

**MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY**

LYNNE MCNEARNEY,	)	No. ED102905
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	
LTF CLUB OPERATIONS COMPANY,	)	
INC., d/b/a LIFE TIME FITNESS, and	)	Hon. John D. Warner, Jr.
MITCHELL WOODRUM,	)	
	)	
Respondent.	)	FILED: January 12, 2016

Appellant Lynne McNearney (“McNearney”) appeals from the judgment of the trial court granting summary judgment in favor of Respondents LTF Club Operations Company, Inc. d/b/a Life Time Fitness (“LTF”) and Mitchell Woodrum (“Woodrum”) (collectively referred to as “LTF”). McNearney was injured while participating in an exercise class at LTF supervised by Woodrum and filed suit alleging claims for personal injury. The trial court granted LTF’s motion for summary judgment. On appeal, McNearney first contends that the exculpatory clauses contained within two agreements entered into between McNearney and LTF did not release LTF from liability for its negligent conduct, and therefore could not support the trial court’s grant of summary judgment. McNearney further argues summary judgment was improper because LTF failed to show that it was entitled to judgment as a matter of law on the basis of uncontroverted material facts.

AFFIRMED.

DIVISION FOUR HOLDS: Because McNearney released LTF from any claim of negligence as a matter of law by signing the Member Usage Agreement, the trial court properly granted summary judgment in favor of LTF with respect to McNearney’s allegations of negligence. Because LTF demonstrated its right to judgment as a matter of law on McNearney’s claim for recklessness, the trial court properly entered summary judgment in favor of LTF.

Opinion by: Kurt S. Odenwald, Judge  
Amburg, C.J., concur.

Sherri B. Sullivan, P.J., and Lisa Van

Attorney for Appellant: Alan J. Agathen  
Attorney for Respondent: Rodney M. Sharp and Dennis S. Harms

**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.**