

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

CURT PETERS,)	No. ED100699
)	
and)	Appeal from the Circuit Court
)	of St. Charles County
CHERI PETERS,)	1211-CC00675
)	
Appellants,)	Honorable Jon A. Cunningham
)	
vs.)	
)	
WADY INDUSTRIES, INC.,)	
)	
Defendant,)	
)	
and)	
)	
PATRICK TERRIO,)	
)	
Respondent.)	FILED: September 9, 2014

Curt and Cheri Peters appeal the trial court's judgment dismissing their negligence action against Patrick Terrio.

AFFIRMED.

DIVISION ONE HOLDS: The facts pleaded in Peters's petition, even if true, fall squarely within the employer's non-delegable duty to provide a safe workplace. Thus, as a matter of law, Peters cannot establish the existence of an independent duty on the part of Terrio.

Opinion by: Clifford H. Ahrens, J.
Norton, J., dissents in separate opinion.

Roy L. Richter, P.J., concurs and Glenn A.

Attorney for Appellant: James Dowd

Attorney for Respondent: John Rahoy and Gerard Noce

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.