

MISSOURI COURT OF APPEALS WESTERN DISTRICT

PAUL LERO & CAROLYN LERO,

Respondents,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Appellant.

DOCKET NUMBER WD73220

Date: October 25, 2011

Appeal from:

Cass County Circuit Court

The Honorable R. Michael Wagner, Judge

Appellate Judges:

Division Four: Lisa White Hardwick, Chief Judge, Presiding, Mark D. Pfeiffer, Judge
and Ann Mesle, Special Judge

Attorneys:

James Sanders and Allison G. Confer, Kansas City, MO, for appellant.

Stephen R. Bough, Kansas City, MO and Kelly A. McCambridge-Parker, Lee's
Summit, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

PAUL LERO & CAROLYN LERO

Respondents,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Appellant.

WD 73220

Cass County

Before Division Four Judges: Lisa White Hardwick, Chief Judge, Presiding, Mark D. Pfeiffer, Judge and Anne Mesle, Special Judge

State Farm Fire and Casualty Company ("State Farm") appeals the circuit court's grant of summary judgment in favor of Paul Lero and Carolyn Lero ("the Leros") and denial of State Farm's motion for summary judgment. The court determined a personal liability umbrella policy purchased by the Leros' deceased daughter provided uninsured motorist coverage and ordered State Farm to pay the policy's \$1 million limit to the Leros.

REVERSED; SUMMARY JUDGMENT ENTERED IN FAVOR OF STATE FARM FIRE AND CASUALTY COMPANY.

Division Four holds:

(1) The circuit court erred in striking State Farm's defense that the umbrella policy's definition of Coverage L - Personal Liability does not include uninsured

motorist coverage, because the defense was consistent with State Farm's denial letter and pleadings.

(2) The circuit court erred in granting the Leros' summary judgment motion and denying State Farm's summary judgment motion because the umbrella policy clearly and unambiguously does not provide uninsured motorist coverage.

Accordingly, the circuit court's judgment is reversed, and summary judgment is hereby entered in favor of State Farm Fire and Casualty Company.

Opinion by: Lisa White Hardwick, Chief Judge

October 25, 2011

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