

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

JOHN TURNER,

Respondent

v.

GATEWAY BOBCAT OF MISSOURI INC.,

Appellant

DOCKET NUMBER WD76745

DATE: SEPTEMBER 30, 2014

Appeal From:

Circuit Court of Boone County, MO
The Honorable Larry A. Bryson, Judge

Appellate Judges:

Division Two
Victor C. Howard P.J., James E. Welsh, Anthony Rex Gabbert JJ.

Attorneys:

Kevin Dudley Case, Patric Shane Linden, Kansas City, MO, Counsel for Appellant,

Attorneys:

Danieal Howard Miller, Columbia, MO, Counsel for Respondent

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

JOHN TURNER,

Respondent,

v.

GATEWAY BOBCAT OF MISSOURI INC.,

Appellant.

WD76745

Boone County

Before Division Two Judges: Victor C. Howard PJ., James E. Welsh, Anthony Rex Gabbert JJ.

Gateway Bobcat of Missouri, Inc. (“Gateway”) appeals the circuit court’s judgment denying its motion to set aside a default judgment against it. In its sole point on appeal, Gateway asserts that the trial court erred in denying its motion to set aside the default judgment entered against it because Gateway established good cause and the existence of meritorious defenses.

REVERSED AND REMANDED.

Division Two holds:

The circuit court erred in denying Gateway’s motion to set aside the default judgment because the record reflects that the president’s and general manager’s conduct was negligent and not intentional or reckless as Rule 74.05 requires.

Opinion by: Anthony Rex Gabbert, Judge

Date: September 30, 2014

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