

MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY

WRIT DIVISION ONE

STATE OF MISSOURI, ex rel.,	)	No. ED104669
REHNQUIST DESIGN & BUILD, INC.,	)	
	)	Writ of Prohibition
Relator,	)	
	)	
vs.	)	Case No. 15SL-CC01812
	)	
HONORABLE ELLEN LEVY SIWAK,	)	
Judge, Circuit Court of St. Louis County,	)	
	)	
Respondent.	)	Filed: September 27, 2016

Relator Rehnquist Design & Build seeks a writ of prohibition directing the Honorable Ellen Levy Siwak to refrain from enforcing an order to compel the discovery of Rehnquist’s financial assets absent a finding that the plaintiffs are likely to make a submissible case for punitive damages.

WRIT MADE PERMANENT

WRIT DIVISION ONE HOLDS: Section 510.263.8 specifically states that a defendant’s financial assets are discoverable “only after a finding by the trial court that it is more likely than not that the plaintiff will be able to present a submissible case to the trier of fact on the plaintiff’s claim of punitive damages.” The trial court made no such finding here. Respondent is directed to vacate its order to compel the discovery of Relator’s financial assets unless and until it makes an express finding on the record in accordance with §510.263.8.

Opinion by: Lisa Van Amburg, Presiding Judge

Mary K. Hoff, Judge and Colleen Dolan, Judge, concur.

Attorneys for Relator: David P. Bub  
Brandon B. Copeland (co-counsel)

Attorney for Respondent: W. Dudley McCarter

**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.**