In the Missouri Court of Appeals
Eastern District

DIVISION THREE

ARTHUR R. PIVA,	)	No. ED108780
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	Marion County
vs.	)	19MR-CV00455-01
	)	
RICHARD A. PIVA,	)	Honorable Rachel L. Bringer Shepherd
	)	
Respondent.	)	Filed: October 13, 2020

In this invasion of privacy suit between two brothers, Appellant Arthur Piva appeals the trial court's order and judgment that set aside pursuant to Rule 74.05(d) the default judgment entered in his favor against Respondent Richard Piva.

AFFIRMED.

DIVISION III HOLDS: (1) The trial court did not abuse its discretion in admitting Respondent's affidavit, because even absent an explicit assertion of personal knowledge, the affidavit provided a clear basis for Respondent's personal knowledge regarding the statements.

(2) The trial court did not abuse its discretion in determining Respondent satisfied the element of *good cause* for the delay, because Respondent's affidavit states sufficient facts the court could rely on in finding the Respondent's conduct was not intentionally or recklessly designed to impede the judicial process.

(3) The trial court did not abuse its discretion in determining Respondent's delay in filing his motion was within a reasonable time, because public policy favors trying cases on their merits and the trial court has broad discretion to make such a determination.

Opinion by: James M. Dowd, J.

Angela T. Quigless, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Daniel R. Dunham

Attorney for Respondent: Charles L. Hickman, James C. Ochs, and Patrick T. Ochs

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.