OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

PITZER SNODGRASS, P.C., Respondent, v. FREDERICH CONSTRUCTION, INC., Appellant, v. LOUIS J. BASSO, P.C., Respondent.	)	ED113973 Filed: July 21, 2026

Appeal from the Circuit Court of St. Louis County
The Honorable Virginia W. Lay, Judge

SUMMARY:
Frederich Construction, Inc. ("FCI") appeals the trial court's judgment granting a Rule 55.03 motion for sanctions filed by Louis J. Basso, P.C. and Pitzer Snodgrass, P.C. (collectively, "the Law Firms"), in which the trial court dismissed FCI's counterclaims against the Law Firms with prejudice.

AFFIRMED.

DIVISION ONE HOLDS:
FCI's sole point on appeal contends that the trial court erred by considering matters outside the pleadings when it granted what FCI blatantly mischaracterizes as the Law Firms' "motion to dismiss" under Rule 55.27, without converting it to a motion for summary judgment. But the Law Firms did *not* file a motion to dismiss under Rule 55.27; they filed a motion for sanctions under Rule 55.03 that sought dismissal *as a sanction*. Because FCI's only argument for reversal is predicated on a patent falsehood, its point is entirely without merit and denied.

The appeal is frivolous and warrants the imposition of damages under Rule 84.19. FCI's appellate counsel failed to properly present tenable arguments for reversal based on a truthful representation of the record, which has wasted appellate judicial resources, delayed our consideration of meritorious cases, and compelled the Law Firms to incur unnecessary expenses defending the judgment. Damages are assessed against FCI's appellate counsel and awarded to both Law Firms.

Opinion by: Michael E. Gardner, Judge
Robert M. Clayton III, Presiding Judge; Lisa P. Page, Judge, concur.

Attorney for Appellant:	Christopher S. Swiecicki
Attorney for Respondent, Pitzer Snodgrass, P.C.:	James E. Klenc
Attorney for Respondent, Louis J. Basso, P.C.:	Terese A. Drew

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.