



**In the Missouri Court of Appeals
Eastern District
DIVISION FIVE**

GOOD HOPE MISSIONARY)	No. ED96409
BAPTIST CHURCH,)	
)	
Respondent/Cross-Appellant,)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	22052-11753
)	
ST. LOUIS ALARM MONITORING)	Honorable Dennis M. Schaumann
COMPANY, INC.,)	
)	Filed: January 24, 2012
Appellant/Cross-Respondent.)	

OPINION SUMMARY

St. Louis Alarm Monitoring Company, Inc. ("SLAM") appeals the trial court's judgment awarding Good Hope Missionary Baptist Church ("Good Hope") \$338,301.37 in pre-judgment interest after a jury awarded Good Hope \$1 million in compensatory and punitive damages on Good Hope's claims against SLAM for negligence and recklessness. Good Hope cross-appeals the trial court's denial of its motion to amend the trial court's judgment to include additional pre-judgment interest and post-judgment interest.

AFFIRMED AS MODIFIED.

Division Five holds:

- (1) Applying the portions of section 408.040 RSMo Supp. 2005 relating to pre-judgment interest to this case would violate the constitutional ban on laws retrospective in operation. Therefore, the trial court did not err in applying section 408.040 RSMo 2000 to Good Hope's claim for pre-judgment interest.

- (2) SLAM's payment of \$1 million on December 30, 2008, stopped the accrual of pre-judgment interest. Therefore, the trial court did not err in denying Good Hope's motion to amend the trial court's judgment to include additional pre-judgment interest accruing from December 30, 2008 until the date judgment was entered on January 26, 2011.
- (3) Under section 408.040.2 RSMo Supp. 2005, Good Hope may be entitled to post-judgment interest on the \$338,301.37 still due under the judgment. However, Good Hope is not entitled to post-judgment interest pending this appeal. The trial court's judgment is modified to include the applicable post-judgment interest rate of 5.25% to reflect post-judgment interest that may accrue after the mandate of this appeal.

Opinion by: Glenn A. Norton, J. Kurt S. Odenwald, C.J. & Michael D. Burton, Sp. J., concur

Attorneys for Respondent/Cross-Appellant: Ted L. Perryman and Thomas G. Wilmowski, Jr.

Attorneys for Appellant/Cross-Respondent: Robert W. Cockerham and Samuel John Vincent III

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.