

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

WILLIAM SANDBACH, et al.,)	No. ED112808
)	
Appellants,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	Cause No. 23SL-CC05379
)	
KMS-KFC, LLC, et al.,)	Honorable Nancy Watkins McLaughlin
)	
Respondents.)	Filed: April 1, 2025

Appellants William and Jennifer Sandbach and their daughter appeal the trial court’s order of judgment and dismissal granting Respondents KMS-KFC, LLC and KFC Corporation, Inc.’s motion to dismiss for failure to state a claim. Appellants argue the circuit court erred in granting Respondents’ motion to dismiss for failure to state a claim because Missouri has recognized an independent cause of action for spoliation of evidence and they sufficiently pled the elements of that cause of action. Respondents argue the appeal is frivolous and request damages pursuant to Rule 84.19.

AFFIRMED.

Division One Holds: Missouri does not recognize an independent tort of spoliation. Even if Missouri did recognize a tort of spoliation, Appellants could not state a claim because the trial court’s summary judgment in the underlying case was not based on the spoliation of evidence. Respondents are not entitled to damages under Rule 84.19 because the appeal is not frivolous.

Opinion by: Cristian M. Stevens, J.,
James M. Dowd, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellants: Daniel F. Harvath
Attorneys for Respondents: Bradley R. Hansmann and Daniel P. Hunkins

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.