

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ENTERED
JUL -5 2011
DLM

CACH LLC,)
)
 Plaintiff,)
)
 v.)
)
 Michael G. Cordes,)
)
 Defendant.)

Cause Number: 1022-AC05182

Division: 28

FILED
JUL 01 2011
MARIANO V. FAVAZZA
CLERK, CIRCUIT COURT
BY _____ DEPUTY

ORDER AND JUDGMENT

Cause called for trial the 20th day of June 2011. Parties appeared by and through counsel. Plaintiff, CACH LLC (hereinafter "CACH") appeared by and through the counsel Ron Robinson. Defendant, Michael G. Cordes (hereinafter "Cordes") appeared by and through counsel Joseph L. Racine. At the close of CACH's evidence, Cordes announced he would offer no evidence and made an oral motion for directed verdict at the close of plaintiff's evidence and at the close of all the evidence and this Court took the matter under submission. **The Court, having considered the testimony of plaintiff's witness, the documents received and the arguments of counsel, hereby enters its Order to deny Cordes' motion for directed verdict at the close of plaintiff's evidence and at the close of all the evidence and now makes the following findings of fact and conclusions of law:**

This matter arises as a result of the April 26th, 2010, filing of a petition by CACH, against Cordes, to collect on an alleged credit card debt. CACH asserts that it was assigned Cordes' account from Bank of America. CACH's Petition is in three counts: (I) Breach of Contract; (II) Account Stated; and (III) Suit on Account. CACH alleges a balance due of \$3275.59.

CACH offered no evidence to support Count I or Count III. CACH's evidence appeared to be channeled toward Count II, Account Stated. "To prevail on a claim of account stated, a debtor must

