

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MICHAEL O’ROURKE,) No. ED94330
)
Appellant,) Appeal from the Circuit Court
) of St. Louis City
vs.) Cause No. 0822-CC01478
) Hon. Edward Sweeney, Jr.
ESURANCE INSURANCE CO. and,)
GEICO GENERAL INSURANCE CO.,)
)
Respondents.) Filed: August 17, 2010

OPINION SUMMARY

Michael O’Rourke appeals the Circuit Court of the City of St. Louis, Judge Edward Sweeney presiding, regarding its decision to grant summary judgment in favor of Respondents.

AFFIRMED.

Division One Holds: The Circuit Court did not err in granting Esurance and GEICO’s motion for summary judgment because the Esurance policy: 1) unambiguously prohibits stacking bodily injury liability coverage and provides coverage up to the statutory minimum amount, 2) unambiguously limits recovery to the minimum requirements under the Missouri Motor Vehicle Financial Responsibility Law, and 3) Appellant is not covered for damages resulting from the 28 July 2007 accident by his Son’s GEICO policy covering a vehicle neither owned nor operated by Appellant during the accident. There is no genuine dispute of material fact and the movants are entitled to judgment as a matter of law.

Opinion by: Kenneth M. Romines, J.
Roy L. Richter, C.J., and James R. Hartenbach, Sp., J. concur.

Attorney for Appellant: David C. Knieriem

Attorneys for Respondent Esurance: Russel F. Watters, Patrick A. Bousquet, Matthew P. Diehr

Attorneys for Respondent GEICO: Kevin B. Behrndt, James C. Morris

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