OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

KAYLA HURLEY,	)	ED109062
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
v.	)	1822-AC12890-01
	)	
KAREN BURTON,	)	Honorable Thomas A. McCarthy
	)	
Respondent.	)	Filed: April 27, 2021

Plaintiff Kayla Hurley (Appellant) appeals from the trial court's judgment, following a jury trial, awarding her $15,000 in damages from Defendant Karen Burton (Respondent) in a personal injury action involving a motor vehicle accident.

AFFIRMED.

Division 2 holds: With respect to Respondent's opening statement regarding Appellant hiring counsel, we find the trial court did not abuse its discretion in denying a motion for mistrial, denying curative instructions and admonishment, and denying rebuttal evidence. While the context of Appellant's retention of an attorney may have been unnecessary to highlight the relevant gap in medical treatment, it did not attempt to connect Appellant's injuries with the pendency of her lawsuit or use of the judicial system and was not prejudicial to warrant a mistrial. The trial court also did not abuse its discretion in denying a poorly drafted curative instruction and rebuttal evidence that would have caused more harm than good by highlighting Defense Counsel's opening statement and distracting jurors from the main issues of the case.

Additionally, the trial court did not abuse its discretion in denying Appellant's motion for new trial either by admitting legally and logically relevant evidence of Appellant's other medical treatment, or by excluding collateral impeachment evidence of Respondent's prior abandoned

pleading and legal conclusion of negligence. Without a specific finding of any single prejudicial error, the trial court did not abuse its discretion in denying Appellant's motion for new trial based on a cumulative effect of the errors set forth herein.

Opinion by: Lisa P. Page, J.

Robin Ransom, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant:	Christopher J. Finney, Alexander L. Ledbetter, and Craig A. Schlapprizzi
Attorney for Respondent:	David P. Bub, Thomas M. Ward, Jennine Adamek, Jeffrey D. Lester, and Kelsey L. McLean

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.