MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

JULIE GOMOLETZ

Appellant

v.

ROCKHURST UNIVERSITY

Respondent

DOCKET NUMBER WD84330

DATE: March 8, 2022

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Charles H. McKenzie, Judge

Appellate Judges:

Division Two
Alok Ahuja, P.J., Edward R. Ardini, Jr. and Janet Sutton, JJ.

Attorneys:

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Attorneys:

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JULIE GOMOLETZ, Appellant,
v.
ROCKHURST UNIVERSITY, Respondent.

WD84330 **Jackson County**

Before Division Two Judges: Ahuja, P.J., Ardini and Sutton, JJ.

Ms. Julie Gomoletz filed a charge of discrimination with the Missouri Commission on Human Rights (MCHR) against her former employer, Rockhurst University, alleging race-based discrimination, sex-based discrimination, and retaliation, in violation of the Missouri Human Rights Act (MHRA). More than 180 days after she filed her charge, MCHR issued a right-to-sue letter at her request and Ms. Gomoletz filed suit in Jackson County Circuit Court. Rockhurst filed a motion to dismiss, attaching a MCHR letter advising Ms. Gomoletz that MCHR was vacating its closure of her complaint and that it was evaluating whether Rockhurst was exempt from coverage under MHRA's religious exemption. Rockhurst argued that because Ms. Gomoletz did not have a right-to-sue letter anymore, her petition should be dismissed.

Rockhurst then filed a supplemental memorandum to its motion to dismiss, attaching another MCHR letter advising Ms. Gomoletz that Rockhurst was religiously exempt from suit under the MHRA. Both of MCHR letters were sent after 180 days had passed since Ms. Gomoletz filed her charge of discrimination. Ms. Gomoletz then filed a judicial review proceeding in Cole County Circuit Court challenging MCHR's authority to vacate the original right-to-sue letter and its authority to conduct further proceedings following issuance of the right-to-sue letter. The judicial review proceeding is still pending at the time of this Court's decision.

The circuit court entered a judgment dismissing Ms. Gomoletz's claims with prejudice. In reaching its conclusion, the court indicated it considered the two MCHR letters Rockhurst attached to its motion to dismiss and supplemental memorandum to its motion to dismiss. The circuit court concluded that Ms. Gomoletz lacked a valid right-to-sue letter which was required to bring suit under the MHRA and that Rockhurst fell under the religious exemption to the MHRA. Ms. Gomoletz appeals.

REVERSED AND REMANDED.

Division Two Holds:

When a court rules on a motion to dismiss, the circuit court generally can consider only the pleadings. The plaintiff's allegations are viewed in the light most favorable to the plaintiff, and all the allegations are accepted as true. If matters are submitted outside the pleadings, the

court can consider them, if certain procedures are followed, converting the motion to one for summary judgment. Here, the circuit court did not follow those procedures.

The circuit court improperly considered matters outside the pleadings and gave full force and effect to the findings in the two MCHR letters that it had the authority to vacate Ms. Gomoletz's previously issued right-to-sue letter, reopen the investigation, and then ultimately conclude that Rockhurst was religiously exempt under the MHRA. The circuit court should have only considered the allegations in Ms. Gomoletz's petition and not relied on and given full force and effect to the findings of MCHR which had not been finally adjudicated.

The circuit court also found that Rockhurst was religiously exempt under the MHRA when Rockhurst did not raise this in its motion to dismiss and Rockhurst did not present any evidence to the court on this issue. The circuit court had no record to make the determination that Rockhurst was religiously exempt. The circuit court's judgment is reversed and the case is remanded.

Opinion by: Janet Sutton, Judge March 8, 2022

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.