# OPINION SUMMARY
# MISSOURI COURT OF APPEALS EASTERN DISTRICT

## DIVISION TWO

| | | |
|---|---|---|
| AMY REVIS, | ) | No. ED107663 |
| | ) | |
| Appellant, | ) | Appeal from the Circuit Court of |
| | ) | St. Louis County |
| vs. | ) | |
| | ) | Honorable Joseph S. Dueker |
| DONALD BASSMAN, M.D., | ) | |
| | ) | |
| Respondent. | ) | Filed: March 3, 2020 |

Amy Revis ("Revis") appeals the trial court's judgment following a jury verdict in favor of Donald Bassman, M.D. ("Dr. Bassman") in her medical malpractice action. Revis presents four points on appeal, the first three points challenging the trial court's evidentiary rulings concerning Dr. Bassman's expert witness (1) precluding cross-examination into the witness's tort reform activities, (2) admitting unreliable causation testimony, and (3) excluding an online medical database exhibit. In her last point, Revis contends that the verdict was against the weight of the evidence.

REVERSED AND REMANDED.

DIVISION TWO HOLDS: The trial court did not err when it admitted medical expert testimony that met sufficient reliability criteria under Section 490.065 and excluded the medical database exhibit for lack of foundation. Further, Revis does not meet her burden in arguing that the verdict was against the weight of the evidence. However, the trial court did not reasonably exercise its discretion when it excluded testimony of the expert witness's tort reform activities. Accordingly, we reverse the judgment of the trial court and remand for a new trial.

Opinion by: Philip M. Hess, Presiding Judge, author.
Lisa P. Page, J., concurs.
Kurt S. Odenwald, J., dissents in part in a separate opinion.

Attorneys for Appellant: Chad M. Mooney, Eric D. Holland and Patrick R. Dowd

Attorneys for Respondent: James C. Thoele, Gary P. Paul, Claire C. Kates and Jeffrey J. Brinker

**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.**