

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION TWO

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|------------------------|---|---------------------------------|
| DONALD J. MEIER, |) | No. ED98728 |
| and |) | |
| KATHLEEN MEIER, |) | |
| Plaintiffs/Appellants/ |) | |
| Cross-Respondents, |) | Appeal from the Circuit Court |
| |) | of Osage County |
| vs. |) | 100S-CC00013 |
| |) | |
| JONATHAN D. SCHROCK, |) | |
| Defendant, |) | Honorable Robert D. Schollmeyer |
| and |) | |
| DAVID E. SCHROCK, |) | |
| Defendant/Respondent/ |) | |
| Cross-Appellant. |) | FILED: May 7, 2013 |

Donald J. Meier (Mr. Meier) and Kathleen Meier (Mrs. Meier) (collectively referred to as Plaintiffs) appeal from the trial court's judgment awarding only the amount of Mr. Meier's medical bills and Mrs. Meier's loss of consortium claim but nothing for Mr. Meier's pain and suffering for injuries following an automobile accident. David E. Schrock (Father)¹ cross-appeals from the trial court's judgment on Plaintiffs' petition alleging that Father was vicariously liable for Plaintiffs' injuries caused by his son, Jonathan, (Son) during the same accident.

APPEAL REVERSED IN PART and REMANDED IN PART.
CROSS-APPEAL REVERSED.

Division Two Holds: (1) With regard to Plaintiffs' appeal, given the ample undisputed evidence regarding Mr. Meier's pain and suffering resulting from the injuries he sustained in the accident, the failure to award non-economic damages was an abuse of discretion. Consequently, we affirm the award of medical damages but reverse the judgment with regard to the failure to award non-economic damages and remand for further proceedings. (2) With regard to Father's cross-appeal, the evidence did not support a finding that Son was under the direction and control of Father at the time of the accident. Consequently, we reverse the trial court's judgment with regard to its finding that Father was vicariously liable for Plaintiffs' injuries.

Opinion by: Mary K. Hoff, Judge Kathianne Knaup Crane, Presiding Judge and
Lisa S. Van Amburg, Judge, concur.

Attorney for Appellant/Cross-Respondent: Andrew J. Gelbach
Attorney for Respondent/Cross-Appellant: David G. Bandre'

**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.**

¹ For ease of reading, we refer to David Schrock and Jonathan Schrock as Father and Son, respectively.

