OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

DANIELLE MCGAUGHY,	)	No. ED107498
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Steven R. Ohmer
LACLEDE GAS COMPANY, et al.,	)	
	)	
Appellants.	)	FILED: April 14, 2020

Laclede Gas Co. ("Appellant") appeals from the judgment of the Circuit Court for the City of St. Louis, following a jury trial, awarding Danielle McGaughy ("Respondent") $1.3 million in actual damages and $7.2 million in punitive damages on her claims for race discrimination and retaliation.

AFFIRMED IN PART; REMANDED IN PART

Division One Holds: (1) the trial court did not err in refusing to apply Section 213.111.4, RSMo, to Respondent's punitive damages award, because that would be an unconstitutional retrospective application of laws; (2) the trial court did not abuse it's discretion in admitting Respondent's "me too" evidence in support of her hostile work environment claim, because such evidence was logically and legally relevant; (3) Respondent presented a submissible case of discriminatory failure to promote and of a hostile work environment, in that she showed Appellant's justification for not promoting her was pretextual, and also in that she showed the harassment was so severe and pervasive that it affected a term, condition, or privilege of her employment; (4) Respondent presented a submissible case on her claims of retaliation, in that she presented circumstantial evidence that the failure to promote her, adding to her workload without increasing her pay, and transferring her to the Kansas City office were all in retaliation for her 2013 HR complaint; (5) Instruction No. 6 was proper because it followed the applicable MAI and substantive law, and it submitted only the ultimate facts to the jury; also the trial court did not err in refusing Appellant's proposed affirmative defense; and (6) in denying relief on all other points, there was no basis to find the trial court abused its discretion in awarding attorneys' fees to Respondent. Respondent's motion for attorneys' fees incurred on appeal is hereby granted, and the case is remanded to the trial court to determine the appropriate fee.

Opinion by: Roy L. Richter, Judge

Robert M. Clayton III, Presiding Judge, and Robert G. Dowd, Jr., Judge, concur.

Attorneys for Appellant Laclede Gas Company: Mark Arnold, Booker T. Shaw, Terry Lee Potter, Brittany Marie Falkowski, Scott Daniel Meyers

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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.