OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

CITY OF WASHINGTON, Respondent, v. TODD HENDRICKS, AND LEISA HENDRICKS, Appellants, v. DONALD E. PETERS, ROBERT HORNBUCKLE, DAN BOYCE, ANDREA LUEKEN, BILL HALMICH, KEVIN QUAETHEM, KERRY DUKE, AND DAVID J. PICKETT, Respondents.	)	ED114402 Filed: November 17, 2026

Appeal from the Circuit Court of Franklin County
The Honorable Joseph W. Purschke, Judge

Todd and Leisa Hendricks appeal from the circuit court's entry of summary judgment in favor of the City of Washington ("the City") and its employees, Donald Peters, Robert Hornbuckle, Dan Boyce, Andrea Lueken, Bill Halmich, Kevin Quaethem, Kerry Duke, and David Pickett (collectively, "the Employees"). This judgment resolved the Hendrickses' counterclaims against the City and their third-party claims against the Employees, but the City's claims against the Hendrickses remained pending. The circuit court certified the judgment for immediate appeal under Rule 74.01(b).

DISMISSED.

DIVISION FOUR HOLDS:

The portion of the judgment resolving the Hendrickses' counterclaims against the City was not eligible for certification under Rule 74.01(b) because it did not dispose of a judicial unit: (1) there remained pending claims brought by the City and (2) the resolved

counterclaims were not distinct from those pending claims in that they were all based on the same set of facts. As such, this portion of the judgment is interlocutory only and subject to revision.

The portion of the judgment resolving the Hendrickses' third-party claims against the Employees was eligible for Rule 74.01(b) certification because it disposed of a judicial unit (all the claims by or against the Employees), but certification was nevertheless inappropriate under the circumstances. The claims resolved by this portion of the judgment are *the same* as those brought against the City, which we have determined were not finally resolved by the other portion of the judgment. As such, the resolved and unresolved claims are so inextricably intertwined that an appellate ruling would necessarily affect the rights of the City, which is not party to this judgment or this appeal and remains a party to the unresolved claims still pending in the circuit court.

Opinion by: Michael E. Gardner, Presiding Judge
James M. Dowd, Judge, and John P. Torbitzky, Judge, concur.

Attorneys for Appellants: Frank K. Carlson, Sarah K. Tupper and Blake R. Fischer

Attorneys for Respondents: Mark C. Piontek and Benjamin R. Wesselschmidt

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.