In the Missouri Court of Appeals
Eastern District

DIVISION TWO

RONELL JOHNSON,	)	No. ED107679
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Bryan L. Hettenbach
CITY OF ST. LOUIS, MISSOURI, et al.,	)	
	)	
Respondents.	)	FILED: June 23, 2020

Ronell Johnson ("Johnson") appeals from the trial court's judgment entering a directed verdict in favor of Lieutenant Colonel Lawrence O'Toole ("Lt. Col. O'Toole") and the trial court's judgment for the City of St. Louis, Missouri, Lieutenant Scott Gardner, and Chief Sam Dotson (collectively, "Respondents") on Johnson's claims of race discrimination, disability discrimination, and retaliation following a jury trial. In his first of four points on appeal, Johnson challenges the trial court's ruling rejecting Johnson's objection to Respondents' characterizations during closing argument as to the standard for proving Johnson's claims of race and disability discrimination and retaliation. In his second point, Johnson contends that the trial court erred when it entered a directed verdict in favor of Lt. Col. O'Toole because Johnson presented evidence that Lt. Col. O'Toole was an employer within the meaning of the Missouri Human Rights Act ("the MHRA"), and that Johnson's race was a contributing factor in Lt. Col. O'Toole's decision to sign off on a recommendation that Johnson be terminated. In his third point, Johnson argues the trial court abused its discretion in excluding administrative memos constituting comparator evidence concerning white police officers. Finally, Johnson alleges the trial court erred in refusing to submit the issue of punitive damages to the jury.

AFFIRMED.

DIVISION TWO HOLDS: Because the jury was properly instructed as to the causation standard and Johnson has not rebutted the presumption that the jury followed the trial court's instructions, we affirm Point One despite the trial court erroneously overruling Johnson's objection. In light of the jury's verdicts in favor of all other Respondents finding that Johnson's race was not a contributing factor in his termination, Johnson was not prejudiced by the trial court's directed verdict in favor of Lt. Col. O'Toole, and we affirm Point Two. Because the contents of the comparator evidence were introduced through live testimony and only the actual documents were

not admitted, the written comparator evidence could have been properly excluded as cumulative. Accordingly, the trial court did not abuse its discretion, and we affirm Point Three. Finally, the trial court's decision to not submit the issue of punitive damages to the jury is moot in light of our affirming the previous three points on appeal, and we affirm Point Four.

Opinion by: Kurt S. Odenwald, Judge
Philip M. Hess, P.J., and Lisa P. Page, J., concur.

Attorneys for Appellant: Julianne O. Germinder, Joanna L. Winslade Trachtenberg, and John A. Hirth

Attorneys for Respondents: J. Brent Dulle and Robert H. Dierker

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.