

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**TITA F. GARCIA,  
APPELLANT  
vs.**

**DOREEN A. LEFTWICH-KITCHEN,  
RESPONDENT**

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DOCKET NUMBER WD75749

DATE: AUGUST 20, 2013

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Appeal from:

The Circuit Court of Randolph County, Missouri  
The Honorable Scott A. Hayes, Jr., Judge

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Appellate Judges:

Division One: Victor C. Howard, Presiding Judge, Joseph M. Ellis, Judge and Anthony Rex Gabbert, Judge

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Attorneys:

Spencer E. Farris, for Appellant

Bruce Farmer, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**TITA F. GARCIA, APPELLANT**

**v.**

**DOREEN LEFTWICH-KITCHEN, RESPONDENT**

WD75749

Randolph County, Missouri

Before Division I: Victor C. Howard, Presiding Judge, Joseph M. Ellis Judge and Anthony Rex Gabbert, Judge

Tita Garcia appeals the trial court's entry of judgment in accordance with a jury verdict in favor of Doreen Leftwich-Kitchen on her claim of negligence arising out of an automobile accident. Ms. Garcia contends that the trial court erred in denying her motion for directed verdict on the issue of negligence because she made a prima facie case under the rear-end doctrine, and Ms. Leftwich-Kitchen allegedly had no justification or excuse for doing so to rebut it.

**AFFIRMED.**

**Division One Holds:**

Ms. Leftwich-Kitchen presented sufficient to create an issue of fact as to whether she had exercised the applicable standard of care. Thus, the trial court did not err in denying Ms. Garcia's motion for directed verdict.

**Opinion by: Victor C. Howard, Judge**

Date: August 20, 2013

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