

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

VALERIE VANCE,

Appellant,

v.

L. ANNETTE GRIGGS, DAVID L. MCCOLLUM, and MCCOLLUM & GRIGGS, LLC,

Respondents.

DOCKET NUMBER WD71664

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: November 9, 2010

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Joel F. May, Judge

APPELLATE JUDGES

Division Two: James Edward Welsh, Presiding Judge, and Mark D. Pfeiffer
and Karen King Mitchell, Judges

ATTORNEYS

Valerie A. Vance
Independence, MO

Attorney for Appellant,

Steven J. Streen
Kansas City, MO

Attorney for Respondents.



MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

VALERIE VANCE,)
)
) **Appellant,**)
)
) **v.**)
)
) **L. ANNETTE GRIGGS, DAVID L.**)
) **MCCOLLUM, and MCCOLLUM &**)
) **GRIGGS, LLC,**)
)
) **Respondents.**)

WD71664

Jackson County

Before Division Two Judges: James Edward Welsh, Presiding Judge, and
Mark D. Pfeiffer and Karen King Mitchell, Judges

Valerie Vance appeals the trial court’s dismissal of her claims in two separate but related cases that had been transferred to the same division of the circuit court for judicial efficiency. On appeal, Vance claims that the trial court erred in dismissing her petition in *Valerie A. Vance v. LaRea Annette Griggs, et al.*, No. 0716-CV08454, because her petition sufficiently alleged causes of action against the defendants in that case. Vance also claims that the trial court erred in dismissing her claim to the interpleader action, *Broadspire Services, Inc. v. L. Annette Griggs, et al.*, No. 0616-CV29262, because Griggs’s pleading in the interpleader action alleges facts sufficient to cure the defects in Vance’s own pleading.

AFFIRMED IN PART; REVERSED IN PART AND REMANDED.

Division Two holds:

The fee-sharing agreement at issue in this case was made among lawyers of the same firm, even though the firm subsequently dissolved. Vance’s petition is broad enough to include claims relating to firm assets other than attorneys’ fees and fees earned for work performed by one or more departing lawyers prior to their separation from the firm. Accordingly, Vance’s petition, to survive a motion to dismiss, did not have to allege compliance with Missouri Supreme Court Rule 4-1.5(e), which governs fee-sharing agreements among lawyers who are in

different firms at the time work is done. The trial court therefore erred in dismissing Vance's petition in that case.

The trial court did not err, however, in dismissing Vance's claim to the interpleader action. Vance alleged no facts that would establish that she had any right to the interpleaded funds. Because her pleading wholly failed to state a cause of action in the interpleader case, the factual allegations raised by McCollum in her pleading could not cure the defects in Vance's pleading and her claim was properly dismissed. However, if the interpleaded funds were never disbursed, the trial court's judgment should be amended to disburse the funds at issue in that action.

Opinion by: Karen King Mitchell, Judge

November 9, 2010

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