

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

DANIEL MARGIOTTA,)	No. ED91466
Appellant,)	
)	Appeal from the Circuit Court
v.)	of St. Louis County
)	
CHRISTIAN HOSPITAL NORTHEAST)	
NORTHWEST d/b/a CHRISTIAN)	
HOSPITAL and BJC HEALTH SYSTEM)	
Respondents.)	FILED: June 30, 2009

OPINION SUMMARY

Daniel J. Margiotta, the appellant, filed a whistleblower action against the respondents, Christian Hospital Northeast Northwest (Christian Hospital) and BJC Health System, alleging he was terminated from Christian Hospital because he reported unsafe patient practices. The circuit court of St. Louis County entered summary judgment in respondents’ favor, and the appellant now appeals.

The appellant raises five points on appeal. In his first point, the appellant claims the trial court erred when it entered summary judgment for the respondents because exclusive causation should not be an element of a whistleblower action. In his second point, the appellant argues that the respondents’ motion for summary judgment failed to comply with Rule 74.04(c)(1). In his third point on appeal, the appellant argues that summary judgment was improper because there were contested issues of material facts as to the exclusive causation element. In his fourth point, the appellant claims that the trial court erred in denying his motion for extension of time. In his final point, the appellant asserts that summary judgment was improper because, contrary to the respondents’ arguments, the appellant did report serious misconduct that constitutes a violation of well established and clearly mandated public policy.

TRANSFERRED TO THE MISSOURI SUPREME COURT.

DIVISION FIVE HOLDS: We would reverse and grant points three and five because the appellant did report a violation of law and public policy, and a genuine issue of material fact exists as to whether these reports exclusively caused the appellant’s termination. However, in light of the general interest and importance of the issues involved, we transfer the case to the Missouri Supreme Court, pursuant to Supreme Court Rule 83.02

Opinion by: Nannette A. Baker, C.J. Patricia L. Cohen, J., concurs. Kenneth M. Romines, J., dissents in separate opinion.

Attorneys for Appellant: David Sowers and Ferne Wolf

Attorney for Respondent: Joann Sandifer and Michael Nolan

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