

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

FIRE SPRINKLERS, INC., Appellant,)	
)	No. ED91426
v.)	
)	Appeal from the Circuit Court of
ICON CONTRACTING, INC., et. al.,)	the City of St. Louis
Respondents.)	
)	Filed: March 17, 2009

Fire Sprinklers, Inc. (FSI) appeals from the trial court’s judgment in favor of Icon Contracting, Inc. (Icon) for \$58,668 on Icon’s counterclaim against FSI for breach of contract.

FSI argues that the trial court erred in calculating Icon’s damages by both discharging Icon’s balance owed under the parties’ contract and in affirmatively awarding damages against FSI for Icon’s cost to complete FSI’s work. The trial court’s judgment is affirmed as modified.

AFFIRMED AS MODIFIED.

Division Three Holds: The trial court erred by failing to set-off Icon’s damage award by Icon’s cost avoided by terminating the contract. We affirm as modified the trial court’s decision.

Opinion by: Sherri B. Sullivan, J.

Robert G. Dowd, Jr., P.J., and Clifford H. Ahrens, J. concur.

Attorneys for Appellant: Robert Edward Jones

Attorneys for Respondent: Richard Felix Huck, III

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.