



**In the Missouri Court of Appeals
Eastern District
DIVISION TWO
OPINION SUMMARY**

RUTH ANN LAUCK,)	No. ED90986
)	
Appellant,)	
)	Appeal from the Circuit Court of
)	St. Louis County
)	
vs.)	Cause No. 2105CC-04540
)	
WILLIAM PRICE,)	Honorable Gary M. Gaertner, Jr.
)	
Respondent.)	Filed: May 5, 2009
)	

Ruth Lauck (hereinafter, “Lauck”) appeals from the trial court’s judgment entered after a jury returned its verdict in favor of William Price (hereinafter, “Price”) on Lauck’s claim of negligence for injuries sustained during an auto accident. Lauck raises three points on appeal claiming: (1) the trial court abused its discretion in admitting Dr. Richard C. Lehman’s (hereinafter, “Dr. Lehman”) deposition testimony because it was inadmissible hearsay; (2) the trial court erred when it denied Lauck’s motion for a mistrial and gave curative instruction to the jury when Price violated a motion in limine at trial; and (3) the cumulative errors at trial warranted a mistrial.

AFFIRMED IN PART; DISMISSED IN PART.

Division Two Holds: (1) Lauck did not waive her right to object to the admission of evidence under Rule 57.07. The trial court did not abuse its discretion in admitting the evidence because Dr. Lehman was testifying as an expert, and as such, was entitled to rely on Lauck’s medical history in forming his opinions. (2) Lauck’s second and third points on appeal do not conform to Rule 84.04 of appellate procedure; thus, we dismiss these claims.

Opinion by: George W. Draper III, J.

Roy L. Richter, P.J., and Lawrence
E. Mooney, J., concur

Attorneys for Appellant: Joseph S. Rubin:
Attorney for Respondent: Cheryl A. Callis

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