

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JERALD GROSSMAN,  
APPELLANT**

**vs.**

**STEVE ST. JOHN, et al.,  
RESPONDENT**

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DOCKET NUMBER WD71882

DATE: NOVEMBER 2, 2010

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Appeal from:

The Circuit Court of Clay County, Missouri  
The Honorable Janet L. Sutton, Judge

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Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Alok Ahuja and Karen King Mitchell, JJ.

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Attorneys:

Alan M. Dietchman, for Appellant

Salvatore J. Mirabile, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JERALD GROSSMAN, APPELLANT**

**v.**

**STEVE ST. JOHN, et al., RESPONDENT**

WD71882

Clay County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Jerald and Jilana Grossman appeal from the trial court's judgment denying their petition for injunctive relief and damages after their neighbors, Steve and Vicki St. John, erected a fence on the Grossmans' property.

**REVERSED AND REMANDED.**

**Division Two holds:**

- (1) Implicit consent to the use and maintenance of the property was exceeded in scope by the construction of a fence.
- (2) Trespass existed when the St. Johns were asked to remove the fence and refused to do so.
- (3) It cannot be inferred that the trial court entered judgment against the St. Johns because it found that the Grossmans suffered no damages.

**Opinion by Joseph M. Ellis, Judge**

Date: November 2, 2010

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