OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

PATRICIA WATSON,	)	No. ED107780
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Honorable Daniel G. Pelikan
CITY OF ST. PETERS,	)	
	)	
Respondent.	)	Filed: February 11, 2020

The plaintiff, Patricia Watson, appeals the judgment entered by the Circuit Court of St. Charles County following a jury verdict in favor of the defendant, the City of St. Peters. Watson suffered injuries when the front wheel of her bicycle went into a storm water sump inlet that extended into the sidewalk where she was riding.

REVERSED AND REMANDED.

DIVISION THREE HOLDS: The trial court abused its discretion in excluding as subsequent remedial measures the evidence that, before Watson's injury, the City had taken measures to provide for, plan, and implement a citywide program to address the sump inlet conditions involved in Watson's accident. The public-policy rationale for post-accident remedial measures does not apply when the City was first alerted to the possible danger and took precautions to remediate the danger prior to Watson's accident. As a result, the general rule prohibiting subsequent remedial measures does not apply.

In addition, exclusion of evidence of the City's program prejudiced Watson, materially affecting the merits of her case by hindering her ability to prove the City's knowledge of the condition. Therefore, we reverse the trial court's judgment, and remand for a new trial.

Opinion by: Angela T. Quigless, J. Mary K. Hoff, P.J. and Sherri B. Sullivan, J. concur.

Attorneys for Appellant: Jamie Boock and Nathaniel Davis

Attorneys for Respondent: Victor Williams and Jared Howell

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