



**In the Missouri Court of Appeals  
Eastern District**

**DIVISION ONE**

ANTHONY DANIELE, et al.,	)	No. ED90560
	)	
Appellants/Cross-Respondents,	)	Appeal from the Circuit
	)	Court of St. Louis County
vs.	)	05CC-5481
	)	
MISSOURI DEPARTMENT OF CONSERVATION,	)	Honorable Sandra Farragut-Hemphill
	)	
Respondent/Cross-Appellant.	)	Filed: April 7, 2009

Before Kurt S. Odenwald, P.J., Glenn A. Norton, J., and Patricia L. Cohen, J.

PER CURIAM.

**OPINION SUMMARY**

In this consolidated appeal, Anthony and Beth Daniele appeal the judgment of the trial court granting the Missouri Department of Conservation's motion for a directed verdict on the Danieles' claim for breach of contract. The Department cross-appeals the judgment of the trial court granting the Danieles' motion for a directed verdict on the Department's counterclaims for breach of contract and trespass.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

**Division One holds:**

- (1) The trial court's judgment granting a directed verdict on the Danieles' claim for breach of contract is affirmed under Rule 84.16(b).
- (2) The trial court erred in entering its judgment directing a verdict in the Danieles' favor on the Department's claims for breach of contract and trespass.

Opinion by: PER CURIAM.

Attorney for Appellants: Stephen B. Evans  
Attorneys for Respondent: Kenneth J. Heinz, Carl J. Lumley and Tracy E. McGinnis

**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.**