OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MOHAMED ALHALABI, Respondent,	)	ED92091
	)	Appeal from the Circuit Court
vs.	)	of St. Louis County
	)	
MISSOURI DEPARTMENT OF	)	Filed:
NATURAL RESOURCES, Appellant.	)	November 24, 2009

The Missouri Department of Natural Resources ("the DNR") appeals from the judgment of the trial court awarding Mohamad Z. Alhalabi ("Alhalabi") actual damages of $187,000.00, punitive damages of $150,000.00, and attorneys' fees of $474,949.00 for a total judgment of $811,949.00 on Alhalabi's hostile work environment claim. The DNR argues: (1) the trial court erred in entering its judgment because it lacked jurisdiction over Alhalabi's hostile work environment claim in that Alhalabi failed to exhaust his administrative remedies; (2) the trial court erred in denying the DNR's motion for a new trial because its judgment erroneously declared and applied the law in that jury instruction number 7 failed to follow the substantive law on a claim based on a hostile work environment; (3) the trial court erred in denying the DNR's motion for new trial on grounds that the evidence at trial was not sufficient to support the submission of a punitive damages instruction with respect to Alhalabi's hostile work environment claim; and (4) the trial court abused its discretion in failing to reduce the hourly rate and the number of remunerated hours claimed in Alhalabi's attorneys' fees request.

AFFIRMED.

Division Two holds: The trial court properly exercised jurisdiction over Alhalabi's hostile work environment claim because Alhalabi properly exhausted his administrative remedies. The trial court did not err in denying the DNR's motion for a new trial because jury instruction number 7 adequately followed the substantive law on a claim based on a hostile work environment. The trial court did not err in denying the DNR's motion for new trial because there was sufficient evidence to support the submission of a punitive damages instruction with respect to Alhalabi's hostile work environment claim. The trial court did not abuse its discretion in failing to reduce the hourly rate and the number of remunerated hours claimed in Alhalabi's attorneys' fees request.

Opinion by: Robert G. Dowd, Jr., J.
Sherri B. Sullivan, P.J. and Nannette A. Baker, J., concur.

Attorneys for Appellant: Chris Koster, Jason S. Retter

Attorneys for Respondent: John D. Lynn, Donna L. Harper, Mary Anne Sedey

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.