

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JAMISON ELECTRIC, LLC,)	No. ED98710
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Mark D. Seigel
DAVE ORF, INC., d/b/a)	
ORF CONSTRUCTION,)	
)	
Respondent.)	FILED: April 9, 2013

Jamison Electric L.L.C. (“Jamison”) appeals from the trial court’s dismissal of its action against Dave Orf, Inc. (“Orf”) for breach of contract and promissory estoppel. Jamison filed its claims against Orf, a general contractor on a construction project, when Orf failed to use Jamison as the electrical subcontractor on the project after Orf solicited and received a bid for electrical work from Jamison for the project. The trial court subsequently granted Orf’s motion to dismiss for failure to state a claim.

AFFIRMED.

Division Four holds: The causes of action of both breach of contract and promissory estoppel require the existence of a promise by the defendant to the plaintiff, here between Orf and Jamison. Because Jamison’s petition contains no allegations of facts that, if true, establish the existence of a promise made by Orf to Jamison, Jamison failed to state claims for breach of contract and promissory estoppel.

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

Attorney for Appellant: Matthew D. Menghini and Brian E. McGovern

Attorney for Respondent: W. Dudley McCarter and Timothy J. Reichardt

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.