OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

CHEMLINE INCORPORATED,	)	No. ED108603
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Saint Louis County
v.	)	18SL-CC04666
	)	
TIMOTHY MAUZY	)	Honorable Kristine A. Kerr
	)	
Appellant.	)	Filed: March 2, 2021

Timothy Mauzy appeals from the trial court's judgment finding him in contempt of an injunction order that prohibited him from contacting customers from his previous employment with Chemline Incorporated. The contempt judgment also assessed a $2,000.00 compensatory fine and awarded Chemline $6,000.00 in attorneys' fees. Mr. Mauzy challenges the finding of contempt, the assessment of the compensatory fine, and the grant of attorneys' fees. We affirm the judgment finding Mauzy in contempt of the injunction order and the related grant of attorneys' fees to Chemline, but we reverse the portion of the judgment assessing a compensatory fine and remand for reconsideration of whether a fine is proper here.

PARTIALLY AFFIRMED, PARTIALLY REVERSED AND REMANDED

Division Two Holds: The trial court did not err in finding Mr. Mauzy in contempt of an injunction order that prohibited him from "contacting" five listed companies who were customers of his previous employer. The injunction order's clear mandate prohibited Mr. Mauzy from engaging in all forms of contact with the listed companies, which included personal communications with individual employee contacts at those companies, and it is undisputed that Mr. Mauzy was in communication with employees from the listed companies during the twelve-month period specified in the order.

On the record here, the trial court erred in assessing a $2,000.00 compensatory fine based on Mr. Mauzy's contemptuous conduct. In civil contempt proceedings such as the one here, compensatory fines must be directly related to actual damages suffered. *See Tashma v. Nucrown, Inc.*, 23 S.W.3d 248, 252 (Mo. App. E.D. 2000). Here, the trial court had nothing before it on which to reasonably base a "compensatory fine," given its express finding that Chemline could not demonstrate a quantified diminution in business sales and where there was no other evidence in the record of the value of any loss resulting from the contempt.

The trial court did not err in awarding attorneys' fees to Chemline in the amount of $6,000.00, because a trial court has the inherent authority to assess attorneys' fees for willful disobedience of a court order.

Opinion by: Robin Ransom, P.J.
Sherri B. Sullivan, J., and Lisa P. Page, J. concur.

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Attorneys for Respondent: Matthew Allen Jacober, Brooke Marie Wheelwright, Lauren Mager Wacker, and Emily Elizabeth Cantwell

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