

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

PATRICK CORRIGAN and)	No. ED99380
SEAN CORRIGAN,)	
)	
Appellants,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Steven H. Goldman
PROGRESSIVE INSURANCE)	
COMPANY,)	
)	
Respondent.)	FILED: September 10, 2013

Appellants Patrick Corrigan and Sean Corrigan (“Appellants”) appeal from the trial court’s judgment denying their motion for summary judgment and granting summary judgment in favor of Progressive Northwestern Insurance Company (“Progressive”). Appellants filed a petition for declaratory judgment seeking a declaration that they were entitled to \$600,000 in underinsured motorist (“UIM”) coverage. Progressive denied liability for \$600,000, claiming that Appellants were not permitted to stack UIM coverage under the policy and were limited to \$300,000 in UIM benefits. After considering competing motions for summary judgment, the trial court entered summary judgment in favor of Progressive. Appellants now contend that the trial court erred in its summary judgment rulings because the subject motorcycle insurance policy is ambiguous as to whether it allows for stacking of UIM coverage, thereby requiring the trial court to construe the insurance policy in favor of the insured and allow stacking.

AFFIRMED.

Division III holds: Because the insurance policy unambiguously prohibits the stacking of UIM benefits, there are no genuine issues of material fact and Progressive is entitled to judgment as a matter of law. We affirm the trial court’s entry of summary judgment in favor of Progressive and its denial of Appellants’ motion for summary judgment.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellants: James E. Godfrey and Kathleen T. McCarthy

Attorney for Respondent: Kathy M. Wilke and Daniel E. Wilke

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.