

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

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**COMPLETE TITLE OF CASE**

CREST CONSTRUCTION II, INC. and METRO ENERGY, INC.,

Appellants,

v.

JOHN D. HART, et al.,

Respondents.

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**DOCKET NUMBER WD76659**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** August 19, 2014

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**APPEAL FROM**

The Circuit Court of Clay County, Missouri  
The Honorable Anthony Rex Gabbert, Judge

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**JUDGES**

Division One: Pfeiffer, P.J., Hardwick and Mitchell, JJ.

CONCURRING.

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**ATTORNEYS**

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Attorney for Appellants,

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Attorneys for Respondents Larry Myers,  
Connie Myers, and Bud Taylor,

David H. Johnson  
Kansas City, MO

Attorney for Respondent Hilda Marie Chaddock.

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

**CREST CONSTRUCTION II, INC. and** )  
**METRO ENERGY, INC.,** )  
 )  
**Appellants,** )  
**v.** )  
 )  
**JOHN D. HART, et al.,** )  
 )  
**Respondents.** )

**OPINION FILED:**  
**August 19, 2014**

**WD76659**

**Clay County**

**Before Division One Judges:** Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and Karen King Mitchell, Judges

Crest Construction II, Inc. and Metro Energy, Inc. appeal from the circuit court’s dismissal of their petition with prejudice. The petition alleged breach of contract, fraud, conversion, and civil conspiracy as a result of a business relationship between Crest Construction and the defendants involving the purchase of vehicle sales contracts and promissory notes obtained by defendant companies from third-party customers. Crest Construction raises two points on appeal. First, Crest Construction contends that the circuit court erred when it dismissed its lawsuit based on the failure to toll the statute of limitations while litigating in federal court. Second, Crest Construction contends that the trial court erred when it dismissed its lawsuit based on the statute of frauds.

**APPEAL DISMISSED.**

**Division One holds:**

The trial court’s judgment does not dispose of all issues, as the judgment does not resolve the issue of damages as to the parties against whom the interlocutory default judgment was entered. Because the trial court has not resolved all of the issues as to all of the parties in this case or certified the case for appeal, the appeal must be dismissed.

**Opinion by: Karen King Mitchell, Judge**

August 19, 2014

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED