

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CHERYL SCHRADER, et al.,)	No. ED92171
)	
Appellants,)	
)	Appeal from the Circuit Court of
vs.)	the City of St. Louis
)	0722-CC01183
QUIKTRIP CORPORATION,)	
)	Honorable John F. Garvey
Respondent,)	
)	
and)	
)	
MISSOURI DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Defendant.)	Filed: July 28, 2009

Cheryl Schrader and Time-Out Sports Bar & Grill, Inc.¹ appeal the order dismissing their negligent misrepresentation claim against QuikTrip Corporation. Plaintiffs also appeal the judgment granting summary judgment in favor of QuikTrip on their claims for interference with an easement and trespass.

AFFIRMED IN PART AND DISMISSED IN PART.

Division One holds:

- (1) The trial court's order dismissing Plaintiffs' negligent misrepresentation claim was not preserved for appeal because it was not raised in Plaintiffs' notice of appeal.
- (2) The trial court did not err in granting summary judgment in favor of QuikTrip on Plaintiffs' interference with an easement claim because access to Plaintiffs' property was never denied.
- (3) The trial court did not err in granting summary judgment in favor of QuikTrip on Plaintiffs' trespass claim because Plaintiffs did not established a right of exclusive possession.

Opinion by: Glenn A. Norton, Judge Kurt S. Odenwald, P.J., and Patricia L. Cohen, J.
concur.

¹ For purposes of appeal, Schrader and Time-Out will be collectively referred to as "Plaintiffs."

Attorney for Appellants: Patricia A. Wilcox

Attorney for Respondent: David L. Antognoli

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.