

## **Summary of SC88987, *State ex rel. Corinne Reif v. The Honorable Michael T. Jamison***

Original proceeding in mandamus against the Honorable Michael T. Jamison, judge, St. Louis County.

**Attorneys:** Reif was represented by Christopher W. Dysart of The Dysart Law Firm PC in Chesterfield, and the medical center was represented by Steven S. Wasserman and Lisa A. Larkin of Williams Venker & Sanders LLC in St. Louis.

*This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** A trial court overruled a woman's motion to compel a medical center to produce a corporate representative prepared to testify, in a deposition, about the medical center's position on two specified issues in a wrongful death case. In a unanimous decision written by Judge Richard B. Teitelman, the Supreme Court makes peremptory (permanent) its writ of mandamus directing the trial court to grant the motion. The plain language of the applicable rule requires the representative to testify not about the representative's personal recollections but rather about the organizational knowledge of the corporate defendant.

**Facts:** Corinne Reif filed a wrongful death action against Missouri Baptist Medical Center, alleging her husband died as a result of injuries he sustained in February 2001 when he tripped over an unmarked electrical box on the floor of a rehabilitation center the medical center owned. Reif served the medical center with a notice requesting the deposition of a corporate representative to testify about the medical center's knowledge of the husband's fall and of the reason or basis for the presence of the electrical plug box on the floor. The corporate representative the medical center sent testified that she had no personal knowledge of how the husband fell or of the design or placement of the electrical box and that she had not reviewed documents or consulted with the medical center about these issues. Reif filed a motion to compel the medical center to produce a substitute corporate representative who was prepared to testify about these issues on the medical center's behalf. The circuit court overruled her motion. Reif seeks this Court's writ directing the trial court to grant the motion to compel.

### **WRIT MADE PEREMPTORY.**

**Court en banc holds:** Rule 57.03(b)(4) is intended to permit a party to depose an opposing corporation's representative under circumstances in which the representative's statements on identified topics will be admissible against and binding on the corporation. The testimony given is to involve not the representative's personal recollections but the knowledge of the corporate defendant. The rule's plain language does not contain any provision permitting the representative to avoid testimony about the identified topics by stating he or she has no personal knowledge of the subject matter.