

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STEVE SAUNDERS,

Appellant,

v.

KATHLEEN BASKA,

Respondent.

DOCKET NUMBER WD75405

Date: April 16, 2013

Appeal from:
Platte County Circuit Court
The Honorable Owens L. Hull, JR., Judge

Appellate Judges:
Division Two: Karen King Mitchell, Presiding Judge, Thomas H. Newton and Lisa White
Hardwick, Judges

Attorneys:
Mav H. Mirfaasihi, Kansas City, MO, for appellant.
Mark E. Meyer, Kansas City, MO, for respondent.

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

STEVE SAUNDERS

Appellant,

v.

KATHLEEN BASKA,

Respondent.

WD75405

Platte County

Before Division Two: Karen King Mitchell, Presiding Judge,
Thomas H. Newton and Lisa White Hardwick, Judges

This is an appeal from the circuit court's directed verdict in favor of Kathleen Baska and against Steve Saunders on his negligence claim arising from an automobile accident at an uncontrolled intersection. Appellant Saunders contends the directed verdict was improper because he presented a submissible case of negligence based on Baska's failure to yield the right-of-way and failure to keep a careful lookout.

REVERSED AND REMANDED.

Division Two Holds: The circuit court erred in granting Baska's motion for a directed verdict at the close of all the evidence as to Saunders's right-of-way and lookout claims. Saunders established a submissible case for failure to yield the right-of-way by presenting sufficient evidence from which a jury could reasonably conclude that he had already entered the intersection and was more than halfway through when Baska entered and struck his vehicle. Saunders also made a submissible case for

failure to keep a careful lookout by presenting sufficient evidence from which a jury could reasonably infer that Baska could and should have seen Saunders's approaching vehicle when she was stopped at the intersection and, thereby, created the danger of a collision by failing to see Saunders's vehicle before entering the intersection.

Accordingly, we reverse the directed verdict and remand for a new trial.

Opinion by: Lisa White Hardwick, Judge

April 16, 2013

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