

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

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|--------------------------------|---|-------------------------------|
| LANE HOUSE CONSTRUCTION, INC., |) | No. ED99897 |
| |) | |
| Respondent, |) | Appeal from the Circuit Court |
| |) | of St. Louis County |
| vs. |) | |
| |) | Honorable Patrick Clifford |
| DORIS OGROWSKY, |) | |
| |) | |
| Appellant. |) | FILED: April 8, 2014 |

Doris Ogrowsky ("Defendant") appeals from the circuit court of St. Louis County's entry of summary judgment in favor of Lane House Construction, Inc. ("Plaintiff") in the amount of \$18,032.36.

REVERSED AND REMANDED.

Division One Holds: Plaintiff propounded its requests for admissions to Defendant prematurely and in violation of Rule 59.01. Because Rule 59.01 is so plain, unambiguous, and simple, we hold that a plaintiff's premature propounding of requests for admissions are invalid. Therefore, the trial court is deemed to have erred in entering summary judgment in favor of Plaintiff, in that the trial court did not have before it uncontroverted evidence.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Glenn A. Norton, J., concur.

Attorneys for Appellant: Martin L. Perron, Maria V. Perron
Attorneys for Respondent: Richard J. Keyes

**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.**