In the Missouri Court of Appeals
Eastern District
WRIT DIVISION ONE

ELAINE LARGENT,	)	No. ED109622
	)	
Relator,	)	Writ of Prohibition
	)	
vs.	)	St. Charles County Circuit Court
	)	Cause No. 1911-CC00773
THE HONORABLE DANIEL PELIKAN,	)	
	)	
Respondent.	)	
	)	
	)	Filed: June 15, 2021

OPINION SUMMARY

Elaine Largent seeks a writ of mandamus or prohibition directing the Honorable Daniel Pelikan to grant her leave to file an amended petition adding a count for punitive damages. She contends the trial court acted in excess of its authority by denying her motion for leave under the newly-enacted § 510.261 because that statute is not applicable to cases filed before its effective date.

PRELIMINARY ORDER IN PROHIBITION MADE PERMANENT.

Writ Division One holds:

Section 510.261 was one of several provisions in an act passed by the legislature in 2020 relating to punitive damages and unlawful merchandising practices. The act became effective on August 28, 2020, and the legislature expressly stated that "[t]he provisions of this act shall apply to causes of action filed on or after August 28, 2020." § 510.262. Thus, according to the plain language of § 510.262, § 510.261 does not apply to this cause of action filed in 2019. The trial court exceeded its authority by applying § 510.261 to this case.

Opinion by: Colleen Dolan, P.J.

Lisa P. Page, J., and Michael E. Gardner, J., concur.

Attorney for Relator: David M. Damick

Attorney for Respondent and Defendants: Todd C. Stanton and Ashley Benoist

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.