witt, Chief Judge, Presiding, Cynthia L. Martin, Judge, and James E. Welsh, Special Judge

Christopher Patterson, ("Patterson") Next Friend for the minor child C.P. ("Child") appeals a judgment from the Circuit Court of Clay County, Missouri ("trial court") granting summary judgment in favor of Lakeview Terrace Property, LLC ("LTP"). Patterson raises two points on appeal and argues that: Point I, the trial court erred in granting LTP's motion for summary judgment on his negligence claim because LTP owed Child a duty of care as a matter of law; and Point II, the trial court abused its discretion in granting LTP's motion for summary judgment because Patterson demonstrated he needed more time for discovery.

DISMISSED.

Special Division holds:

We dismiss this appeal for lack of jurisdiction due to the lack of a final, appealable judgment. The trial court entered an interlocutory order of default against Roach, but no damages were ever assessed. Further, there was no express determination from the trial court that there was "no just reason for delay" as to LTP. *See* Rule 74.01(b). Therefore, because the trial court has not resolved all of the issues as to all of the parties in this case, this appeal must be dismissed.

Opinion by: Gary D. Witt, Chief Judge March 5, 2024

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