

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

PHILLIP H. MARCH,)	No. ED96722
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	
)	
MIDWEST ST. LOUIS, L.L.C.,)	Hon. Edward W. Sweeney, Jr.
)	
Defendant/Appellant.)	Filed: October 2, 2012

Midwest St. Louis, L.L.C. (Appellant) appeals from the judgment entered by the trial court granting the motion of Phillip H. March (Respondent) for new trial after a jury returned a verdict in favor of Appellant.

REVERSED.

Division One Holds: Appellant’s expert witness did not willfully or deliberately testify falsely regarding his background as a crime scene analyst and therefore a new trial based on perjury should not have been granted. A brief article written by Appellant’s expert witness and posted on his website did not constitute newly discovered evidence by Respondent meriting a new trial because its contents did not pertain to a material issue in the case which would likely affect the jury’s verdict for Appellant.

Opinion by: Sherri B. Sullivan, J. Clifford H. Ahrens, P.J., concurs.
Glenn A. Norton, J., dissents in separate opinion.

Attorneys for Appellant: Russell F. Watters, Brad R. Hansmann, and Patrick A. Bousquet
Attorneys for Respondent: William Edward Taylor and Joseph M. Taylor

<p style="text-align:center">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.</p>
