

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

GREG THOMAS, et al,)	No. ED92109
)	
Appellants,)	Appeal from the St. Louis County
)	Circuit Court
vs.)	
)	
A.G. ELECTRICAL, INC., et al.,)	
)	
Defendants,)	
)	
and)	
)	
CONTRACTORS BONDING AND)	
INSURANCE COMPANY,)	
)	
Respondent.)	Filed: November 24, 2009

Workers on a public-works project sued to recover unpaid prevailing wages from the bonding company that had issued two bonds on the project. The trial court dismissed the workers' claims, reasoning that the workers' prevailing-wage claim was not covered by the Performance Bond, and that their claim on the Payment Bond was untimely pursuant to the ninety-day notice provision in that bond.

JUDGMENT REVERSED; CAUSE REMANDED

DIVISION TWO HOLDS: The Performance Bond issued by the bonding company covers the workers' claim, and the notice-of-claim provision in the Payment Bond issued by the bonding company does not negate the workers' claim.

Opinion by: Lawrence E. Mooney, J. Roy L. Richter, P.J., and George W. Draper III, J. concur.

Attorneys for Appellants: Arthur J. Martin and James C. Chostner

Attorneys for Respondents: Martin L. Daesch.

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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