

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION FOUR**

GWENDOLYN MEDLEY,	)	No. ED101434
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	1222-CC09664
	)	
JOYCE MEYER MINISTRIES, INC.,	)	Honorable Edward W. Sweeney, Jr.
	)	
Appellant.	)	Filed: April 7, 2015

Joyce Meyer Ministries, Inc. (“Defendant”) appeals the judgment entered upon a jury verdict awarding Gwendolyn Medley (“Plaintiff”) \$280,000.00 on her personal injury claim arising out of Plaintiff’s trip and fall during a conference hosted by Defendant at the Edward Jones Dome (“the Dome”). Plaintiff was injured on a window display located in a boutique area (“the boutique and window display area”) where Defendant sold its merchandise to women attending the conference.

**AFFIRMED.**

**Division Four holds:**

- (1) Because Defendant exercised its right to direct the use and placement of the boutique and window display area where Plaintiff was injured and because Defendant exercised its right to admit people to the area and exclude people from it, Defendant exercised control over the area. There was no evidence adduced at trial or presented in Defendant’s offer of proof demonstrating that any party other than Defendant exercised control over the boutique and window display area. Accordingly, the facts surrounding the status of Defendant are not in dispute, Defendant occupied the boutique and window display area with the intent to control it, and therefore, Defendant was a possessor of the boutique and window display area as a matter of law.
- (2) The evidence presented during Defendant’s offer of proof (the license agreement between the St. Louis Convention and Visitors Commission (“the CVC”)<sup>1</sup> and Defendant, the evidence regarding CVC’s involvement in the conference, and the testimony concerning the relationship between the CVC and Defendant) did not tend to prove Defendant was not the possessor of the boutique and window display area.

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<sup>1</sup> The CVC is the operator of the Dome.

Therefore, the evidence was not logically relevant, and the trial court did not abuse its discretion in excluding it.

- (3) There was no evidence to support the language set forth in Instruction C requiring the jury to enter a verdict for Defendant if they believed that “[D]efendant was not in possession or control of the premises.” Because Instruction C was not supported by the evidence, the trial court did not err in refusing to submit it to the jury.

Opinion by: Robert M. Clayton III, J.  
Patricia L. Cohen, P.J. and Roy L. Richter, J., concur.

Attorney for Appellant: James C. Morris, Stephen J. Moore

Attorneys for Respondent: Matthew J. Devoti, Joshua S. Harp

**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.**