

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

RENAISSANCE LEASING, LLC., ET AL.,

APPELLANT,

v.

**VERMEER MANUFACTURING COMPANY,
VERMEER GREAT PLAINS, INC.,**

RESPONDENTS.

DOCKET NUMBER WD68929

DATE: May 5, 2009

Appeal From:

JACKSON COUNTY CIRCUIT COURT

THE HONORABLE KELLY JEAN MOORHOUSE, JUDGE

Appellate Judges:

Division One: HAROLD L. LOWENSTEIN, Presiding Judge, JAMES M.
SMART and VICTOR C. HOWARD, Judges.

Attorneys:

Kirk T. May, Esq. and William D. Beil, Esq., Kansas City, MO, **for appellant.**

William P. Brandt, Esq., and Robert J. Hoffman, Esq., for Vermeer Mfg, Co.,
Kansas City, MO; and

Gary J. Willnauer, Esq., and Ryan R. Cox, Esq., for Vermeer Grt Plains, Inc.
Kansas City, MO, **respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

RENAISSANCE LEASING, LLC., ET AL.,

APPELLANT,

v.

VERMEER MANUFACTURING COMPANY,
VERMEER GREAT PLAINS, INC.,

RESPONDENTS

WD68929

Jackson County

Before Division One Judges: HAROLD L. LOWENSTEIN, Presiding Judge, JAMES M. SMART and VICTOR C. HOWARD, Judges.

Two limited liability companies, Renaissance Leasing, LLC and Team Excavating LLC, and the sole member of both companies, John Uhlmann, individually, appeal the grant of summary judgment in favor of Vermeer Manufacturing Company, a manufacturer of heavy equipment, and Vermeer Great Plains, Inc., the seller of the equipment, in their suit for misrepresentation and breach of warranty associated with the purchase of a terrain leveler.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

Division One holds:

As neither Renaissance, Team, nor Uhlmann were associated with the purchase of the equipment and, despite a voluminous court record, they failed to establish which, if any, of them actually now own the equipment, this court finds that none of them have standing to bring suit. Accordingly, the grant of summary

judgment is treated as a motion to dismiss for lack of subject matter jurisdiction and affirmed. However, the award of costs to Vermeer Manufacturing and Vermeer Great Plains included videography expenses improper under Rule 57.03(c)(6). The case is reversed and remanded for the sole purpose of reducing the cost award by \$10,022.20, the amount of the videography expenses.

Opinion by: Harold L. Lowenstein, Judge

MAY 5, 2009

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