

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

AMERICAN STANDARD INSURANCE)	No. ED97657
COMPANY OF WISCONSIN,)	
Respondent,)	
vs.)	Appeal from the Circuit Court of
)	St. Charles County
WILLIAM A. STINSON, Defendant,)	
)	Honorable Nancy L. Schneider
and)	
)	
SHAUNA M. YOUNG, Appellant.)	Filed: October 23, 2012

Sauna Young (Plaintiff) appeals the trial court's denial of her motion for summary judgment and grant of summary judgment to American Standard Insurance Company of Wisconsin (ASIC) on its petition seeking a declaratory judgment that it had no obligation to defend or indemnify its insured, William A. Stinson (Defendant), for claims arising out of a fatal motor vehicle collision. Plaintiff claims the trial court erred by: (1) denying her motion for summary judgment because ASIC's automobile insurance policy is ambiguous as a matter of law; (2) granting ASIC's motion for summary judgment because there remain unresolved issues of material fact; and (3) granting ASIC's motion for summary judgment because the trial court misapplied the "law of the case" doctrine and based its ruling on a prior order that did not address the same motions and legal issues that were present before the trial court at the time of the challenged ruling.

AFFIRMED.

Division Four Holds: The trial court did not err in denying Plaintiff's motion for summary judgment because ASIC's policy, defining "Insured person," to specifically exclude "any person" using a vehicle without permission, is clear and unambiguous. The trial court properly granted summary judgment to ASIC because the record demonstrates that Defendant used the vehicle without permission of the person having lawful possession of it. Finally, the trial court did not err in incorporating and adopting the analysis of its earlier order.

Opinion by: Patricia L. Cohen, J.
Lawrence E. Mooney, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Stephen M. Glassman

Attorney for Respondent: Gary P. Paul

Attorney for Defendant: William A. Stinson (pro se)

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