MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHRISTINE PITCHER,

Respondent

v.

CENTENE CORPORATION, ET AL.,

Appellants

DOCKET NUMBER WD82564

DATE: March 3, 2020

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Jack Richard Grate, Judge

Appellate Judges:

Division One
Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge, and Anthony Rex Gabbert, Judge

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Attorneys:

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Attorneys:

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Counsel for Appellants

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHRISTINE PITCHER, Respondent,
v.
CENTENE CORPORATION, ET AL., Appellants

WD82564 Jackson County

Before Division One Judges: Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge, and Anthony Rex Gabbert, Judge

Centene Corporation ("Centene") and AcariaHealth Pharmacy, Inc. ("Acaria") ("Appellants" collectively) appeal the circuit court's judgment entered on a jury verdict finding in favor of Christine Pitcher on her common-law retaliatory discharge claim against Appellants. Appellants assert eight points on appeal, contending that the circuit court, 1) erred in overruling Acaria's motion to dismiss, arguing the trial court had no jurisdiction over Acaria; 2) erred in overruling Centene's motion for judgment notwithstanding the verdict, arguing Centene was not Pitcher's employer; 3) erred in overruling Appellants' motion for judgment notwithstanding the verdict, arguing Pitcher failed to make a submissible claim of retaliatory discharge; 4) erred in admitting evidence of a separation agreement offered Pitcher; 5) erred in excluding evidence of an ADT report; 6) erred in awarding front pay, arguing Pitcher did not plead a request for front pay; 7) erred in awarding front pay, arguing front pay was inappropriate under the circumstances, and; 8) erred in awarding front pay to retirement age.

AFFIRMED.

Division One holds:

1. The trial court did not err in overruling Acaria's motion to dismiss for lack of jurisdiction as sufficient evidence in the record supports that the retaliatory discharge cause of action arose out of Missouri, and Acaria purposefully availed itself of the privilege of conducting activities within Missouri so as to establish minimum contacts within the State to satisfy due process.

2. The trial court did not err in overruling Centene's motion for judgment notwithstanding the verdict as the evidence presented at trial was sufficient to support that Centene was an employer of Pitcher.

3. The trial court did not err in overruling Appellants' motion for judgment notwithstanding the verdict in that Pitcher made a submissible case of retaliatory discharge.

4. The trial court did not abuse its discretion in admitting evidence of a separation agreement offered Pitcher.

5. The trial court did not abuse its discretion in excluding evidence of an ADT report.

6. The trial court did not err in considering the issue of front pay which was tried by consent.

7. The trial court did not abuse its discretion in awarding front pay.

8. The trial court did not abuse its discretion in awarding front pay to retirement age.

Opinion by: Anthony Rex Gabbert, Judge Date: March 3, 2020

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