



**In the Missouri Court of Appeals
Eastern District
DIVISION TWO**

STEPHEN COMENS, M.D.)	No. ED94793
)	
Appellant,)	
)	
vs.)	Appeal from the Circuit
)	Court of St. Louis County
)	05CC-004957
SSM ST. CHARLES CLINIC MEDICAL)	
GROUP, INC.,)	
)	Honorable James R. Hartenbach
Respondent.)	
)	Filed: March 8, 2011

OPINION SUMMARY

Stephen Comens, M.D., (hereinafter, “Doctor”) appeals from the trial court’s judgment denying his motion for prejudgment interest against SSM St. Charles Clinic Medical Group, Inc.. Doctor raises one point on appeal, arguing the trial court erred in denying his motion to amend the judgment to include an award of prejudgment interest in that his damages were liquidated.

REVERSED AND REMANDED.

Division II Holds: The trial court erred in failing to amend the judgment to include an award of prejudgment interest in that the measure of damages was not in dispute; only the amount of damages Doctor was entitled to under his breach of contract claim. A dispute about the amount of damages owed does not preclude an award of prejudgment interest where the amount is readily ascertainable. Here, Doctor’s damages were readily ascertainable, thus requiring an award of prejudgment interest pursuant to Section 408.020 RSMo (2000).

Opinion by: George W. Draper III, J.
Glenn A. Norton, P.J. and Kathianne Knaup Crane, J., concur

Attorneys for Appellant: Jerome J. Dobson and Gregory A. Rich

Attorney for Respondent: Kathi L. Chestnut

**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.**