

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**JOHN M. HUFF, et al.,
RESPONDENTS
vs.**

**DEWEY & LEBOEUF, LLP, et al.,
APPELLANTS**

DOCKET NUMBER WD72176

DATE: APRIL 29, 2011

Appeal from:

The Circuit Court of Boone County, Missouri
The Honorable Kevin Crane, Judge

Appellate Judges:

Division Two: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Attorneys:

Thomas B. Weaver, for Respondents

Robert T. Adams, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JOHN M. HUFF, et al., RESPONDENTS

v.

DEWEY & LEBOEUF, LLP, et al., APPELLANTS

WD72176

Boone County, Missouri

Before Division Two Judges: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Dewey & LeBoeuf, LLP, appeals from the dismissal of its counterclaim in a legal malpractice action filed against it by John M. Huff, the Director of the Missouri Department of Insurance, Financial Institutions, and Professional Regulations ("MDI"), acting as Liquidator for General American Mutual Holding Company ("GAMHC"), and by Albert Riederer, as Special Deputy Liquidator for GAMHC.

DISMISSED.

Division Two holds:

- (1) All of the claims asserted by Dewey & LeBoeuf in its counterclaim were simply defenses that could be, and were, asserted against the claims brought in the Plaintiffs' petition. Thus, despite the dismissal of the counterclaim, the defenses asserted therein and sufficient remedy therefore are still alive in the underlying action in the form of affirmative defenses. Accordingly, the trial court's decision to dismiss the counterclaim did not have the effect of completely disposing of those claims.
- (2) Since the judgment did not completely resolve any one legal claim, the judgment is not final, and the trial court erred in certifying this matter for appeal. The appeal is, therefore, dismissed.

Opinion by Joseph M. Ellis, Judge

Date: APRIL 29, 2011

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