

STATEMENT OF ISSUES

- I. DID THE CIRCUIT COURT ERR IN GRANTING PARTIAL SUMMARY JUDGMENT TO JOHNSON BASED ON THE FINDING THAT THE FAILURE OF THE PARTIES TO PERFORM THE "ASSET PURCHASE AGREEMENT" WAS DUE TO AN ACT OF COSS AND IN REJECTING THE ARGUMENT THAT JOHNSON'S CLAIMS WERE BARRED BY AN UNSATISFIED CONDITION PRECEDENT?

The circuit court granted partial summary judgment to Johnson and denied Coss' motion based on the finding that the parties' failure to perform the "Asset Purchase Agreement" entered into by them was due to an act of Coss. In doing so, the court rejected Coss' argument that Johnson's claims were barred by an unsatisfied condition precedent.

- II. DID THE CIRCUIT COURT ERR IN DENYING COSS' MOTION FOR SUMMARY JUDGMENT?

The circuit court denied Coss' Motion for Summary Judgment, rejecting the argument that Coss was entitled to summary judgment because the "Asset Purchase Agreement" was null and void as the result of an unsatisfied condition precedent.