

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CENTURY MOTOR CORPORATION,)	No. ED101749
Respondent,)	
)	
vs.)	Appeal from the Circuit Court of
)	St. Charles County
FCA US LLC, Appellant,)	
)	Honorable Ted C. House
and)	
)	
EDWIN BERGEN, Defendant.)	Filed: August 11, 2015

Defendant FCA US LLC f/k/a Chrysler Group (Chrysler) appeals a declaratory judgment entered by the Circuit Court of St. Charles County in favor of Plaintiff Century Motor Corporation (Century) on Century's claim that Chrysler violated the implied covenant of good faith and fair dealing by working to establish a new dealer in Century's market area while failing and refusing to fulfill Century's new vehicle orders. Chrysler asserts that the trial court erred in entering the declaratory judgment because: (1) Century had an adequate remedy at law; (2) the trial court's declaration contradicted the jury's factual findings; (3) Chrysler's alleged breach was not premised on express terms of the parties' contract; (4) the trial court failed to join a necessary party; (5) the trial court lacked jurisdiction; and (6) Century's claim was not ripe. In addition, Chrysler contends that the trial court erred in failing to award it costs pursuant to Rule 77.01.

REVERSED AND REMANDED.

Division Four Holds: The trial court erred in entering a declaratory judgment because Century failed to demonstrate the existence of a ripe or justiciable controversy admitting of specific relief. Because, as a result of this appeal, Chrysler prevailed in its defense of all counts alleged in Century's petition, we reverse the trial court's denial of costs.

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

Attorney for Appellant: Victor S. Williams
Attorney for Respondent: Allen P. Press

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.