

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

RICHARD WILLIAM BANGERT, et al.,	)	No. ED109319
	)	
Appellants,	)	Appeal from the Circuit Court
	)	of Cape Girardeau County
v.	)	Cause No. 18CG-AC00455-01
	)	
DUSTIN L. REES, et al.,	)	Honorable Benjamin F. Lewis
	)	
Respondents.	)	Filed: September 28, 2021

Richard William Bangert, both individually and as trustee of the Richard William Bangert Revocable Trust dated July 23, 2003 (Bangert), appeals the judgment of the trial court denying his claim for past rent against Respondents Dustin L. Rees (Rees), Michelle L. Rees, and Rees Engineering and Design, LLC, and awarding Bangert \$500 in damages on Bangert’s personal injury claim against Rees. Bangert argues the trial court abused its discretion in excluding his medical records offered as evidence under the business records exception to the hearsay rule, and that the judgment denying Bangert’s claim for unpaid rent is against the weight of the evidence.

AFFIRMED.

Division Two Holds: While we find the trial court abused its discretion in excluding Bangert’s medical records offered as business records at trial, Bangert has not established he was prejudiced by the trial court’s error. Additionally, the trial court’s judgment denying Bangert’s claim for unpaid rent was supported by substantial evidence in the record showing Bangert’s damages are fully mitigated.

Opinion by: Gary M. Gaertner, Jr. J.,  
Robert M. Clayton III, P.J., and Thom C. Clark, J., concur.

Attorney for Appellant: Chris. N. Weiss  
Attorney for Respondent: Michael L. Jackson

**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.**