



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

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|-----------------------|---|--------------------------------|
| STE. GENEVIEVE COUNTY |) | No. ED91297 |
| LEVEE DISTRICT #2, |) | |
| |) | Appeal from the Circuit Court |
| Respondent, |) | of Ste. Genevieve County |
| |) | 04-CV-612171 |
| vs. |) | |
| |) | Honorable Kenneth Wayne Pratte |
| LUHR BROS., INC., |) | |
| |) | Filed: June 16, 2009 |
| Appellant. |) | |

OPINION SUMMARY

Luhr Bros., Inc. ("Contractor") appeals from the judgments of the trial court (1) denying its motion for summary judgment and (2) enforcing the settlement between Ste. Genevieve County Levee District #2 (the "Levee District") and Contractor.

AFFIRMED.¹

Southern Division holds:

- (1) The trial court's judgment denying Contractor's motion for summary judgment is not a final judgment and is therefore not subject to appellate review.
- (2) The trial court's judgment enforcing the settlement between Contractor and the Levee District is supported by substantial evidence and does not erroneously apply the law.

Opinion by: Glenn A. Norton, J. Nannette A. Baker, C.J., & Kathianne Knaup Crane, J., concur

¹ The Levee District filed a motion to dismiss Contractor's appeal, which this Court took with the case. In support of its motion to dismiss, the Levee District argues that Contractor's statement of facts violates Rule 84.04(c). We do not believe that Contractor's brief offends Rule 84.04(c) to such an extent as to warrant a dismissal. The Levee District's motion to dismiss Contractor's appeal is denied.

Attorney for the Respondent: Clinton B. Roberts

Attorney for Appellant: Bart C. Sullivan

**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.**