

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS—EASTERN DISTRICT**  
**DIVISION TWO**

JAMES L. GUTHRIE,	)	No. ED98704
Plaintiff/Appellant,	)	
	)	
	)	Appeal from the Circuit Court
vs.	)	of St. Louis County
	)	Cause No.: 11SL-CC02295
	)	
HIDDEN VALLEY GOLF	)	
AND SKI, INC.,	)	
Defendant/Respondent,	)	
	)	Honorable David L. Vincent, III
and	)	
	)	
PEAK RESORTS, INC.,	)	
Defendant/Respondent.	)	FILED: May 21, 2013

James L. Guthrie (Guthrie) appeals from the trial court’s entry of summary judgment in favor of Hidden Valley Golf and Ski, Inc., and Peak Resorts, Inc., (collectively referred to as Defendants) on Guthrie’s claim for personal injuries following an accident while snow tubing on Defendants’ property.

AFFIRMED.

Division Two Holds: Summary judgment was proper because no genuine issue of material facts exists. Defendants were entitled to summary judgment as a matter of law because the language of the contract signed by Guthrie was not ambiguous, and the exculpatory clause of the contract was sufficiently bold and obvious to uphold Guthrie’s agreement not sue Defendants.

Opinion by: Mary K. Hoff, Judge  
Kathianne Knaup Crane, Presiding Judge, concurs and  
Lisa S. Van Amburg, Judge, dissents in separate opinion.

Attorney for Appellant: Thomas Cicardi DeVoto  
Attorney for Respondent: Thomas Joseph Magee  
Margaret Lally Fowler, Co-counsel

<b>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.</b>
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