

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

XIAOYAN GU,)	No. ED100001
)	
Plaintiff/Appellant,)	
)	
vs.)	Appeal from the Circuit Court of
)	the City of St. Louis
DA HUA HU,)	
)	
and)	Honorable David L. Dowd
)	
ACE INA INSURANCE)	
COMPANY CANADA,)	
)	
Defendants/Respondents.)	Filed: July 29, 2014

Xiaoyan Gu (Plaintiff) appeals the judgment of the circuit court denying her motion for summary judgment and granting the cross-motion for summary judgment of Ace Ina Insurance Company Canada (Defendant). Plaintiff’s sole point is that the circuit court’s judgment is erroneous because Defendant is precluded from asserting its policy exclusion defense where the issue of the insured’s coverage was conclusively determined in a prior matter and Plaintiff “stands in the shoes” of the insured under § 379.200 RSMo (2000).

REVERSED AND REMANDED.

Division Four Holds: The circuit court erred by concluding that res judicata does not bar Defendant from raising its policy exclusion defense.

Opinion by: Philip M. Hess, J.
Lisa S. Van Amburg, P. J. and Patricia L. Cohen, J. concur.

Attorney for Appellant: James P. Leonard

Attorney for Respondents: Walter L. Floyd, Jr. (for Da Hua Hu), Gino F. Battisti,
Ryan Mitchell Hatcher and Christopher A. Wadley (for
Ace Ina Insurance Company Canada)

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.
