FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-43 / 89-704

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RHONDA L. JONES and **GREGORY A. JONES, SR.,**

Appellees,

vs.

JOHN A. HAMILTON and **MELVIN E. SOPPE,**

Appellants.

Appeal from the Iowa District Court for Lee County, D. B. Hendrickson, Judge.

In this tort suit arising from an auto collision, a jury returned a verdict in favor of plaintiffs. Defendants have appealed from the resulting judgment. They challenge the admission of expert testimony by a chiropractor about the injuries suffered by one of the plaintiffs. Defendants contend this expert testimony should have been excluded or limited as a discovery sanction because plaintiffs had not adequately disclosed the substance of the testimony during discovery. **AFFIRMED.**

Craig D. Warner of Aspelmeier, Fisch, Power, Warner & Engberg, Burlington, for the appellants.

R.L. Fehseke, Jr., Fort Madison, for the appellees.

Heard by Donielson, P.J., and Hayden and Habhab, JJ.

DONIELSON, P.J.

As the result of an auto accident, Rhonda and Gregory Jones filed a lawsuit against defendants Soppe and Hamilton. At trial, plaintiffs presented testimony by several doctors and chiropractors who had treated Rhonda Jones. One of these witnesses, chiropractor Rick Courtney, testified Rhonda Jones had a 40% whole-person impairment of the body as a whole and would endure pain for the rest of her life. This testimony was more favorable to plaintiffs than any of the other medical testimony they presented.

The jury awarded Rhonda Jones $90,000. Defendants have appealed from the resulting judgment. They challenge the admission of the testimony by chiropractor Courtney. They contend plaintiffs did not adequately disclose their intention to use Courtney's testimony during discovery and thereby violated Iowa Rule of Civil Procedure 125(c). Defendants argue the district court should have excluded or limited Courtney's testimony as a discovery sanction and the court erred in overruling their motion for a new trial.

The purpose of requiring the disclosure of expert witnesses is to prevent unfair surprise to the other party. Jones v. Blair, 387 N.W.2d 349, 354-55 (Iowa 1986). The trial court has the inherent power to enforce our discovery rules and may impose sanctions for a party's failure to obey. Hoekstra v. Farm Bureau Mut. Ins. Co., 382 N.W.2d 100, 108 (Iowa 1986).

The exclusion of expert testimony is within the realm of sanction alternatives. Id. We will reverse the imposition of a sanction only when the trial court abused its discretion. Id. We find an abuse of discretion when such discretion is exercised on grounds or for such reasons clearly untenable or to an extent clearly unreasonable. An abuse of discretion is rarely found. Id.

Defendants filed a motion to exclude the testimony of Rick Courtney. The trial court granted plaintiffs' motion to supplement its interrogatories and allowed Mr. Courtney to testify. There was evidence regarding discussion of an extension of the time for discovery and defendants had an opportunity to depose Mr. Courtney prior to trial. From our review of the record, we cannot find the trial court abused its discretion.

Defendants made no subsequent motion to limit Mr. Courtney's testimony pursuant to Iowa Rule of Civil Procedure 125(d). We cannot find the circumstances surrounding Mr. Courtney's testimony or the scheduling of the trial warranted the granting of a new trial. The decision of the trial court is affirmed.

AFFIRMED.