OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

AVERY HUTCHESON, Appellant,	)	No. ED94701
	)	
vs.	)	Appeal from the Circuit Court
	)	of Cape Girardeau County
ELECTRONIC DATA ACCESS	)	
TECHNOLOGIES, INC., et al., Respondents.	)	Filed: December 21, 2010

Avery Hutcheson ("Hutcheson") appeals from the trial court's dismissal of his case for failure to prosecute. Hutcheson contends the trial court erred: (1) in dismissing his Missouri Human Rights Act claims without prejudice and without notice and opportunity to be heard, and (2) in denying his unopposed motion to vacate the dismissal for failure to prosecute without a hearing.

REVERSED AND REMANDED.

Division Four holds: The trial court abused its discretion in dismissing Hutcheson's Missouri Human Rights Act claims.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P. J. and Nannette A. Baker, J., concur.

Attorney for Appellant: David E. Sowers

Attorneys for Respondents: John R. Schneider

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.