

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CYNTHIA DECORMIER, Appellant,)	No. ED99064
)	
vs.)	Appeal from the Circuit Court of
)	St. Louis County
HARLEY-DAVIDSON MOTOR)	
COMPANY GROUP, INC. and ST. LOUIS)	Honorable John D. Warner, Jr.
MOTORCYCLE, INC. d/b/a GATEWAY)	
HARLEY-DAVIDSON, Respondents.)	Filed: August 13, 2013

Cynthia DeCormier (Plaintiff) appeals the judgment of the Circuit Court of St. Louis County granting summary judgment in favor of St. Louis Motorcycle, Inc. d/b/a Gateway Harley-Davidson (Gateway) and Harley-Davidson Motor Company Group, Inc. (Harley-Davidson) (collectively, Defendants) on Plaintiff's petition. In her petition, Plaintiff sought damages for injuries she sustained while participating in a Harley-Davidson Rider's Edge New Rider Course (New Rider Course) at Gateway's place of business. Plaintiff argues that the trial court erred in granting Defendants' motion for summary judgment because: (1) the release Plaintiff signed prior to the New Rider Course did not release Defendants from liability for either gross negligence or recklessness and a genuine dispute exists as to whether Defendants were either grossly negligent or reckless; and (2) the release did not explicitly name Gateway as a released party.

REVERSED AND REMANDED.

Division Four Holds: Because a genuine issue of material fact exists as to whether Defendants' conduct was reckless, the trial court improperly granted summary judgment in Defendants' favor. Therefore, we reverse the judgment and remand to the trial court. Although our resolution of Plaintiff's first point on appeal is dispositive, we address her second point because the issue presented is likely to recur on remand. We deny Plaintiff's second point because the undisputed facts establish that Gateway was included within the class of released parties.

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

Attorney for Appellant: Timothy J. Gallagher

Attorney for Respondents: Terese A. Drew

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.