

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

BETTY PISONI,)	No. ED101976
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	12SL-CC00212
)	
STEAK ‘N SHAKE OPERATIONS, INC.,)	Honorable Robert S. Cohen
)	
Respondent.)	Filed: September 1, 2015

Betty Pisoni (“Appellant”) appeals the trial court’s denial of her motion for a new trial following a jury verdict in favor of Steak ‘N Shake Operations, Inc. (“Respondent”) on Appellant’s claim for personal injury, based on Respondent’s alleged spoliation of evidence and the inclusion of certain expert medical testimony.

AFFIRMED.

Division Four holds:

- (1) The trial court did not abuse its discretion in denying Appellant’s motion for a new trial based on Respondent’s alleged spoliation of videotape evidence. Appellant’s requested remedies, (1) a jury instruction on the adverse inference resulting from the spoliation; and (2) prohibiting Respondent from presenting other evidence on the circumstances of Appellant’s injury; exceed the boundaries authorized by the spoliation doctrine.
- (2) The trial court did not abuse its discretion in denying Appellant’s motion for a new trial based on the inclusion of testimony from Respondent’s medical expert on documents not included in his original Rule 60.01¹ report.

Opinion by: Robert M. Clayton III, J.
Patricia L. Cohen, P.J. and Roy L. Richter, J., concur.

Attorney for Appellant: Patrick R. Dowd
Attorneys for Respondent: John S. McCollough, Melissa R. Null

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ Missouri Supreme Court Rules (2014).