

SLB's Motion for Trial Continuance, as SLB's expert was unavailable to review newly disclosed medical information and Plaintiff would not have been prejudiced by the continuance.

Pursuant to Rule 78.01, the Court may grant a new trial upon good cause shown. The Court does not believe that Defendant has shown good cause.

First, Defendant is not entitled to a new trial because the Court entered a default judgment against Defendant as to liability. Judge Moriarty had stricken Defendant's pleadings for discovery violations. Because Defendant's pleadings were stricken, Defendant was in default and a default judgment was entered. The Court has broad discretion in administering the rules of discovery and in determining the proper remedy — including sanctions — for a party's non-compliance with the rules of discovery. Frontenac Bank v. GB Invs., LLC, 528 S.W.3d 381, 390 (Mo.App. E.D. 2017). A trial court abuses its discretion only if its decision to impose sanctions “is clearly against the logic of the circumstance[s], is arbitrary and unreasonable, and indicates a lack of careful consideration.” Id.

Next, Defendant is not entitled to a new trial because the Court failed to grant Defendant's motion to compel in its entirety. The Court is vested with broad discretion to control discovery and to choose a remedy to address any non-disclosure of evidence. Gallagher v. DaimlerChrysler Corp., 238 S.W.3d 157, 162 (Mo.App. E.D. 2007). Where reasonable persons can differ about the propriety of the Court's decision regarding discovery violations, it cannot be said that the Court abused its discretion. Intertel, Inc. v. Sedgwick Claims Mgmt. Servs., 204 S.W.3d 183, 193 (Mo.App. E.D. 2006).

Finally, Defendant is not entitled to a new trial based on the Court's refusal to grant Defendant's motion for a continuance. Rule 65 governs continuances in civil cases. Harris v.

Desisto, 932 S.W.2d 435, 439 (Mo.App. W.D. 1996). Rule 65.01 provides that a continuance can be granted for “good cause shown.” The grant or denial of an application for continuance rests within the sound discretion of the trial court. Id.

THEREFORE, it is Ordered and Decreed that Defendant SLB Acquisition, LLC’s Motion for New Trial is DENIED.

SO ORDERED:

CLINTON R. WRIGHT, Judge

Dated: _____