

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

SYSTEMAIRE, INC., Respondent,	)	No. ED100475
	)	
vs.	)	Appeal from the Circuit Court
	)	of St. Louis County
ST. CHARLES COUNTY, Appellant.	)	Filed: May 20, 2014

St. Charles County appeals from the trial court's grant of partial summary judgment in favor of Systemaire, Inc. ("Systemaire"). St. Charles County argues the trial court erred in entering partial summary judgment awarding penalty interest and attorney's fees against St. Charles County for failure to make final payment of retainage to Systemaire pursuant to Section 34.057.

REVERSED AND REMANDED.

Division Two holds: The trial court erred in entering partial summary judgment awarding penalty interest and attorney's fees against St. Charles County.

Opinion by: Robert G. Dowd, Jr., J  
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Robert E. Hoeynck, Jr.

Attorneys for Respondent: W. Dudley McCarter & Andrew T. Tangaro

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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