

Summary of SC92793, *Madonna Farrow v. Saint Francis Medical Center and Cedric C. Strange*

Appeal from the Cape Girardeau County circuit court, Judge Benjamin F. Lewis
Argued and submitted January 31, 2013; opinion issued August 27, 2013

Attorneys: Farrow was represented by Charles S. Kramer and Joseph D. Schneider of Riezman Berger, PC in St. Louis, (314) 727-0101; and Saint Francis and Strange were represented by Thomas O. McCarthy and Brian M. O’Neal of McMahon Berger PC in St. Louis, (314) 567-7350.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A woman appeals the trial court’s grant of summary judgment finding defendants were entitled to a judgment as a matter of law regarding the woman’s claims of violations of the Missouri Human Rights Act (“MHRA”) and common law claims of retaliatory discrimination, wrongful termination, defamation, false light invasion of privacy and tortious interference with a business expectancy. In a decision written by Judge George W. Draper III, the Supreme Court of Missouri affirms part of the judgment, reverses part of the judgment and remands (sends back) the case. Five judges concur with the opinion in its entirety; Judge Patricia Breckenridge concurs in the result.

Facts: Madonna Farrow, a staff nurse for Saint Francis (“Hospital”), alleged multiple incidents of sexual harassment and defamatory statements by Dr. Cedric C. Strange (“Doctor”). Farrow reported the behavior to her superiors at Hospital. Following the reports, Farrow claims the Hospital took several progressive retaliatory actions against her culminating in her termination. Farrow filed an eight-count petition against Hospital. Hospital filed a motion for summary judgment, which the circuit court granted.

AFFIRMED IN PART, REVERSED IN PART AND REMANDED.

Court en banc holds: (1) The Missouri Commission on Human Rights properly exercised its authority to issue Farrow a right to sue letter on her MHRA claims, finding her claims to be timely.

(2) Farrow met the statutory requirements to file a claim under the MHRA.

(3) Hospital is not excluded as a defendant by the MHRA’s definition of “employer,” because the Commission’s valid regulation requires 100 percent

ownership by a religious or sectarian group for the exemption to apply, and Hospital does not qualify.

(4) Farrow failed to include a claim of post-termination retaliation in her complaint before the commission in order to exhaust administrative remedies, and the circuit court properly granted summary judgment in the Hospital's favor on this claim.

(5) The circuit court erred in granting judgment in favor of Hospital on the wrongful discharge claim pursuant to the public policy exception to the employment at will doctrine. However, it properly granted judgment in favor of Doctor on this count because he was not Farrow's employer.

(6) Farrow's claim for defamation against Doctor was properly dismissed by the circuit court because it was filed beyond the two year statute of limitations.

(7) The circuit court properly granted summary judgment in Doctor's favor on Farrow's false light invasion of privacy claim because she failed to plead a claim beyond that of an action for defamation.

(8) The circuit court properly granted summary judgment in Doctor's favor on Farrow's claim of tortious interference with a business expectancy, because Farrow failed to allege facts supporting Doctor's lack of justification when commenting on her job performance.