

OPINION SUMMARY

MISSOURI COURT OF APPEALS – EASTERN DISTRICT

DIVISION THREE

KAREN S. LITTLE, L.L.C.,)	No. ED92796
)	
Petitioner/Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	22054-01928
)	
DRURY INNS, INC.,)	Honorable Dennis M. Schaumann
)	
Respondent/Appellant.)	FILED: January 12, 2010

Before Glenn A. Norton, P.J., Mary K. Hoff, J., and Lawrence E. Mooney, J.

PER CURIAM

Drury Inns, Inc. (Drury) appeals from the Memorandum and Order Regarding Class Certification (Order) granting Karen S. Little, L.L.C. (Karen Little) its motion for class certification. In the underlying action, Karen Little alleges the sending of unsolicited advertising faxes to over 8,000 members, in violation of the federal Telephone Consumer Protection Act of 1991, 47 U.S.C. Section 227, and seeks to recover statutory damages.

AFFIRMED.

Division III Holds: Class certification was proper in that all the elements under Rule 52.08 were satisfied. The predominating issue is whether Drury’s conduct violated the TCPA and this issue is common to all class members. Similarly, there are no individual damages in this case, because the TCPA sets the amount of damages recoverable. The predominance element is satisfied. In addition, the superiority element is satisfied. Class certification was proper given that there was a simple set of facts common to all class members applying the same legal theory under a uniform federal law where damages are statutorily set and need not be individually proved.

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Attorney for Respondent: Max George Margulis
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John Stanton Steward, Co-Counsel
Patrick Timothy Conroy, Co-Counsel

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