

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

BRIAN HALL, Respondent,	)	Nos. ED97990 and ED98073
Alyson Hall, Respondent/Cross-Appellant,	)	
	)	Appeal from the Circuit Court
vs.	)	of St. Louis County
	)	
ALLSTATE INSURANCE COMPANY,	)	
Appellant/Cross-Respondent.	)	Filed: December 11, 2012

Brian Hall was seriously injured in an automobile accident. After exhausting the tortfeasor’s policy limits, Mr. Hall and his wife filed a claim seeking underinsured motorist coverage provided in an Allstate insurance policy. The parties submitted the matter to the trial court on cross-motions for summary judgment. All agree that Mr. Hall should recover underinsured motorist benefits. The parties disagree on whether that coverage should stack. The parties also dispute whether Mrs. Hall is entitled to recover separate underinsured motorist benefits for her loss-of-consortium claim. The trial court permitted stacking, and thus entered summary judgment in favor of the Halls and against Allstate. Allstate appeals that decision. The trial court, however, ruled that Mrs. Hall was not entitled to recover separate underinsured motorist benefits for her loss-of-consortium claim, and therefore entered summary judgment against her. The Halls appeal that decision.

JUDGMENT AFFIRMED IN PART; REVERSED IN PART

DIVISION FOUR HOLDS: Because the policy unambiguously prohibits stacking of underinsured coverage, we reverse the trial court’s summary judgment permitting such stacking. As to the trial court’s entry of summary judgment denying separate underinsured motorist benefits for Mrs. Hall’s loss-of-consortium claim, we affirm pursuant to Rule 84.16(b)(5).

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

Attorneys for Appellant: Daniel T. Rabbitt, Jr. and Marcus J. Raymond

Attorney for Respondents/Cross Appellant: Joan M. Lockwood

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