

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

RUSSELL CLARK AND BART MANTIA, )	No. ED98718
)	
Plaintiffs/Appellants, )	Appeal from the Circuit Court of
)	St. Louis County
vs. )	
)	Honorable Dale Hood
GREGORY KINSEY, )	
)	
Defendant/Respondent. )	Filed: June 11, 2013

Russell Clark and Bart Mantia appeal from the judgment of the trial court granting Gregory Kinsey's motion for summary judgment. Clark and Mantia contend the trial court erred in granting summary judgment in favor of Kinsey on the basis of *res judicata*.

REVERSED AND REMANDED.

DIVISION TWO HOLDS: The trial court erred in granting summary judgment in favor of Kinsey on the basis of *res judicata* because no final judgment on the merits had been rendered involving the same claim sought to be precluded in the cause in question.

Opinion by: Lisa S. Van Amburg, J.  
Kathianne Knaup Crane, P.J. and Mary K. Hoff, J. Concur.

Attorney for Appellant: John Pawloski

Attorney for Respondents: Michael Clithero

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