

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

THE BUSINESS BANK OF ST. LOUIS,)	No. ED96547
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Robert S. Cohen
APOLLO INVESTMENTS, INC., APOLLO)	
REALTY, LLC, ALAN SHEEHY, CRYSTAL)	
L. SHEEHY, and RICHARD BENNETT,)	
)	
Appellants.)	FILED: May 9, 2012

Apollo Investments, Inc., Apollo Realty, LLC, Alan Sheehy, Crystal Sheehy, and Richard Bennett (collectively “the Apollo Defendants”) appeal from the trial court’s orders granting summary judgment to The Business Bank of St. Louis (“Business Bank”) and granting Business Bank, Meramec Assets, LLC and Danna McKitrick’s joint motion to dismiss the Apollo Defendants’ counterclaim. The Apollo Defendants assert that the trial court erred in granting summary judgment in favor of Business Bank and dismissing their counterclaim for wrongful foreclosure.

AFFIRMED.

Division IV Holds: Because the facts pleaded and properly supported in Business Bank’s motion for summary judgment were deemed admitted by the Apollo Defendants, no genuine issues of material fact exist to defeat Business Bank’s claim for damages, and the trial court did not err in granting summary judgment. Because the Apollo Defendants’ counterclaim petition failed to state a claim of damages for wrongful foreclosure, the trial court properly dismissed the Apollo Defendants’ counterclaim.

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

Attorney for Appellant: Gregory White and Thomas E. Manns

Attorney for Respondent: Jeffrey R. Schmitt and Kara D. Helmuth

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.