

MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY

STATE OF MISSOURI ex rel., GARY W. )	No. ED96966
FARLEY, D.O. and NORTHLAND )	
ORTHOPAEDIC GROUP, INC. d/b/a )	
NORTHLAND MID-AMERICA )	
ORTHOPEdic, )	Writ of Mandamus
)	
Relators, )	
)	
vs. )	
)	
HONORABLE MICHAEL JAMISON, )	
CIRCUIT COURT JUDGE, DIVISION 10, )	
CIRCUIT COURT OF ST. LOUIS )	
COUNTY, )	
)	
Respondent. )	FILED: August 9, 2011

Dr. Gary W. Farley and Northland Orthopaedic Group, Inc., d/b/a Northland Mid-America Orthopedic (“Relators”) filed a writ of mandamus, seeking to compel the Honorable Michael Jamison, Judge of the Twenty-First Judicial Circuit Court of Missouri to dismiss without prejudice a medical malpractice suit filed by Tracy Dunn (“Plaintiff”) for her failure to timely file a proper health care affidavit as required by section 538.225 RSMo. Cum. Supp. 2005.

WRIT MADE PERMANENT.

WRIT DIVISION THREE HOLDS: The trial court erred in failing to dismiss Plaintiff’s suit without prejudice for failure to comply with the requirements of section 538.225 RSMo Cum. Supp. 2005 on the motion to dismiss filed by Relators. That statute requires that a health care affidavit by a legally qualified health care provider be filed within ninety days of the filing of a petition by a plaintiff alleging medical malpractice, which period the trial court may extend by up to ninety more days for good cause shown. Section 538.225.3 further requires that the affidavit state the name, address, and qualifications of such health care providers to offer such opinion. Section 538.225.6 RSMo. Cum. Supp. 2005 mandates that the trial court dismiss the action against the moving party without prejudice if a statutorily adequate affidavit is not timely filed.

Opinion by: Clifford H. Ahrens, P.J. Robert G. Dowd, Jr., J., and Lawrence E. Mooney, J., concur.

Attorney for Relator: Mark A. Gonnerman  
Attorney for Respondent: Donald J. Ohl

**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.**