

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

JAMES P. HOWARD,)	No. ED97312
)	
Appellant,)	Appeal from the Circuit Court
)	of Lincoln County
vs.)	
)	
SSM ST. CHARLES CLINIC MEDICAL)	Honorable David Ash
GROUP, INC., and RODRIGO GOH, M.D.,)	
)	
Respondents.)	FILED: March 20, 2012

James Howard ("Plaintiff") appeals from the trial court's judgment dismissing Plaintiff's medical malpractice lawsuit against Defendants Rodrigo Goh, M.D., ("Dr. Goh") and SSM St. Charles Clinic Medical Group, Inc. ("SSM").

AFFIRMED

Division One Holds: Section 538.225 requires a plaintiff to file a health care affidavit ninety days from the date he filed his petition. While the statute provides that this time may be extended for a period of up to an additional ninety days, it only does so when "the court, for good cause shown, orders that such time be extended." Section 538.225.5. The record here provides no evidence that the trial court ordered such time be extended for good cause, nor did Plaintiff show *any* cause for the delay. Upon Defendant's motion, therefore, the trial court was required to dismiss the action without prejudice. Section 538.225.6.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Gary M. Gaertner, Jr., J., concur

Attorney for Appellant: Matthew R. Davis, Timothy J. Gallagher

Attorneys for Respondent: Timothy J. Gearin, Scott T. Jansen

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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