

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION TWO

TIM W. BOWOLAK,)	No. ED100502
Respondent/Cross-Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	11SL-CC02238
)	
MERCY EAST COMMUNITIES d/b/a)	Honorable Thea Anne Sherry
MERCY HOSPITAL ST. LOUIS f/k/a)	
ST. JOHN’S MERCY HEALTH SYSTEM)	
d/b/a ST. JOHN’S MERCY MEDICAL)	
CENTER,)	
Appellant.)	FILED: October 28, 2014

Mercy East Communities d/b/a Mercy Hospital St. Louis f/k/a St. John’s Mercy Health System d/b/a St. John’s Mercy Medical Center appeals from the judgment entered following a jury verdict in favor of Tim W. Bowolak (Bowolak) in the amount of \$50,000.00 compensatory damages, \$500,001.00 punitive damages, attorneys’ fees in the amount of \$81,500.00 and court costs. Bowolak cross appeals the portion of the judgment assessing post-judgment interest at the rate of 5 percent, as opposed to 9 percent, as to the award of compensatory and punitive damages.¹

AFFIRMED.

Division Two Holds: Bowolak presented sufficient evidence to make a submissible case for compensatory and punitive damages. The trial court did not err in upholding the jury’s award of punitive damages and entering judgment accordingly, in that said award was proven by clear and convincing evidence and was not unconstitutionally excessive. Additionally, the trial court did not err in the submission and refusal of jury instructions, and did not commit error in connection with any evidentiary matters. Finally, the trial court did not commit error in the award of attorneys’ fees on behalf of Bowolak. With respect to Bowolak’s cross-appeal, the trial court did not err in ordering post-judgment interest on Bowolak’s compensatory and punitive damages at a rate of 5 percent as opposed to 9 percent.

Opinion by: Mary K. Hoff, J.
Sherri B. Sullivan, P.J., and Philip M. Hess, J., Concur.

Attorneys for Appellant: James M. Paul and Joshua D. Bortnick

Attorney for Respondent: Robert J. Radice

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ Bowolak’s motion for attorneys’ fees in the amount of \$17,625.00, filed on July 7, 2014, is granted.