



In the Missouri Court of Appeals
Eastern District

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SOHRAB DEVITRE,)	No. ED93366
)	
Plaintiff/Appellant,)	
)	Appeal from the Circuit Court
v.)	of St. Louis County
)	
THE ORTHOPEDIC CENTER OF)	
SAINT LOUIS, LLC,)	
)	
Defendant,)	Honorable Steven H. Goldman
and)	
)	
MITCHELL B. ROTMAN, M.D.,)	
Defendant/Respondent.)	Filed: February 23, 2010

Sohrab Devitre (Appellant) appeals from the circuit court's judgment dismissing his claim against Dr. Mitchell B. Rotman (Dr. Rotman), alleging that Dr. Rotman intentionally assaulted and battered him during a medical examination.

AFFIRMED.

Division Two Holds: A health care affidavit is required under Section 538.225 when the allegations arise out of the relationship of a health care provider and recipient, and the provision of a health care service. The circuit court did not err in denying Appellant's Motion to Strike Dr. Rotman's defenses and in granting Dr. Rotman's Motion to Dismiss for Failing to File a Health Care Affidavit.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: James S. Collins, II

Attorneys for Respondent: David I. Hares and Robert J. Amsler, Jr.

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.