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**COMPLETE TITLE OF CASE:**

**FREDRIC S. RICKNER, ET AL.,**

**APPELLANT,**

**v.**

**DIMITRIOS GOLFINOPOULOS, D.O., ET AL,**

**RESPONDENTS.**

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DOCKET NUMBER WD68690  
**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

DATE: October 31, 2008

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Appeal From:  
JACKSON COUNTY CIRCUIT COURT  
THE HONORABLE JACK RICHARD GRATE JR, JUDGE

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Appellate Judges:  
DIV II: SMART, P.J., HARDWICK and WELSH, JJ.

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Attorneys:  
DANIEL A. THOMAS, ESQ., INDEPENDENCE, MO, **for appellant.**

D. BRUCE KEPLINGER, ESQ. and JOHN R. HICKS, ESQ., OVERLAND PARK, KS,  
**FOR RESPONDENT GOLFINOPOULOS**  
ROGER W. SLEAD, ESQ. and JESSICA J. SHAW, ESQ., KANSAS CITY, MO; **FOR**  
**RESPONDENTS, JAMES AND SURGICAL CARE OF INDEP., MO.**  
MARC K. ERICKSON, ESQ., and JEFFREY M. KUNTZ, ESQ., KANSAS CITY, MO,  
**FOR RESPONDENT TURNER AND INDEP. ANESTHESIA, INC.**  
P. JOHN BRADY, ESQ., and DANIEL A. BOULWARE, ESQ., KANSAS CITY, MO,  
**FOR RESPONDENT MIDWEST DIVISION – IRHC, LLC.**

# MISSOURI APPELLATE COURT OPINION SUMMARY

## COURT OF APPEALS -- WESTERN DISTRICT

FREDRIC S. RICKNER, ET AL.,

APPELLANT,

v.

DIMITRIOS GOLFINOPOULOS, D.O., ET AL,

RESPONDENTS.

WD68690

Jackson County

Before: Division Two: Judges SMART, P.J., HARDWICK and WELSH, JJ.

Fredric Rickner appeals from the dismissal of his medical malpractice and wrongful death claims based on the expiration of the savings statutes in Section 516.230 and 537.100, RSMo 2000. Rickner contends the circuit court incorrectly applied the savings statutes because his claims were timely refiled within one year of the entry of an order granting his voluntary dismissal.

**AFFIRMED.**

**Division Two holds:** The savings statutes allow the refile of an action with one year of the date a plaintiff files a voluntary dismissal. Under Rule 67.02, a voluntary dismissal is immediately effective upon filing and does not require the entry of a court order. The circuit court properly dismissed Rickner's lawsuit because he failed to refile his claims within one year of his voluntary dismissal.

**Opinion by: Lisa White Hardwick, Judge**

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**