

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**IRETTA MORGAN,
APPELLANT**

vs.

**SAINT LUKE'S HOSPITAL OF KANSAS CITY, MISSOURI,
RESPONDENT**

DOCKET NUMBER WD75098

DATE: JUNE 28, 2013

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Peggy Stevens McGraw, Judge

Appellate Judges:

Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Attorneys:

Mitchell L. Burgess, for Appellant

Thomas W. Wagstaff, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

IRETTA MORGAN, APPELLANT

v.

SAINT LUKE'S HOSPITAL OF KANSAS CITY, MISSOURI, RESPONDENT

WD75098

Jackson County, Missouri

Before Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Iretta Morgan, appeals the judgment of the trial court granting judgment on the pleadings to St. Luke's Hospital of Kansas City. Morgan contends that the trial court erroneously found that at her pleading against St. Luke's for violation of the Missouri Merchandising Practices Act ("MMPA"), tortious interference with contract/business relationship, and unjust enrichment failed to state claims upon which relief could be granted. The judgment is reversed, and the case is remanded.

REVERSED AND REMANDED.

Division Three holds:

Treating Morgan's well-pleaded facts as admitted, there is a contract between St. Luke's Hospital of Kansas City and her health insurance provider that operates to compel the participation of St. Luke's Hospital of Kansas City in accepting discounted payments from Morgan's health insurance provider that serve to extinguish the underlying patient account (the debt). Because, according to the pleadings, Morgan's debt has been extinguished, and a lien cannot exist in the absence of a debt, Morgan's pleadings have stated causes of action for violation of the Missouri Merchandising Practices Act ("MMPA"), tortious interference with contract/business relationship, and unjust enrichment sufficient to survive a motion for judgment on the pleadings.

Opinion by: Victor C. Howard, Judge

Date: JUNE 28, 2013

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