

MISSOURI

JUDGMENT ON BEHALF OF DEFENDANT CONTRACTOR BASED UPON ACCEPTANCE DOCTRINE



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On October 31, 2023, the Missouri Appellate Court, Western District, affirmed a trial court judgment in favor of the WWBH client G&T Striping in a case tried by Joe Roper and John Brigg. On appeal Joe Roper, Christine Lesicko and Joe Krispin convinced the Court of Appeals to uphold the judgment for G&T Striping based upon the Acceptance Doctrine. At trial in the underlying personal injury case, the plaintiff alleged she slipped and fell on a recently painted curb just outside the entrance to the emergency room at North Kansas City Hospital. She suffered a fracture to her elbow, injury to her shoulder, a concussion and other soft tissue injuries. The parking lot had recently been resurfaced by the general contractor McConnell and Associates. G&T Striping as a subcontractor, had been responsible for restriping the lot and curbs. On appeal the defense argued that the trial court's directed verdict and judgment in favor of the defendant should be affirmed since the work by the client G&T Striping was completed and accepted by the general contractor and owner at the time of the plaintiff's injuries, and, thus, G&T Striping could not be liable under the acceptance doctrine. The Appellate Court agreed and applied the Acceptance Doctrine affirming the Judgment for the client.



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