

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARQUIS FINANCIAL SERVICES OF)	No. ED96678
INDIANA INC., d/b/a MARQUIS FINANCIAL)	Appeal from the Circuit Court
SERVICES, Inc., Plaintiff/Respondent,)	of St. Louis County
v.)	Honorable Mark D. Seigel
FREDERICK J. PEET, JR.,)	Date: March 27, 2012
Defendant/Appellant, and)	
STEVEN W. KOSLOVSKY, and)	
STEVE KOSLOVSKY, LLC, Defendants.)	

Plaintiff, Marquis Financial Services, filed a lawsuit against defendant Frederick J. Peet, Jr., M.D., and his attorney. After the claims against Dr. Peet's attorney were disposed of by dismissal and summary judgment, the case was submitted against Dr. Peet alone on theories of fraud and unjust enrichment. The jury returned verdicts in plaintiff's favor. The jury assessed \$0 in actual damages and \$500,000 in punitive damages on the fraud count. The jury assessed \$431,034.14 in actual damages and \$38,793.07 in interest on the unjust enrichment count. The trial court entered judgment for plaintiff in the amounts of \$431,034.14 in actual damages, \$38,793.07 in interest, and \$500,000 in punitive damages.

REVERSED AND REMANDED IN PART; AFFIRMED IN PART.

Division Two Holds:

1. To preserve error for a motion for JNOV and for appellate review, a motion for directed verdict must state the specific grounds therefore.
2. A ruling on a motion in limine is interlocutory and not appealable. A party must object to the evidence at trial; make the ruling on that objection the subject of his or her point relied on; and identify in the argument where and when the evidence was offered and excluded.
3. Trial court erred in not entering judgment notwithstanding the verdict for defendant on the fraud count when the jury returned a verdict for no actual damages and \$500,000 in punitive damages.

Opinion by: Kathianne Knaup Crane, P.J.
Lawrence E. Mooney, J. and Kenneth M. Romines, J., concur.

Attorney for Respondent: Michael B. Katz

Attorneys for Appellant: Robert P. Berry, Jessica W. Kennedy, and Ravi K. Nangia

Attorney for Defendants Steven W. Koslovsky and Steve Koslovsky, LLC: Brent W. Baldwin

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.