

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KENNETH WILLARD, Appellant,)	No. ED91587
)	
vs.)	Appeal from the Circuit Court of
)	St. Charles County
TOM RAGA, DEBORAH DANIELS,)	
DARREN GIBSON, TRUSTEES OF)	
HIDDEN SPRINGS SUBDIVISION,)	Honorable Lucy D. Rauch
Respondents,)	
)	
vs.)	
)	
CATHY WILLARD, Appellant.)	Filed: June 16, 2009

OPINION SUMMARY

Kenneth Willard (“Homeowner”) appeals the judgment of the Circuit Court of St. Charles County awarding attorney fees to defendant trustees of Hidden Springs Subdivision (“Trustees”) following a jury verdict in Trustee’s favor on Homeowner’s claim of housing discrimination under the Missouri Human Rights Act, Section 213.040 RSMo (“the MHRA”). Homeowner argues that the trial court failed to properly apply the MHRA, which provides for an award of attorney’s fees to a prevailing respondent “only upon a showing that the case is without foundation.”

REVERSED.

Division One Holds: The trial court erred in determining that Homeowner’s claim was “without foundation” where the trial court denied a Motion to Dismiss, Motion for Summary Judgment and two Motions for Directed Verdict and made explicit findings at trial that Homeowner raised disputed issues of fact with respect to essential elements of his claim.

Opinion by: Patricia L. Cohen, J. Kurt S. Odenwald, P.J. and Glenn A. Norton, J., concur.

Attorney for Appellants: Claude C. Knight

Attorney for Respondents: Martin L. Daesch

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.