

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

FIRST NATIONAL BANK OF ST. LOUIS,)	No. ED92562
)	
Appellant,)	Appeal from the Circuit Court of St. Louis County
v.)	
)	Case Number 2106CC-03458
RICON, INC., RICHARD A. DAVIS And CONNIE DAVIS,)	
)	Honorable Colleen Dolan
)	
Respondents.)	Filed: March 30, 2010

First National Bank of St. Louis (First National) appeals from trial court's entry of judgment in favor of Richard A. Davis (Davis) on Davis's counterclaim for slander of title; from the trial court's denial of First National's renewed motion for judgment notwithstanding the verdict on the counterclaim, or in the alternative, for a new trial, or in the alternative, for remittitur; and from the trial court's award of attorney's fees to Davis.¹

REVERSED AND REMANDED.

Division Four Holds: The trial court erred in entering summary judgment as to liability in favor of Davis on his slander-of-title claim because the record evidence did not establish that First National acted with malice as a matter of law.

Opinion by: Gary M. Gaertner, Jr., J.
Kurt S. Odenwald, P.J., and George W. Draper, III, J. concur.

Attorneys for Appellant: Elizabeth C. Carver

Attorneys for Respondent/: Paul N. Rechenberg
Cross-Appellants

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.

¹ Defendants Ricon, Inc. and Connie Davis are not parties to this appeal.