

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

EMMANUEL MCCRAINEY, RESPONDENT

v.

KANSAS CITY MISSOURI SCHOOL DISTRICT, ET AL., APPELLANTS

DOCKET NUMBER WD72387

DATE: MARCH 29, 2011

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Roger M. Prokes, Judge

Appellate Judges:

Division Two: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Attorneys:

Amy K. Maloney, for Respondent

Sarah Baltzell, for Appellants

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

EMMANUEL MCCRAINEY, RESPONDENT

v.

KANSAS CITY MISSOURI SCHOOL DISTRICT, ET AL, APPELLANTS

WD72387

Jackson County, Missouri

Before Division Two: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Emmanuel McCrainey filed a petition for damages against the Kansas City Missouri School District and former superintendent Anthony Amato claiming that he had been subjected to unlawful retaliation for complaining about statements made by Amato that McCrainey believed were discriminatory. A jury returned a verdict in favor of McCrainey, awarding him compensatory and punitive damages. The School District filed a motion for a new trial on all issues, and the trial court granted a new trial solely on the issue of the amount of punitive damages. The School District appeals.

AFFIRMED AND REMANDED WITH INSTRUCTIONS TO THE CIRCUIT COURT.

Division Two holds:

- (1) Although the trial court ordered a new trial on the issue of punitive damages alone, the School District could appeal underlying issues regarding its liability, in addition to issues related to the trial court's grant of a new trial on punitive damages.
- (2) In order to maintain a claim for retaliation, a plaintiff need not prove that the conduct he opposed was in fact unlawful but, rather, need only have a good faith, reasonable belief that the conduct he opposed was unlawful. Furthermore, there was sufficient evidence to prove that McCrainey possessed such a belief where he provided evidence that he heard Amato use the word "bitch" to describe female school board members, that he did so in the presence of other female employees, and two School District employees testified that Amato's conduct would have violated the School District's anti-discrimination and anti-harassment policy.
- (3) The trial court did not abuse its discretion in ordering a new trial solely on the issue of the amount of punitive damages where there was no error in the jury's finding of liability.
- (4) McCrainey's motion for attorneys' fees on appeal is sustained, and we remand to the trial court for the purpose of conducting a hearing to determine the reasonableness of the attorneys' fees requested on appeal.

Opinion by: Victor C. Howard, Judge

Date: March 29, 2011

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