MISSOURI COURT OF APPEALS
WESTERN DISTRICT

SEAN TATE,
APPELLANT

vs.

TROY DIERKS,
RESPONDENT

DOCKET NUMBER WD82725
DATE: September 22, 2020

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable S. Margene Burnett, Judge

Appellate Judges:

Division Two: Karen King Mitchell, Presiding Judge, Anthony Rex Gabbert, Judge and W. Douglas Thomson, Judge

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Attorneys:

James D. Walker, Jr., for Appellant

Michael C. Kirkham, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

SEAN TATE, APPELLANT,
v.
TROY DIERKS, RESPONDENT.

WD82725 Jackson County

Before Division Two Judges: Karen King Mitchell, Presiding Judge, Anthony Rex Gabbert, Judge, and W. Douglas Thomson, Judge

Sean Tate appeals from the judgment of the Jackson County Circuit Court following a jury trial in a wrongful death action in favor of Troy Dierks. On appeal, Tate claims the trial court erred in denying his motion for new trial for reason that the court abused its discretion in excluding the testimony of witness Jeffrey Frazier. We affirm, finding that the trial court acted within its discretion in excluding Frazier's testimony.

AFFIRMED.

Division Two holds:

The trial court did not abuse its discretion in excluding Frazier's testimony as a sanction for failing to identify Frazier as a witness in response to interrogatories and the required witness list.

Opinion by: W. Douglas Thomson, Judge Date: September 22, 2020

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