



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

DIVISION THREE

LINDA HARRIS, in her capacity as)	No. ED91293
Personal Representative of the ESTATE)	
Of LESSIE M. DELK, deceased,)	Appeal from the Circuit Court
)	of the City of St. Louis
Plaintiff,)	
)	
vs.)	
)	
A.G. EDWARDS & SONS, INC. and)	Hon. Donald L. McCullin
KELLY S. WALLER,)	
)	
Defendants.)	FILED: November 18, 2008

OPINION SUMMARY

A.G. Edwards & Sons, Inc. and Kelly Waller (collectively “Brokers”) appeal from the order and judgment of the trial court denying their motion to dismiss the lawsuit (or in the alternative to stay the action and compel arbitration) of Linda Harris, daughter of the late Lessie M. Delk (“Deceased”), filed in her capacity as personal representative of Deceased’s estate.

REVERSED AND REMANDED.

DIVISION THREE HOLDS:

The trial court erred in denying Brokers’ motion to dismiss, or in the alternative to stay the action and compel arbitration. The Uniform Submission Agreement (“USA”) executed by Harris is a valid agreement to arbitrate supported by consideration, and Harris did not present evidence on the record that met her burden of proof to support the affirmative defense that she made a mistake of fact when she executed the USA that would make it invalid.

Opinion by: Clifford H. Ahrens, J. Robert G. Dowd, P.J. & Sherri B. Sullivan, J., concur