

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

GAY GORDON, Respondent,)	No. ED95375
)	Appeal from the Circuit Court of
vs.)	St. Louis County
)	
ANNETTE HELLER and JACK HELLER,)	Honorable Brenda Stith Loftin
Appellants.)	Filed: November 8, 2011

Annette and Jack Heller (hereinafter and collectively, “the Hellers”) appeal from the trial court’s judgment in favor of Gay Gordon (hereinafter, “Gordon”) on her breach of contract claim and request for damages. The Hellers raise one point on appeal, arguing there was no competent and substantial evidence to support the judgment because: (1) Gordon did not demonstrate the parties had a legally enforceable contract or that the contract was breached; and (2) the trial court failed to address their counterclaim.

DISMISSED.

Division IV Holds: The trial court’s judgment lacked finality because it failed to dispose of the Hellers’ counterclaim for damages. Therefore, we lack the authority to decide the case on its merits and must dismiss the appeal.

Opinion by: George W. Draper III, Sp.J.
Kurt S. Odenwald, C.J., and Robert M. Clayton III, J., concur.

Attorney for Appellants: J. Richard McEachern

Attorney for Respondent: Joseph L. Racine

<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>
