**MISSOURI COURT OF APPEALS**
**WESTERN DISTRICT**

**DIMPLE "DENISE" KELLY,**
**APPELLANT**

**vs.**

**CITY OF LEE'S SUMMIT, MISSOURI,**
**RESPONDENT**

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**DOCKET NUMBER WD83742**

**DATE: MARCH 30, 2021**

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Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable James F. Kanatzar, Judge

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Appellate Judges:

Division Two: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Martin M. Meyers, for Appellant

Keith A. Cutler, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS**
**WESTERN DISTRICT**

**DIMPLE "DENISE" KELLY, APPELLANT,**
**v.**
**CITY OF LEE'S SUMMIT, MISSOURI, RESPONDENT.**

WD83742 Jackson County

Division Two: W. Douglas Thomson, Presiding Judge, Alok Ahuja, Judge and Edward R. Ardini, Jr., Judge

Dimple "Denise" Kelly appeals from the trial court's judgment in favor of the City of Lee's Summit, Missouri, on her claim of wrongful termination under the Missouri Human Rights Act. In her sole point on appeal, Kelly contends that the trial court erred in overruling her objection to the City's lawful justification instruction because it impermissibly modified MAI 38.02.

**REVERSED AND REMANDED.**

**Division Two holds:**

The trial court erred in overruling Kelly's objection to the City's lawful justification instruction because it impermissibly modified MAI 38.02 by both omitting the mandatory causation language, or the word "because," as well as failing to specify the lawful reason for which Kelly was terminated. Accordingly, we reverse and remand to the circuit court for a new trial.

**Opinion by: W. Douglas Thomson, Judge** Date: March 30, 2021

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