

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

PHILIP L. YOUNG, JR., Appellant,)	No. ED95713
)	
vs.)	Appeal from the Circuit Court
)	of St. Louis County
TRI-STATE WATER TREATMENT,)	Honorable Richard C. Bresnahan
INC., Respondent,)	
)	Filed: June 21, 2011

Mr. Young challenges the propriety of the trial court’s entry of summary judgment in favor of Tri-State Water Treatment, Inc. He asserts that Tri-State is estopped from asserting a statute-of-limitations defense because of assurances allegedly made by Tri-State’s counsel and relied upon by his attorney.

JUDGMENT REVERSED; CAUSE REMANDED WITH DIRECTIONS

DIVISION THREE HOLDS: Because a genuine dispute exists as to the facts underlying Mr. Young’s equitable-estoppel argument, summary judgment is not proper. Cause remanded to trial court where Mr. Young’s affirmative avoidance of equitable estoppel should be tried to the court as an equitable issue.

Opinion by: Lawrence E. Mooney, J., Sherri B. Sullivan, P.J., and Clifford H. Ahrens, J., concur.

Attorney for Appellant: Peter M. Westhoff

Attorneys for Respondent: Richard J. Behr, Brandon A. DeWitt

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.