

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**PHILIP M. KOPPE,
APPELLANT**

vs.

**JOHN R. CAMPBELL, JR., et al.,
RESPONDENTS**

DOCKET NUMBER WD70716

DATE: JUNE 22, 2010

Appeal from:

Jackson County Circuit Court
The Honorable Edith L. Messina, Judge

Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Attorneys:

George A. Barton, for Appellant

Nathan C. Harbur, for Respondents

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

PHILIP M. KOPPE, APPELLANT

v.

JOHN R. CAMPBELL, JR., et al., RESPONDENTS

WD70716

Jackson County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Philip M. Koppe appeals from a judgment of the circuit court of Jackson County granting John R. Campbell, Jr., Leon A. Howell, and Grand Avenue Developers, L.L.C.'s motion for judgment notwithstanding the verdict (JNOV) and alternatively granting the their motion for a new trial.

REVERSED AND REMANDED WITH DIRECTIONS

Division Two holds:

1. The statute of limitations in this quantum meruit case did not begin to run until Koppe was put on notice of a potentially actionable injury, which resulted in damages.
2. Koppe's testimony, considering his first hand knowledge and his professional opinion, was sufficient to establish the reasonable value of his services for a submissible case of quantum meruit.
3. Prejudgment interest was properly awarded in quantum meruit case.
4. A new trial was not required, despite the alteration of MIA 4.04 in the jury instructions, because no prejudice resulted from the alteration.
5. Sufficient evidence supported the jury's finding that Koppe provided services to Campbell and Howell personally, and the jury was free to consider all of the evidence and make its own credibility determination.
6. The jury's verdict was supported by the evidence.

Opinion by: Joseph M. Ellis, Judge

Date: June 22, 2010

This summary is *UNOFFICIAL* and should not be quoted or cited.