

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

THE ESTATE OF STEVEN A. BONIFER,)
BY & THROUGH CYNTHIA BONIFER) ED101161
AS PERSONAL REPRESENTATIVE OF)
THE ESTATE OF STEVEN A. BONIFER,) Appeal from the Circuit Court
) of St. Louis County
Appellant,) 11SL-CC02443
)
v.) Honorable Tom W. DePriest, Jr.
)
KULLMANN KLEIN & DIONENDA, P.C.,)
) Filed: November 18, 2014
Respondent.)

Appellant Estate of Steven A. Bonifer (Estate) appeals the trial court’s grant of summary judgment in favor of Respondent Kullman Klien & Dioneda, P.C. (KKD), on the Estate’s claims of breach of fiduciary duty and conspiracy to commit fraud, arising from KKD’s representation of Steven A. Bonifer (Decedent).

AFFIRMED.

Division Three Holds: There is ample evidence on the record from which the trial court could have found KKD did not fully comply with its duties owed to the Estate and Decedent. However, the Estate failed to produce evidence that it was actually damaged by KKD’s conduct in securing a \$35,000 settlement after Decedent’s death; when the evidence showed the Estate avoided the settlement, proceeded to trial on the claim, and did not recover any damages.

Opinion by: Gary M. Gaertner, Jr., J.
Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur.

Attorneys for Appellant: David B. Cosgrove, Kurt J. Schafers, Mary E. Hodges
Attorneys for Respondent: Timothy J. Wolf, Patrick A. Bousquet, Patrick T. Cody

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.