**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

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| CHRISTOPHER RANK, DMD, | ) | No. ED108387 |
| | ) | |
| Respondent, | ) | Appeal from the Circuit Court |
| | ) | of St. Louis County |
| v. | ) | Cause No. 18SL-AC33067 |
| | ) | |
| SANDRA SMITH, | ) | Honorable Virginia W. Lay |
| | ) | |
| Appellant. | ) | Filed: May 12, 2020 |

Sandra Smith (Appellant) appeals the trial court's summary judgment in favor of Christopher Rank, DMD (Respondent), on Respondent's suit on account to collect an outstanding balance for dental services rendered to Appellant. She argues that summary judgment was inappropriate because the record fails to establish by undisputed facts that Respondent's charges were reasonable.

REVERSED AND REMANDED.

Division Four Holds: Respondent's affidavit, which he offered as evidence that the charges were reasonable, did not contain the items required by Section 490.525.2-3, thus it was not sufficient to establish this element of his suit on account. Appellant disputed that the charges were reasonable, and she also offered evidence raising the affirmative defense of recoupment, in that she averred Respondent rendered incomplete and unsatisfactory service. Given the circumstances and evidence here, summary judgment was inappropriate.

Opinion by: Gary M. Gaertner, Jr., J.
James M. Dowd, P.J., and Robin Ransom, J., concur.

Attorney for Appellant: Kenneth A. Leeds
Attorney for Respondent: William L. Floodman, III