

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

TIMOTHY RILEY, Respondent,)	No. ED99290
)	
vs.)	
)	
LUCAS LOFTS INVESTORS, LLC, MARK)	
COFMAN, REALTY EXCHANGE, INC.,)	Appeal from the Circuit Court of
APARTMENT EXCHANGE, INC., and)	the City of St. Louis
REALTEX INC., Appellants,)	
)	
and)	
)	
LUCAS LOFTS CONDOMINIUM)	Honorable Joan L. Moriarty
ASSOCIATION, INC., REBECCA WRIGHT,)	
KELLIE ROLAND, TIMOTHY FLEEGER,)	
CHARLES PATRICK STANLEY, III,)	
PARIC CORPORATION, SHAY ROOFING)	
INC., and PATRICK SHELBY d/b/a)	
SHELBY ROOFING, Defendants.)	Filed: July 9, 2013

Lucas Lofts Investors LLC (Seller), Mark Cofman, Realty Exchange, Inc., and Apartment Exchange, Inc. (collectively, Defendants), along with Realtex, Inc. d/b/a Coldwell Banker Premier Group (Third-Party Defendant), appeal the judgment of the Circuit Court of the City of St. Louis denying Defendants' motion to compel arbitration of claims Timothy Riley (Plaintiff) asserted against Defendants. Defendants and Third-Party Defendant argue that the trial court erred in denying the motion because a contract for the sale of two Lucas Lofts condominium units (Units) from Seller to Plaintiff contained an enforceable arbitration provision applicable to Plaintiff's claims.

AFFIRMED.

Division Four Holds: Although a valid arbitration agreement exists between Plaintiff and Seller, Plaintiff's alleged tort claims did not arise out of the contract and concern the construction of the Units. Accordingly, Plaintiff's claims do not fall within the categories of disputes that Seller and Plaintiff agreed to arbitrate.

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

Attorneys for Appellants: Lawrence P. Kaplan and John P. Rahoy

Attorney for Respondent: John M. Hessel

Attorneys for Defendants: Stephen M. Strum, Cynthia A. Masterson, Jeffrey J. Brinker, and Paul
Krispin, Jr.

**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.**