

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN GRABLE and TAMMY GRABLE,) No. ED91442
Plaintiffs/Appellants,) Appeal from the Circuit Court
) of St. Louis County
v.) Date: January 30, 2009
)
ATLANTIC CASUALTY INSURANCE)
COMPANY, Defendant/Respondent.)

Plaintiffs, husband and wife, filed a lawsuit against the defendant insurer seeking a declaratory judgment and equitable garnishment pursuant to section 379.200 RSMo (2000) to recover the judgment amounts awarded to plaintiffs for bodily injury and loss of consortium against defendant's insured in a negligence action. The trial court entered summary judgment for defendant.

AFFIRMED.

Division Four Holds:

The endorsement attached to the CGL form policy contained a new definition of "employee" that replaced a different definition in the form policy. Because the endorsement definition replaced the form policy definition, the differences in the two definitions did not create an ambiguity.

Opinion by: Kathianne Knaup Crane, J. Booker T. Shaw, P.J. and Mary K. Hoff, J., concur.

Attorneys for Appellants: Matthew J. Padberg, Geoffrey R. Jones

Attorneys for Respondent: Joel D. Monson, Dennis S. Harms

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.