

## **Lane House Constr., Inc. v. Triplett -- dismissal of MMPA claim against builder reversed**

Article By:

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**Appellant asserted that builder "used deception, fraud, false pretense, misrepresentation, unfair practices and/or concealment" in connection with the sale or advertisement of a second-story addition (that was done poorly, slowly, and never materially completed), thus violating the MMPA. At the close of evidence at trial, the trial court granted builder's motion for directed verdict on Appellant's MMPA claim. Dismissal of MMPA against builder reversed because reasonable minds "could find some basis for concluding that Respondent's conduct was unlawful under the MMPA, and therefore, directed verdict was improper."**

### ***Court Summary***

*Steve Triplett ("Appellant") appeals from the judgment based upon a directed verdict in favor of Lane House Construction, Inc. ("Respondent") on his claim under the Missouri Merchandising Practices Act ("MMPA"), which was filed as a counterclaim against Respondent.*

*REVERSED AND REMANDED.*

*Division One holds:*

*The evidence in the case along with its permissible inferences are sufficient to create a question of fact for the jury whether Respondent's alleged conduct was actionable under the MMPA. Reasonable minds could find some basis for concluding that Respondent's conduct was unlawful under the MMPA, and therefore, directed verdict was improper.*

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