IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE

WILLIAM P. MONTGOMERY, JR.,

Respondent,

v.

GORDON RAY WILSON, JR., GORDON R. WILSON, as Trustee of the GORDON R. WILSON and BESSIE I. WILSON TRUST dated June 6, 1996,

Appellants.

DOCKET NUMBER WD71398

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: February 15, 2011

APPEAL FROM

The Circuit Court of Clay County, Missouri
The Honorable Anthony Rex Gabbert, Judge

APPELLATE JUDGES

Division One: Mark D. Pfeiffer, Presiding Judge, and Thomas H. Newton and Alok Ahuja, Judges

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ATTORNEYS

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Attorneys for Appellants.

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

WILLIAM P. MONTGOMERY, JR.,	)
	)
Respondent,	)
v.	)
	)
GORDON RAY WILSON, JR., GORDON R. WILSON, as Trustee of the GORDON R. WILSON and BESSIE L. WILSON TRUST dated June 6, 1996,	)
	)
Appellants.	)

WD71398 Clay County

Before Division One Judges: Mark D. Pfeiffer, Presiding Judge, and Thomas H. Newton and Alok Ahuja, Judges

Gordon Ray Wilson, Sr. and Gordon Ray Wilson, Jr. appeal the judgment upon jury verdict entered in favor of William P. Montgomery, Jr., finding the Wilsons were negligent and 75% at fault for injuries Montgomery sustained while on the Wilsons' property.

The Wilsons raise three points on appeal, arguing that Montgomery failed to present substantial evidence that an unsafe condition existed that caused his fall, that Montgomery failed to rebut the presumption in section 490.715.5(2) and, therefore, should not have been allowed to present evidence of the amount billed for his medical treatment as the value of his medical treatment, and that the cross-examination of the Wilsons' expert witness regarding his opinion and testimony given in a different case was improper.

AFFIRMED.

Division One holds:

We find that Montgomery presented substantial evidence that an unsafe condition existed and caused him to fall when his co-worker testified to the existence of a dangerous slick spot where Montgomery testified he fell that was present before and after (and presumably during) his

slip and fall. Furthermore, when Montgomery presented billing custodian affidavits from his medical providers and expert testimony from medical doctors testifying that the medical bills issued to Montgomery were reasonable, customary, and represented the fair value of the medical treatment provided to Montgomery, he successfully rebutted the statutory presumption that the dollar amount necessary to satisfy the financial obligations to the health care providers represents the value of the medical treatment rendered. The impeachment cross-examination of Dr. Prostic was also proper because cross-examination of a witness as to previous or unrelated cases a witness has had involvement in is permissible in the context of bias. Accordingly, we affirm the judgment of the trial court in favor of Montgomery.

Opinion by: Mark D. Pfeiffer, Judge February 15, 2011

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.