OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

ROCHELLE AMEER,	)	No. ED112455
	)	
Appellant,	)	
	)	
vs.	)	Appeal from the Circuit Court
	)	of the City of St. Louis
LYFT, INC.,	)	2222-CC00417
	)	
Respondent,	)	
	)	
and	)	
	)	Honorable Joseph P. Whyte
CHRISTOPHER D. MORGAN, and AJANE BARNES,	)	
	)	
Defendants.	)	Filed: March 4, 2025

Rochelle Ameer ("Plaintiff") appeals the judgment dismissing her product liability and negligence claims against Lyft, Inc. ("Defendant Lyft" or "Lyft") for failure to state a claim upon which relief can be granted.[1] Taking as true the allegations in Plaintiff's petition[2] and viewing all reasonable inferences therefrom in her favor,[3] Plaintiff's claims against Defendant Lyft arose out of a September 2020 incident where her son was driving for Lyft and was killed during a carjacking after he responded to a ride fraudulently and anonymously requested through Lyft's mobile ridesharing application ("Lyft App" or "App").

Plaintiff's petition asserts three product liability claims against Defendant Lyft for strict liability defective design (Count I), negligent design (Count II), and negligent failure to warn (Count III). Plaintiff's petition also asserts two negligence claims against Lyft for negligent training (Count IV) and general negligence (Count V).

The trial court dismissed Counts I-III for failure to state a claim on the grounds that the factual allegations in Plaintiff's petition fail to establish the Lyft App is a product, which is a prerequisite for any product liability claim. In addition, the trial court dismissed Counts IV-V

[1] Plaintiff filed product liability claims and negligence claims against Defendant Lyft (Counts I-V). Additionally, Plaintiff filed assault and battery claims against underlying defendant Christopher D. Morgan ("Morgan") (Counts VI-VII), and a civil conspiracy claim against Morgan and underlying defendant Ajane Barnes (Count VIII). The trial court subsequently entered a judgment dismissing Counts I-V against Defendant Lyft, certifying the judgment for appeal as to all claims against Lyft pursuant to Missouri Supreme Court Rule 74.01(b) (2024), and finding there was no just reason for delay of an appeal.

[2] All references to Plaintiff's petition are to her first amended petition.

[3] *See Amalaco, LLC v. Butero*, 593 S.W.3d 647, 650-51 (Mo. App. E.D. 2019) (in reviewing a motion to dismiss for failure to state a claim upon which relief may be granted, we assume all of the plaintiff's allegations in the petition are true and view all reasonable inferences therefrom in favor of the plaintiff).

for failure to state a claim on the grounds that the factual allegations in Plaintiff's petition fail to establish the element of duty.

Plaintiff raises two points on appeal respectively alleging that: (1) the trial court erred in dismissing her product liability claims in Counts I-III; and (2) the trial court erred in dismissing her negligence claims in Counts IV-V.

REVERSED AND REMANDED.

Division Four holds:

(1) Under the circumstances of this case, we hold Plaintiff's petition adequately alleges that: (a) the Lyft App is a product for purposes of a recognizable product liability claim in Missouri; and (b) Plaintiff's Son's death resulted from a defect in the design of the App itself. Accordingly, the trial court erred in finding the factual allegations in Plaintiff's petition fail to establish the Lyft App is a product and in dismissing Plaintiff's product liability claims in Counts I-III (for strict liability defective design, negligent design, and negligent failure to warn, respectively) on this basis.

(2) Under the circumstances of this case, we hold Plaintiff's petition adequately alleges Defendant Lyft had a duty to protect Plaintiff's Son from the criminal acts of third parties, like Plaintiff's Son's perpetrators, who used the Lyft App to fraudulently and anonymously request a ride. Therefore, the trial court erred in finding Plaintiff's petition fails to establish the element of duty and in dismissing Plaintiff's negligence claims in Counts IV-V (for negligent training and general negligence, respectively) for failure to state a claim on this basis.

(3) We reverse the trial court's judgment dismissing Plaintiff's product liability claims in Counts I-III and Plaintiff's negligence claims in Counts IV-V for failure to state a claim upon which relief can be granted, and we remand for further proceedings consistent with this opinion.

Opinion by: Robert M. Clayton III, J.
Michael S. Wright, J., concurs.
John P. Torbitzky, P.J., dissents in part and concurs in part in a separate opinion.

Attorneys for Appellant: John G. Simon, John M. Simon

Attorneys for Respondent: James F. Bennett, Matthew K. Crane, Elizabeth C. Carver

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.