

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KATHY WACKER and BRYAN WACKER,)	No. ED99789
Appellants,)	
)	
vs.)	
)	
ST. FRANCIS MEDICAL CENTER, Defendant,)	Appeal from the Circuit
MATTHEW COLLARD, D.O., and)	Court of Cape Girardeau
ORTHOPEDIC SPECIALISTS, P.C., Respondents,)	County
CHARLES PEWITT, D.O., BERNARD BURNS,)	
D.O., ORTHOPEDIC ASSOCIATES OF)	Hon. William L. Syler
SOUTHEAST MISSOURI, P.C., AARON)	
KOONCE, D.O., SOUTHEAST MISSOURI)	Filed:
HOSPITAL and SOUTHEAST MISSOURI)	October 29, 2013
HOSPITAL PHYSICIANS, LLC, Defendants.)	

Appellants appeal from the judgment of the trial court granting summary judgment in favor of Respondents in a medical malpractice action. Appellants argue the trial court erred in granting summary judgment because they established a prima facie case of medical malpractice.

REVERSED AND REMANDED.

Division Two holds: Dr. Mark Ivey offered deposition testimony that in his opinion, Dr. Matthew Collard violated the objective standard of care by failing to refer Kathy Wacker to a vascular surgeon or vascular specialist. This deposition testimony is sufficient to survive summary judgment, thus the trial court's granting of summary judgment was in error.

Opinion by: Robert G. Dowd, Jr., J
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellants: Matthew J. Padberg

Attorney for Respondents: Mark A. Gonnermann

**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**