

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### SOUTHERN DIVISION

BIRI M. BLEVINS, JOHN T. BUSEY,	)	No. ED99852
AND CHARLES W. JONES,	)	
	)	
Appellants,	)	
	)	Appeal from the Circuit Court
vs.	)	of Cape Girardeau County
	)	
AMERICAN FAMILY MUTUAL	)	Honorable Benjamin F. Lewis
INSURANCE COMPANY AND	)	
JANEY FOUST,	)	
	)	
Respondents.	)	Filed: March 4, 2014

Biri M. Blevins, Charles W. Jones, and John Busey (collectively “Plaintiffs”) appeal the judgment of the trial court dismissing their claims against Janey Foust for negligent failure to procure insurance and negligent misrepresentation and granting summary judgment in favor of American Family Mutual Insurance Co. (“American Family”) on their claim for equitable garnishment.

REVERSED AND REMANDED IN PART AND AFFIRMED IN PART.

Southern Division Holds: The trial court did not err in dismissing Plaintiffs' claims against Foust for negligent failure to procure insurance. In addition, the trial court did not err in dismissing Plaintiffs' claims against Foust for negligent misrepresentation. However, the trial court erred in granting summary judgment in favor of American Family on Plaintiffs' claim for equitable garnishment.

Opinion by: Robert M. Clayton III, C.J.  
Roy L. Richter, J., Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Dan Rau, Kristi Nicole Hoff

Attorneys for Respondent: Robert J. Wulff, Mary Anne Lindsey

**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.**