

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

COLUMBIA CASUALTY COMPANY,)	
)	
Appellant,)	No. ED98253
)	
v.)	
)	
HIAR HOLDINGS, L.L.C., and)	Appeal from the Circuit Court
HMA RIVERPORT L.L.C.,)	of St. Louis County
)	
and)	
)	
KAREN S. LITTLE, LLC,)	
individually and on behalf of the)	Honorable Mark D. Seigel
other members of the certified class,)	
as assignees,)	
)	
Respondents.)	Filed: October 23, 2012

Columbia Casualty Company appeals the trial court’s summary judgment holding Columbia liable to indemnify its insured, HIAR Holdings, for a settlement judgment in favor of Karen Little and other plaintiffs for HIAR’s violations of the Telephone Consumer Protection Act.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: Statutory damages under the TCPA are penalties and not “damages” covered by the insurance policy. Olsen v. Siddiqi, 371 S.W.3d 93 (Mo. App. 2012). Because Little’s claim was outside the policy, Columbia had no duty to defend the suit or indemnify HIAR’s liability under the settlement.

Opinion by: Clifford H. Ahrens, Presiding Judge and Sherri B. Sullivan, J., concur.
Glenn A. Norton, J., concurs in separate opinion.

Attorney for Appellant: James Forrest, Kristin Gallagher, Christopher Carroll

Attorney for Respondent: Max George Margulis, John Stanton Steward, David Oppenheim

**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.**