

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARY SIMMONS,)	No. ED102140
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1322-CC09225
)	
FARMERS INSURANCE COMPANY, INC.,)	Honorable Robert H. Dierker
)	
Appellant.)	Filed: October 6, 2015

Farmers Insurance Company, Inc. (“Appellant”) appeals the trial court’s grant of Mary Simmons’ (“Respondent”) motion summary judgment on Respondent’s claim for underinsured motorist coverage under a policy issued by Appellant to Respondent’s husband.

AFFIRMED.

Division Four holds:

- (1) The trial court did not err in granting summary judgment in favor of Respondent, because the insurance policy’s definitions section contained ambiguities and conflicting coverage statements with other sections of the policy, and such ambiguities must be resolved in favor of the insured.
- (2) The trial court did not err in granting summary judgment in favor of Respondent, because *Rodriguez v. General Accident Ins. Co.*, 808 S.W.2d 379 (Mo. banc 1991) does not dictate the outcome under the facts of the case at bar.

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

Attorney for Appellant: Russell F. Watters, T. Michael Ward, John P. Torbitzky
Attorney for Respondent: Jeffrey P. Gault

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.