

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-3144

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William Thurmond

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Plaintiff-Appellant,

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v.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri

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William Wilkenloh and Karen  
Wilkenloh, his wife, Individually  
and as Trustee of the Karen M.  
Wilkenloh Revocable Living Trust

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Defendants-Appellees.

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Submitted: April 11, 2001

Filed: October 5, 2001

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Before WOLLMAN AND MURPHY, Circuit Judges, and GOLDBERG,<sup>1</sup> Judge.

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PER CURIAM.

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<sup>1</sup>The Honorable Richard W. Goldberg, Judge, United States Court of International Trade, sitting by designation.

Plaintiff-appellant, William Thurmond, appeals the district court's<sup>2</sup> order granting defendants-appellees' Motion for Summary Judgment. Thurmond brought suit against the defendants-appellees claiming they were liable for the injuries he sustained during a fall from the roof of their home while performing roof work. Thurmond was employed at the time of the accident by an independent contractor hired by the defendants-appellees. Subject matter jurisdiction was established by diversity of citizenship. See 28 U.S.C. § 1332 (1994).

Thurmond claims that the trial court erred by granting summary judgment because a genuine issue of material fact existed as to whether Thurmond was injured as a result of an inherently dangerous activity. We affirm the decision of the district court.

After a careful examination of the record, this Court finds that the trial court did not commit error by granting the defendants-appellees' Motion for Summary Judgment. The trial court correctly determined, as a matter of Missouri law, that the roofing work was not inherently dangerous. See Hatch v. V.P. Fair Foundation, Inc., 990 S.W.2d 126, 136 (Mo. Ct. App. 1990) ("If . . . the trial court concludes the activity does not involve some peculiar risk of harm, then the activity is not inherently dangerous as a matter of law."); Hofstetter v. Union Electric Co., 724 S.W.2d 527, 529-30 (Mo. Ct. App. 1986). Under Eighth Circuit Rule 47B, no further commentary is warranted.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>2</sup>The Honorable Jean C. Hamilton, Chief Judge, United States District Court for the Eastern District of Missouri.