

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

THOMAS BAUER,)	No. ED97989
)	
Plaintiff-Respondent,)	
)	Appeal from the Circuit Court
vs.)	of the City of St. Louis
)	
7-ELEVEN, INC. AND)	Honorable Philip Heagney
RANDY C. MUNTON, INC.,)	
)	
Defendants-Appellants.)	Filed: November 27, 2012

7-Eleven, Inc. and Randy Munton, Inc. (“defendants”) appeal the trial court’s judgment following a jury verdict in favor of Thomas Bauer (“the plaintiff”) in his defamation suit.

REVERSED.

Division Five Holds: The trial court erred in denying defendants’ motions for directed verdict and judgment notwithstanding the verdict, because the plaintiff failed to make a submissible case for defamation, in that he failed to prove by clear and convincing evidence that defendants acted with actual malice by publishing the flyer containing the challenged language.

Opinion by: Robert M. Clayton III, J.
Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: John S. McCollough, Melissa R. Null

Attorneys for Respondent: Daniel A. Raniere, Mark A. Panzeri, Mark C. Aubuchon

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.