

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

RYAN A. FIELDER, RESPONDENT,

v.

ROBERT E. GITTINGS, APPELLANT.

DOCKET NUMBER WD70212

DATE: February 23, 2010

Appeal From:
CLAY COUNTY CIRCUIT COURT
THE HONORABLE ANTHONY REX GABBERT, JUDGE

Appellate Judges:
Division One: Lisa White Hardwick, P.J., James M. Smart, Jr., and Alok Ahuja, JJ.

Attorneys:
William A. Mallory, Overland Park, KS, **for appellant.**

Douglass F. Noland, Liberty, MO, **for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

RYAN A. FIELDER, RESPONDENT

v.

ROBERT E. GITTINGS, APPELLANT

WD70212

CLAY COUNTY CIRCUIT COURT

Ryan Fielder filed a petition alleging that he was injured by Robert Gittings's negligent operation of a vehicle. After a trial, the jury returned a verdict in favor of Fielder and against Gittings. The jury awarded Fielder damages in the amount of \$40,000. Fielder filed a motion for a new trial premised on intentional juror non-disclosure during *voir dire*. The trial court granted Fielder's motion for a new trial. Gittings appeals.

AFFIRMED.

Division One holds:

A question asking if any venireperson had been a defendant in any type of litigation with the exception of divorce cases was sufficiently clear to trigger a duty to disclose non-personal injury litigation.

Where venirepersons were reasonably able to comprehend the information sought and remembered or should have remembered prior litigation, a finding that their nondisclosure was intentional cannot be considered an abuse of discretion.

Opinion by: James M. Smart, Jr., Judge

February 23, 2010

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