

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

CAPTIVA LAKE INVESTMENTS, LLC,)	No. ED100569
a Missouri Limited Liability Company,)	
)	
and)	
)	
CYPRESS CONDOMINIUM AT THE)	Appeal from the Circuit Court
LAKE OF THE OZARKS ASSOCIATION,)	of St. Louis County
)	
Plaintiffs/Appellants,)	
)	
v.)	Honorable David Lee Vincent, III
)	
AMERISTRUCURE, INC.,)	
a Missouri Corporation,)	
)	
and)	
)	
STEPHEN J. SACCO,)	Filed: April 22, 2014
)	
Defendants/Respondents.)	

Captiva Lake Investments, LLC, a Missouri Limited Liability Company, and Cypress Condominium At The Lake Of The Ozarks Association (Appellants) appeal from the trial court's judgment granting the Amended Motion for Summary Judgment of Ameristrucure, Inc. and its president and professional engineer Stephen J. Sacco (Respondents) and entering judgment in favor of Respondents and dismissing with prejudice Counts I, IV, V and VII of Appellants' Second Amended Petition.

AFFIRMED.

Division Two Holds: Respondents were entitled to judgment as a matter of law on Counts I, IV, V and VII of Appellants' Second Amended Petition because Respondents had no duty to Appellants under a negligence or breach of implied warranty theory and there was no privity of contract between them. The trial court did not err in allowing Respondents to use a chronology of events as a visual aid at the summary judgment hearing.

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

Attorneys for Appellants: Donald K. Anderson, Jr. and Donald H. Sanders, III
Attorneys for Respondents: Gary E. Snodgrass, William S. Thomas and Robyn Greifzu Fox

<p>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.</p>
