

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION ONE

RANDY W. BERLINER,)	No. ED103507
)	
Plaintiff/Appellant,)	Appeal from the Circuit Court
)	of Franklin County
vs.)	14AB-CC00083
)	
MILWAUKEE ELECTRIC TOOL CORP.,)	Honorable Gael D. Wood
AMEREN CORPORATION, GARY)	
KRUPEY, THOMAS C. SEE, G. GEORGE)	
HABERBERGER, JAMES ROBERT)	
DEAN, TIMOTHY CARRICO AND)	
RANDY SHELL,)	
)	
Defendants,)	
)	
And,)	
)	
AMEREN SERVICES CORPORATION,)	
)	
Respondent.)	FILED: June 30, 2016

Randy W. Berliner (Plaintiff) filed suit after his wife (Decedent) died from injuries sustained at her place of employment. He appeals from the trial court’s judgment dismissing his negligence claim against Ameren Services Corporation (ASC) for failure to state a cause of action.

REVERSED AND REMANDED.

Division One Holds: As alleged in Plaintiff’s Second Amended Petition, ASC’s responsibilities regarding plant and instrumentality safety at Decedent’s workplace establish that it had a legal duty to Decedent under common law and the principles articulated in the Restatement (Second) of Torts § 324A(c), and therefore the trial court should not have granted judgment in favor of ASC on its motion to dismiss.

Opinion by: Mary K. Hoff, J.
Robert G. Dowd, Jr., P.J., and Roy L. Richter, J., Concur.

Attorney for Appellant: Corey Lee Kraushaar
Attorney for Respondent: Karen Alice Baudendistel

<p>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.</p>
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