



In the Missouri Court of Appeals Eastern District

DIVISION ONE

EVELYN B. TOPPS,)	No. ED91509
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	
)	
CITY OF COUNTRY CLUB HILLS, MISSOURI,)	Honorable John A. Ross
)	
Respondent.)	Filed: November 18, 2008

OPINION SUMMARY

Evelyn Topps (Topps) appeals from the trial court's second order granting a motion for summary judgment in favor of the City of Country Club Hills (the City), after this Court, in Topps v. City of Country Club Hills (Topps I), 236 S.W.3d 660 (Mo. App. E.D. 2006), reversed and remanded the trial court's first summary judgment order in her whistle blower retaliation claim against the City.

AFFIRMED.

Division One Holds: The trial court did not err in granting summary judgment in favor of the City. No genuine issue of material fact exists because the City is protected from Topps' claim by sovereign immunity. Contrary to Topps' assertion, the City did not waive sovereign immunity through participation in the Missouri Public Entity Risk Management (MOPERM) fund for its insurance coverage. Because Topps' claim is not covered under the MOPERM policy, the City did not waive its sovereign immunity and summary judgment is proper.

Opinion By: Kurt S. Odenwald, P. J.

Glenn A. Norton, J., and Patricia L. Cohen, J., Concur