

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SOUTHWESTERN BELL TELEPHONE) No. ED96415
CO. d/b/a AT&T MISSOURI, Respondent,)
) Appeal from the Circuit Court of
vs.) the City of St. Louis
)
AHRENS CONTRACTING, INC.,) Honorable Calea F. Stovall-Reid
Appellant.) Filed: April 10, 2012

Ahrens Contracting, Inc. (Defendant) appeals the judgment of the Associate Division of the Circuit Court of the City of St. Louis in favor of Southwestern Bell Telephone Co., d/b/a AT&T Missouri (Plaintiff). Defendant claims that the trial court erred in overruling Defendant's motion for a directed verdict because Plaintiff failed to prove a *prima facie* case of negligence under the Underground Facility Safety and Damage Prevention Act (the "Act").

AFFIRMED.

Division Four Holds: The trial court did not err in overruling Defendant's motion for a directed verdict. Plaintiff established a *prima facie* case of negligence under the Act in that (1) Plaintiff presented substantial evidence that it owned the damaged underground telephone cable; and (2) Plaintiff presented substantial evidence that Defendant caused the damage.

Opinion by: Patricia L. Cohen, J.
Kurt S. Odenwald, C.J., and Robert M. Clayton III, J., concur

Attorney for Appellant: Leonard W. Buckley, Jr.

Attorney for Respondent: Ann E. Ahrens Beck

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.