

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SHAUN STANBROUGH,)	No. ED100567
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Michael T. Jamison
VITEK SOLUTIONS, INC.,)	
)	
Respondent.)	FILED: July 8, 2014

Appellant Shaun Stanbrough appeals from the entry of summary judgment in favor of Vitek Solutions, Inc. Stanbrough alleged in a two-count petition that Vitek violated the Missouri Minimum Wage Law by failing to pay overtime compensation he was due and that Vitek breached its contract with him and violated Section 290.100, RSMo. 2000 by unilaterally decreasing his pay without notice. Vitek filed a motion for summary judgment based on the affirmative defense of estoppel, which was granted by the trial court. On appeal, Stanbrough claims that the trial court erred in granting summary judgment for Vitek because a genuine dispute exists as to the facts necessary to support Vitek's affirmative defense of estoppel. Stanbrough also claims the trial court erred in entering summary judgment in favor of Vitek on his claim for breach of contract and violation of Section 290.100 because he provided evidence to establish a genuine issue of fact as to whether Vitek unilaterally decreased his pay without 30 days' notice.

REVERSED AND REMANDED.

Division III holds: Stanbrough's affidavit contains sufficient facts to dispute Vitek's claim that it neither knew nor had reason to know of uncompensated overtime hours worked by Stanbrough. Thus, the record contains a genuine dispute as to facts necessary to support Vitek's affirmative defense of estoppel. Additionally, Stanbrough's affidavit creates a genuine issue of material fact as to whether he was paid less than required by the piece-rate schedule. Therefore, the trial court's grant of summary judgment as to both of Stanbrough's claims must be reversed, and the matter is remanded for trial.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellant: Mark A. Kistler

Attorney for Respondent: Joy D. McMillen and Jeffrey B. Hunt

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.