

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SALVATOR J. GRILLO, Appellant,) No. ED101655
) Appeal from the Circuit Court of
vs.) St. Louis County
)
GLOBAL PATENT GROUP LLC and) Honorable Richard C. Bresnahan
DENNIS BENNETT, Respondents.) Filed: June 30, 2015

Plaintiffs Salvator Grillo and Global Pharma, L.L.C. (Pharma) (collectively, Plaintiffs) appeal the Circuit Court of St. Louis County's grant of summary judgment to defendants Dennis Bennett and Global Patent Group, L.L.C. (Patent) (collectively, Defendants) on their claims of breach of contract, breach of the covenant of good faith and fair dealing, breach of fiduciary duty, and action for an accounting. Plaintiffs contend that the trial court erred in granting Defendants summary judgment because: (1) section 484.150 of the Missouri Revised Statutes permits a nonlawyer to receive a share of law firm profits; and (2) equity requires Defendants to pay Plaintiffs all promised compensation.

AFFIRMED.

Division Four Holds: The trial court properly granted Defendants summary judgment on Plaintiffs' claim for breach of contract because the alleged agreement between Mr. Grillo and Mr. Bennett to "share profits and losses" equally in a law firm violated section 484.150 and was unenforceable as a matter of law. Because Plaintiffs' claims of breach of the covenant of good faith and fair dealing, breach of fiduciary duty, and action for an accounting were based on the unenforceable agreement, the trial court properly entered summary judgment on those claims. The trial court did not err in denying equitable relief to Plaintiffs because Plaintiffs did not raise an equitable claim in their petition.

Opinion by: Patricia L. Cohen, P.J.
Roy L. Richter, J., and Robert M. Clayton III., J., concur.

Attorney for Appellant: Michael P. Downey
Attorney for Respondents: Gary A. Growe

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