

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI
19th Judicial Circuit

THOMAS HOOTSELLE, *et al.*,)
)
 Plaintiffs,) Case No. 12AC-CC00518
)
 vs.)
)
GEORGE LOMBARDI, *et al.*,)
)
 Defendants.)

DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 74.04, Defendants George Lombardi and the Missouri Department of Corrections move this Court to grant summary judgment on the remaining claims against them, *i.e.* Plaintiffs’ claims for “Breach of Contract” (Count III); “Unjust Enrichment” (Count IV); and “Quantum Meruit” (Count V). The Court should enter summary judgment because, as demonstrated by the uncontested facts and relevant case law filed herewith, Plaintiffs cannot possibly establish all of the elements necessary to prove any of these remaining claims.

WHEREFORE, Defendants request that this Court enter summary judgment on Plaintiffs’ remaining claims for Breach of Contract (Count III), Unjust Enrichment (Count IV), and Quantum Meruit (Count V).

Respectfully submitted,

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Department of Corrections and
George Lombardi*

CERTIFICATE OF SERVICE

I hereby certify that, on December 28, 2016, Defendants' **Motion for Summary Judgment** on Plaintiffs' remaining claims, together with the **Statement of Uncontested Facts**, with attached exhibits, and **Memorandum of Law**, were filed with the Clerk of the Court using the Missouri Courts Electronic Filing System, and also were served by hand-delivery to:

Gary Burger, Esq.
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Attorneys for Plaintiffs

/s/ Henry F. Luepke
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