

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

8000 MARYLAND, LLC, Plaintiff/Respondent,)
)
v.) Nos. ED91382 and ED91633
)
HUNTLEIGH FINANCIAL SERVICES INC.,) Appeal from the Circuit Court
and LONGROW HOLDINGS, INC.,) of St. Louis County
Defendants/Appellants,) Case No. 06CC-003130
and) Honorable Barbara Wallace
HUNTLEIGH CAPITAL MANAGEMENT, INC.,) Date: July 21, 2009
HFI SECURITIES, INC., LONGROW)
INSURANCE AGENCY, INC., MOSES.COM)
SECURITIES, INC., JAMES A. WINKELMANN,)
and DON C. WEIR, Defendants.)

8000 MARYLAND, LLC, Plaintiff/Appellant,)
)
v.) No. ED91634
)
HUNTLEIGH FINANCIAL SERVICES INC.,) Appeal from the Circuit Court
LONGROW HOLDINGS, INC., HUNTLEIGH) of St. Louis County
CAPITAL MANAGEMENT, INC., HFI) Case No. 06CC-003130
SECURITIES, INC., LONGROW INSURANCE) Honorable Barbara Wallace
AGENCY, INC., MOSES.COM SECURITIES,) Date: July 21, 2009
INC., Defendants,)
and)
JAMES A. WINKELMANN, and DON C. WEIR,)
Defendants/Respondents.)

Plaintiff, the owner and lessor of an office building, filed a lawsuit seeking relief from its tenant, its tenant's parent, and its tenant's subsidiaries under the Missouri Uniform Fraudulent Transfer Act (MUFTA), sections 428.005 to 428.059 RSMo (2000), claiming that its tenant, by means of a stock sale, had transferred its assets for inadequate consideration to the tenant's parent, which rendered the tenant unable to pay its indebtedness to plaintiff. It also sought relief from the same parties and two individuals for civil conspiracy. The trial court found a wrongful transfer, set aside the transfer as void, and awarded plaintiff \$2,000,000 in damages against the tenant's parent and \$79,760.50 in attorney's fees against the tenant and its parent. The trial court entered judgment in favor of the individual defendants on plaintiff's civil conspiracy claim.

The tenant and its parent appeal. They primarily challenge the admissibility of plaintiff's expert's testimony on the value of the transferred assets. They contend that if the expert's testimony was inadmissible, then the trial court's findings and the damages awarded to plaintiff

were not supported by substantial evidence. They further claim that the trial court gave plaintiff a double recovery. Plaintiff also appeals. It challenges the denial of its civil conspiracy claim against the individual defendants.

AFFIRMED.

Division Four Holds:

1. Trial court did not abuse its discretion in admitting the testimony of plaintiff's expert witness on valuation.
2. Plaintiff's expert's testimony constituted substantial evidence to support a finding that the subsidiaries were transferred for a "grossly inadequate value."
3. Plaintiff's expert's testimony constituted substantial evidence supporting the judgment in the amount of \$2,000,000.
4. The trial court's judgment, setting aside the transfer of the subsidiaries from tenant to its parent and entering a \$2,000,000 judgment against the parent, did not constitute an impermissible double recovery.
5. Trial court did not err in entering judgment against plaintiff on its conspiracy count against the individual defendants.

Opinion by: Kathianne Knaup Crane, P.J.
Mary K. Hoff, J. and Kurt S. Odenwald, J., concur.

Attorney for Plaintiff/Respondent/Cross-Appellant: Paul N. Rechenberg

Attorneys for Defendants/Appellants/Cross-Respondents: Robert D. Blitz, R. Thomas Avery,
and Douglas A. Stockenberg

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.