

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION FIVE

BELLESEA LASCHOBER and)	No. ED94945
ZSEKAINAH LASCHOBER,)	
THROUGH THEIR NEXT FRIEND)	Appeal from the Circuit Court
BRIAN LASCHOBER and)	of St. Louis County
ISABELLA BUCHANAN)	Cause No.: 09SL-CC03916
THROUGH HER NEXT FRIEND)	
KERRY BUCHANAN,)	
Plaintiffs/Appellants,)	
)	
vs.)	Honorable Ellen L. Siwak
)	
)	
THE CITY OF KINLOCH,)	
Defendant/Respondent.)	FILED: November 16, 2010

Bellesea and Zsekainah Laschober, et al. (Plaintiffs) appeal from the grant of summary judgment in favor of the City of Kinloch (Kinloch) on Plaintiffs’ wrongful death action involving Elizabeth Buchanan. On appeal, Plaintiffs argue the trial court erred in granting Kinloch’s motion for summary judgment because there was a genuine dispute as to whether Kinloch had in place a policy of insurance that protected it from liability resulting in a waiver of sovereign immunity.

REVERSED AND REMANDED.

Division Five Holds: As there is an ambiguity as to whether the jail exclusion was intended to be restricted to a particular section of the policy of insurance or applied uniformly, there exists a genuine issue of material fact that must be resolved. Therefore, the trial court erred in granting summary judgment in favor of Kinloch. We reverse the decision of the trial court and remand this matter for further proceedings consistent with this opinion.

Opinion by: Mary K. Hoff, Judge Gary M. Gaertner, Jr., Presiding Judge and
Patricia L. Cohen, Judge, concur.

Attorney for Appellants: Gonzalo A. Fernandez
Attorney for Respondent: James R. Howard

<p>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.</p>
