

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DAVID ADAMS, et al.,)	No. ED93802
)	
Appellants,)	Appeal from the Circuit Court
)	of City of St. Louis
v.)	
)	Cause Number 0822-CC00039
USAA CASUALTY INSURANCE)	
COMPANY, and)	Honorable Robert H. Dierker
SHELTER MUTUAL INSURANCE)	
COMPANY,)	
)	
Respondents.)	Filed: April 20, 2010

David Adams, Landon Adams by Next Friend David Adams, and La Crysta Adams by Next Friend David Adams (collectively referred to as “Plaintiffs”) appeal from the trial court’s grant of summary judgment in favor of USAA Casualty Insurance Company (USAA) and Shelter Mutual Insurance Company (Shelter) (collectively referred to as “Defendants”) in the Plaintiffs’ action alleging tortious interference with contractual relations and conspiracy to commit fraud.

REVERSED AND REMANDED.

Division Four Holds: 1) Defendants’ lack of compliance with the requirements of Mo. R. Civ. P. 74.04, coupled with the prejudice caused to Plaintiffs, requires reversal as to the trial court’s grant of summary judgment on Plaintiffs’ tortious-interference-with-contractual relations count. Wallingsford v. City of Maplewood, 287 S.W.3d 682, 686-87 (Mo. banc 2009); and 2) Plaintiffs’ conspiracy count alleged sufficient facts to survive a motion to dismiss. George Ward Builders, Inc. v. City of Lee’s Summit, 157 S.W.3d 644 646 (Mo.App. W.D. 2004) (where court rules that petition fails to state cause of action, ruling, even if entered in response to summary judgment motion, will be reviewed as grant of motion to dismiss).

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

Attorneys for Appellant: E. Ryan Bradley

Attorneys for Respondent: Thomas J. Magee, Meg L. Fowler, Seth G. Gausnell, and
Michael S. Hamlin

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.