

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

RICHARD SHORE, M.D.,

Appellant,

v.

THE CHILDREN'S MERCY HOSPITAL and DR. GERALD WOODS,

Respondents.

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**DOCKET NUMBER WD78530**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** December 22, 2015

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**APPEAL FROM**

The Circuit Court of Jackson County, Missouri  
The Honorable J. Dale Youngs, Judge

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**JUDGES**

Division II: Pfeiffer, P.J., and Hardwick and Welsh, JJ.

CONCURRING.

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**ATTORNEYS**

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Attorneys for Respondents.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**RICHARD SHORE, M.D.,** )  
 )  
 ) **Appellant,** )  
**v.** ) **OPINION FILED:**  
 ) **December 22, 2015**  
**THE CHILDREN’S MERCY HOSPITAL** )  
**and DR. GERALD WOODS,** )  
 )  
 ) **Respondents.** )

**WD78530**

**Jackson County**

**Before Division II Judges:** Mark D. Pfeiffer, Presiding Judge, and Lisa White Hardwick and James Edward Welsh, Judges

Dr. Richard Shore appeals the grant of summary judgment of the Circuit Court of Jackson County, Missouri, in favor of his former employer, the Children’s Mercy Hospital, and his former supervisor, Dr. Gerald Woods on his claims of racial discrimination and retaliation pursuant to the Missouri Human Rights Act. On appeal, Dr. Shore claims that the circuit court erred in granting summary judgment because he established the existence of a genuine issue of material fact as to whether racial discrimination and retaliation were contributing factors to his termination from his employment.

**AFFIRMED.**

**Division II holds:**

Dr. Shore provided no direct evidence of racial discrimination by his direct supervisor or anyone else at Children’s Mercy Hospital. He acknowledges that he enjoyed a collegial relationship with his supervisor for the first five years of his employment until he complained extensively about an office move and made a suggestion in a staff meeting that his supervisor found to have been hurtful, disrespectful, and racist. Even if his supervisor falsely believed Dr. Shore to have been racist, a false assessment that an employee has racist beliefs does not, in itself, evidence racial discrimination by the employer.

Nor was any evidence provided that would establish a genuine issue of fact regarding the retaliation claim. In this case, the plaintiff's own testimony was that his supervisor's negative attitude toward him was a "direct" result of his own conduct and statements, not of his subsequent complaints to his employer that the supervisor was treating him harshly. Also, the complaints he made regarding his supervisor were that the supervisor falsely believed him to have racist beliefs, not that the supervisor treated him unfairly based on his own race. Therefore, the plaintiff did not engage in any protected activity under the Missouri Human Rights Act.

**Opinion by: Mark D. Pfeiffer, Presiding Judge**

December 22, 2015

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