

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

JANET CHOCHOROWSKI, individually	) ED97339
and as the Representative of a class of	)
similarly-situated persons,	)
	)
Plaintiff/Appellant,	) Appeal from the Circuit Court
	) of St. Louis County
v.	)
	)
HOME DEPOT U.S.A., d/b/a	) Honorable James R. Hartenbach
THE HOME DEPOT,	)
	)
Defendant/Respondent.	) Filed: April 10, 2012

Janet Chochorowski, individually and as the Representative of a class of similarly-situated persons (Appellant) appeals from the summary judgment entered in favor of Home Depot U.S.A., d/b/a The Home Depot (Respondent).

AFFIRMED.

Division Three Holds: Appellant had the option of rejecting the Damage Waiver provision, which modifies the allocation of risk to the rental customer, in her rental contract with Respondent yet Appellant explicitly consented to it; as such, no violations of the Missouri Merchandising Practices Act occurred.

Opinion by: Sherri B. Sullivan, J. Robert G. Dowd, Jr., P.J. and Mary K. Hoff, J., concur.

Attorneys for Appellant: Phillip A. Bock (*pro hac vice*), James M. Smith, Mark L. Brown  
Attorneys for Respondent: Russell K. Scott, Dwight J. Davis, S. Stewart Haskins (*pro hac vice*), Jonathan R. Chally

<p><b>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.</b></p>
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