OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

E.K.H.-G.,	)	No. ED108578
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	St. Charles County
vs.	)	
	)	Honorable John P. Banas
R.C., III,	)	
	)	
Appellant.	)	Filed: November 17, 2020

R.C. III ("Father") appeals the trial court's judgment granting E.K.H.-G ("Grandmother") third-party custody of Father's three-year-old daughter, M.C.G. ("Child") following the death of N.G., Grandmother's daughter. Father raises six points on appeal, one of which argues the trial court erred by not allowing him to present evidence at trial.

REVERSED AND REMANDED.

DIVISION IV HOLDS: Father's point regarding the trial court's imposition of discovery sanctions is dispositive. The trial court abused its discretion in sanctioning Father for his failure to comply with discovery requests by preventing him from offering any evidence in his defense during the proceedings. The trial court made no determination Grandmother was prejudiced by failing to file responsive pleadings, a statement of income and expenses, or a statement of property. *See S.R. v. K.M.*, 115 S.W.3d 862, 865 (Mo. App. E.D. 2003). The trial court further made no finding Father's failure to file these documents resulted from his deliberate disregard for the authority of the trial court. *Id.* Given the nature of this third-party custody dispute, the trial court's view of the circumstances affecting Child's best interests should have been informed by *both* Father's and Grandmother's version of the facts. *See Jones v. Jones*, 10 S.W.3d 528, 540 (Mo. App. W.D. 1999). The trial court's judgment is reversed and remanded for additional proceedings.

Opinion by: Philip M. Hess, J.
Gary M. Gaertner, Jr., P.J. and Michael E. Gardner, J. concur.

Attorney for Appellant: Rick D. Massey

Attorney for Respondent: Elliott I Goldberger and Dzenana Delic

Guardian Ad Litem: Virginia L. Busch

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