



**In the Missouri Court of Appeals
Eastern District
SOUTHERN DIVISION**

CHUKAYLA V. REED,)	No. ED95895
)	
Appellant,)	Appeal from the Circuit Court
)	of Cape Girardeau County
vs.)	07CG-CC00171
)	
MCDONALDS CORPORATION,)	Honorable Benjamin F. Lewis
)	
Defendant,)	
)	
and)	
)	
RICH HOUSE, INC., et al.,)	
)	
Respondents.)	Filed: January 24, 2012

OPINION SUMMARY

Chukayla V. Reed appeals the grant of summary judgment in favor of defendants Rich House, Inc. ("Franchisee"), a franchisee of McDonald's Corporation,¹ and Shannon Y. Davis, Franchisee's president, on Reed's claims of sexual discrimination in the form of sexual harassment and constructive discharge under the Missouri Human Rights Act ("MHRA"). Reed also appeals the trial court's award of \$25,000 in the default judgment entered against defendant Kevin Emanuel, an assistant manager of Franchisee, on Reed's claims under the MHRA.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

¹ Although McDonald's Corporation was originally named as a defendant in the underlying case, it was dismissed by stipulation of the parties on October 3, 2008.

Southern Division holds:

- (1) Because Reed does not allege that Davis directly oversaw or was actively involved in the alleged discriminatory treatment giving rise to Reed's claims under the MHRA, Davis cannot be individually liable. Accordingly, the trial court did not err in granting summary judgment in favor of Davis as to all counts.
- (2) The trial court erred in granting summary judgment in favor of Franchisee with respect to Reed's sexual harassment claim because genuine issues of material fact exist as to whether the action is time-barred and as to the merits of Reed's claim.
- (3) Because Reed failed to exhaust her administrative remedies, the trial court did not err in granting summary judgment in favor of Franchisee with respect to Reed's constructive discharge claim.
- (4) The trial court did not err in entering a default judgment against Emanuel and awarding Reed \$25,000 in damages.

Opinion by: Glenn A. Norton, J. Kurt S. Odenwald, C.J., and Gary Gaertner, Jr., J., concur

Attorneys for Appellant: John P. Clubb, Laura Clubb and Rebecca Steward

Attorneys for Respondents: Charles E. Reis, IV, Amy L. Nixon and Jennifer A. Goltermann

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.