OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

J.J., by and through Next Friend, C.W.,	)	No. ED111339
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of Cape Girardeau County
v.	)	Cause No. 21CG-CC00302
	)	
POPLAR BLUFF REGIONAL	)	
MEDICAL CENTER, L.L.C.,	)	Honorable Benjamin F. Lewis
	)	
Respondent.	)	Filed: September 26, 2023

J.J., by and through Next Friend, C.W., (J.J.) appeals from the trial court's judgment granting Poplar Bluff Regional Medical Center, L.L.C.'s (PBRMC) motion to dismiss for J.J.'s failure to comply with Section 538.225.1, RSMo. Supp. 2017. J.J. argues the trial court erred in finding Section 538.225.1 applicable under the circumstances.

REVERSED AND REMANDED.

Division Three Holds: The trial court erred in granting PBRMC's motion to dismiss for J.J.'s failure to file an affidavit of merit because J.J. did not allege injuries stemming from the rendering of or failure to render a health care service, and thus he was not required to file an affidavit of merit pursuant to Section 538.225.1.

Opinion by: Gary M. Gaertner, Jr., J.,
Lisa P. Page, P. J., and Angela T. Quigless, J., concur.

Attorneys for Appellant: Maureen M. Brady, Lucy G. McShane, Richard L. Rollings, Jr.

Attorneys for Respondent: Michael D. Murphy, Stacy N. Harper, Sarah E. Heise, Barry L. Pickens

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.