



In the Missouri Court of Appeals
Eastern District
DIVISION ONE

JUNE EMERSON,)	No. ED98536
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	10SL-CC00627
)	
THE GARVIN GROUP, LLC,)	Honorable Tom W. DePriest, Jr.
)	
Respondent.)	Filed: April 23, 2013

OPINION SUMMARY

June Emerson appeals the judgment entered upon the jury verdict finding The Garvin Group, LLC ("Garvin") twenty percent liable in Emerson's negligence action and assessing total damages at \$15,000. Emerson's negligence action alleged she suffered personal injuries resulting from a fall on a manufacturing plant floor being treated by Garvin.

REVERSED AND REMANDED.

Division One holds:

- (1) As an issue of first impression, the general rule prohibiting evidence of subsequent remedial measures does not apply to measures directed by a non-party. Accordingly, the trial court erred in excluding evidence that, subsequent to Emerson's injury, Raven Industries, a non-party to the action, directed that caution signs or tape be used to mark off designated areas of the plant floor to be treated.
- (2) Because the issues of fault and damages are blended and interwoven in a comparative fault case, the cause is remanded for a new trial on both issues without determining Emerson's point on appeal challenging the trial court's denial of her motion for additur.

Opinion by: Glenn A. Norton, J., Sherri B. Sullivan, J., concurs
Clifford H. Ahrens, P.J., dissents

Attorneys for Appellant: Gary A. Growe and Teneil L. Kellerman

Attorney for Respondent: Amy H. Surber

**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.**