

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOAN L. ROBINSON,)	No. ED100958
)	
Appellant.)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable David L. Vincent, III
JOHN F. LAGENBACH, et al.,)	
)	
Respondents.)	Filed: September 2, 2014

The plaintiff, Joan Robinson, appeals the summary judgment entered by the Circuit Court of St. Louis County in favor of the defendants, John Langenbach, Judy Longbrook, and Perma-Jack Company, in Robinson’s action against them.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

DIVISION ONE HOLDS: Because we conclude that a majority of the directors had authority to remove Robinson from her position as company president and treasurer, we deny Robinson’s first two points and affirm the trial court’s judgment with regard to this question. Furthermore, because Robinson has alleged no action taken by Langenbach that breaches his fiduciary duty to Robinson as a trustee of the voting trust, we affirm the judgment insofar as Robinson challenges the grant of summary judgment on this basis.

Robinson’s remaining challenges involve shareholder oppression, breach of the defendants’ fiduciary duties as directors and controlling shareholders, and application of the business-judgment rule. Resolution of these challenges requires making credibility determinations and choosing among competing inferences, which are not permitted at the summary-judgment stage. Therefore, we reverse and remand for trial on these issues.

OPINION BY: Lawrence E. Mooney, J. Clifford H. Ahrens, P.J., Glenn A. Norton, J., concur.

Attorney for Appellant: John G. Beseau

Attorney for Respondents: Paul J. Puricelli

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.