



**IN THE 16th CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

ERIK D. STEFFEN)

Plaintiff,)

v.)

LAKEWOOD PROPERTY OWNERS
ASSOCIATION, INC.,)

Defendant.)

Case No 2416-CV21775

Division 2

DECREE/ORDER OF DISMISSAL

On the 25th day of September 2025, the above-captioned matter was called before the Court for a scheduled pre-trial conference. Defendant appeared via counsel Kyle Roehler, Plaintiff failed to appear. The Court addressed the Defendant's pending Motion to Dismiss, filed herein September 12, 2025. Further, the Court addresses Plaintiff's Motion for Leave to File Second Amended Petition, filed on September 26, 2025 and Plaintiff's Motion for Continuance of Trial, filed on October 2, 2025.

Plaintiff filed a Motion for Leave to File a Second Amended Petition to Counts 4 and 5. After reviewing the Motion, considering the suggestions and being fully advised in the law and premises of the Motion, the Court finds that because this matter is already set for a jury trial on October 6, 2025, it would be unfairly prejudicial to require Defendant to prepare for a jury trial on two amended claims two days before the scheduled jury trial. Therefore, Plaintiffs' Motion for Leave to File a Second Amended Petition must be **DENIED**.

As to the current claims in Count 4 and 5, the doctrine of claim preclusion prevents a party from bringing a subsequent lawsuit involving claims that should have been litigated in a prior suit because the new claims arise out of the same “act, contract, or transaction” as the previously litigated claims. *Kesterson v. State Farm Fire & Cas. Co.*, 242 S.W.3d 712, 715-716 (Mo. banc 2008) (quoting *King General Contractors, Inc.*, 821 S.W.2d 495, 501 (Mo. banc 1991)).

Here, claims 4 and 5 of Plaintiff’s petition are breach of contract claims regarding a “boat slip” that was revoked and a 270-day amenity suspension. Defendant avers that the issue for which these claims arose from were already fully litigated in a jury trial under Case No. 2416-CV21788 and this Court agrees.

The incident of the revoked boat slip and amenity suspension is the premise for the litigation in Case No. 2416-CV21788 for which a jury trial was conducted, a directed verdict was rendered and judgment was entered. Considering that the parties, subject matter and evidence necessary to sustain the overall claim are the same in both actions. Consequently, Plaintiff’s Counts 4 and 5 in the current suit are barred and should have been litigated in Plaintiff’s previous suit. For these reasons and others not specifically raised herein the Court dismisses Counts 4 and 5.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Leave to File a Second Amended Petition is hereby **DENIED**.

IT IS FURTHER ORDERED that Defendant’s Motion to Dismiss is hereby **GRANTED**.

IT IS FURTHER ORDERED that the above-captioned matter is **DISMISSED WITH PREJUDICE.**

IT IS FURTHER ORDERED that Plaintiff's Motion for Continuance is **DENIED** as **MOOT.**

IT IS SO ORDERED.

October 3, 2025

Date

Kenneth R. Garrett III
The Honorable Kenneth R. Garrett, III.