OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

J. NUCKOLLS, INC. D/B/A FENTON AUTO SALES, Respondent, v. AMERICA'S AUTO AUCTION ST. LOUIS, INC. ET AL., Appellant.	)	ED113904 Filed: September 22, 2026

Appeal from the Circuit Court of City of St. Louis
The Honorable Michael W. Noble, Judge

America's Auto Auction St. Louis, Inc., XLerate Group, Todd Ritter, and Brian Hockett (collectively, AAA) appeal from the $1,050,000 judgment entered by the trial court upon a jury's verdict in favor of J. Nuckolls, Inc. d/b/a Fenton Auto Sales (Fenton Auto) on Fenton Auto's claims for breach of fiduciary duty, fraudulent misrepresentation, and tortious interference with business opportunity.

WE REVERSE IN PART AND AFFIRM IN PART.

DIVISION ONE HOLDS:
The trial court erred in denying AAA's motion for judgment notwithstanding the verdict on Fenton Auto's claims for breach of fiduciary duty and fraudulent misrepresentation because Fenton Auto failed to make a submissible case on those two claims. The trial court did not err in refusing AAA's improper jury instructions for their affirmative defenses of waiver and estoppel; or in granting Fenton Auto's motion to quash AAA's notice of deposition. AAA did not preserve for review its pre-trial motion to exclude evidence by failing to object to the introduction of the evidence and witness testimony at trial; or its claim that the trial court's judgment violated the merger doctrine.

Opinion by: Gary M. Gaertner, Jr., Judge
Rebeca Navarro-McKelvey, Presiding Judge; James M. Dowd, Judge, concur.

Attorneys for Appellant: Rachel M. Milazzo, Parker B. Bednasek, Stephen R. McCallister

Attorneys for Respondent: Brandon J. Klar, Karl W. Dickhaus

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.