

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

SANDY DUNCAN,

Appellant,

v.

MISSOURI ALLIANCE FOR CHILDREN AND FAMILIES, et al.,

Respondents.

DOCKET NUMBER WD74663

Date: November 13, 2012

Appeal from:
Boone County Circuit Court
The Honorable Mary C. Asel, Judge

Appellate Judges:
Division One: James M. Smart, Presiding Judge, Lisa White Hardwick and Gary D. Witt,
Judges

Attorneys:
George S. Smith, for appellant.
Thomas O McCarthy, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

SANDY DUNCAN

Appellant,

v.

MISSOURI ALLIANCE FOR CHILDREN AND FAMILIES, et al.,

Respondents.

WD74663

Boone County

Before Division One: James M. Smart, Presiding Judge, Lisa White Hardwick and Gary D. Witt, Judges

Sandy Duncan appeals the circuit court's partial summary judgment ruling that denied some of her race discrimination claims under the Missouri Human Rights Act ("MHRA"). The court certified the partial summary judgment for appeal pursuant to Rule 74.01(b).

APPEAL DISMISSED.

Division One holds:

The circuit court erred in certifying this matter for appeal because the partial summary judgment lacked finality, in that it did not dispose of the distinct judicial unit of race discrimination claims in the petition. The judgment is neither final nor appealable as long as there are discrimination claims that remain pending under the MHRA. Because this court has no jurisdiction to consider a non-final-judgment, the appeal is dismissed.

Opinion by: Lisa White Hardwick, Chief Judge

November 13, 2012

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