



**In the Missouri Court of Appeals
Eastern District
DIVISION TWO
OPINION SUMMARY**

JOHN JOHNSON,)	No. ED90476
)	
Respondent,)	
)	Appeal from the Circuit Court of
)	the City of St. Louis
)	
vs.)	Cause No. 042-00697
)	
ALLSTATE INDEMNITY COMPANY,)	Honorable Edward W. Sweeney, Jr.
)	
)	Filed: March 17, 2009
Appellant.)	
)	

Allstate Indemnity Company (hereinafter, “Allstate”) appeals from the trial court’s judgment after a jury returned a verdict in favor of John Johnson (hereinafter, “Johnson”) on his claim of defamation for statements Allstate made in its letter denying Johnson’s claim for a loss after his home was destroyed by a fire. Allstate raises five points on appeal challenging the sufficiency of the evidence to support: (1) the jury’s verdict; (2) the jury’s award of actual damages in the amount of \$900,000; and (3) the jury’s award of \$100,000 in punitive damages. Allstate also claims the trial court abused its discretion in denying its motion for remittitur and leave to amend its answer to include additional affirmative defenses.

AFFIRMED.

Division II Holds: Allstate’s deficient motion for directed verdict failed to preserve the question of whether Johnson made a submissible case for defamation and punitive damages for appeal. The jury’s award of actual damages was supported by competent and substantial evidence on the record. The trial court did not abuse its discretion in denying Allstate’s motion for remittitur or its request for leave to amend its answer to include additional affirmative defenses.

Opinion by: George W. Draper III, J.

Roy L. Richter, P.J., and
Lawrence E. Mooney, J.,
concur

Attorneys for Appellants: Chris Lange
Michael S. Hamlin
Curtis W. Woods

Attorney for Respondents: Michael T. Pivac
David L. Steelman

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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