

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

FRANCIS GRAHAM, Respondent,	)	No. ED97421
	)	
vs.	)	Appeal from the Circuit Court
	)	of St. Louis County
STATE FARM MUTUAL AUTOMOBILE )	)	
INSURANCE COMPANY, Appellant.	)	Filed: May 1, 2012

The defendant, State Farm Mutual Automobile Insurance Company, appeals the grant of summary judgment and award of \$100,000 entered by the Circuit Court of St. Louis County in favor of the plaintiff, Francis Graham.

**JUDGMENT REVERSED AND CAUSE REMANDED**

**DIVISION TWO HOLDS:** We hold that the State Farm policy language in this case is clear and unambiguous, providing underinsured motorist coverage only to the extent that the State Farm policy limits exceed those of any primary underinsured motorist coverage. Thus, because the primary underinsured motorist coverage exceeded the State Farm policy limits, the trial court erred in granting summary judgment for \$100,000 in favor of Graham.

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

Attorneys for Appellant:      Scott C. Harper, Aaron I. Mandel

Attorney for Respondent:      Thomas G. Morrissey II

**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.**