MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHARLES HARRIS, RESPONDENT,
v.
DEPARTMENT OF CORRECTIONS, ET AL., APPELLANTS.

DOCKET NUMBER WD87060

DATE: MAY 27, 2025

Appeal From:

Cole County Circuit Court
The Honorable Jon E. Beetem, Judge

Appellate Judges:

Division Two: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge, and W. Douglas Thomson, Judge

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Attorneys:

Nimrod Chapel, Jefferson City, MO, Cyrus Dashtaki, St. Louis, MO, for respondent.

Charles Adamson, Ashley Wicks, Jefferson City, MO, for appellants.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHARLES HARRIS, RESPONDENT,
v.
DEPARTMENT OF CORRECTIONS, ET AL., APPELLANTS.

WD87060 Cole County

Before Division Two Judges: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge, and W. Douglas Thomson, Judge

The Missouri Department of Corrections, Alana Boyles, and Lisa Clark (collectively "Appellants") appeal a judgment from the Circuit Court of Cole County, Missouri ("trial court"), ordering Appellants to pay Charles Harris ("Harris"), a former employee of the Department of Corrections, compensatory and punitive damages on claims of discrimination and retaliation brought under the Missouri Human Rights Act ("MHRA"), section 213.010, *et seq*, RSMo. On appeal, Appellants argue: Point I, the trial court erred in entering its judgment assessing damages against Appellants because the trial court lacked authority to conduct any proceeding after October 27, 2019, because Appellants' motion for change of venue was granted by operation of law; Point II, the trial court erred in improvidently entering a default judgment on liability against Appellants because they had been defending the lawsuit; and Point III, the trial court abused its discretion in denying Appellants' motion to set aside the trial court's interlocutory order of default because Appellants demonstrated good cause and a meritorious defense.

DISMISSED AND REMANDED.

Division Two holds:

Because Appellants' allegations of error in Point I and II relating to the merits of the default judgment are generally moot unless we find error in the trial court's denial of Appellants' motion to set aside the default judgment, we first address Point III. The trial court denied Appellants' motion to set aside the interlocutory order of default through a docket entry that failed to satisfy the requirements of Rule 74.01(a) as the entry was not denominated as a "judgment" or "decree" and was not signed by the judge. Thus, there is no final appealable judgment setting forth the trial court's denial of Appellants' motion to set aside the default judgment. Therefore, the appeal must be dismissed.

A Rule 74.05(d) motion is an independent action, and thus allegations of error relating to the merits of a default judgment are generally moot unless the default

judgment is set aside. Appellants' challenge to the trial court's denial of their motion to set aside the default raised in Point III has been denied, rendering moot the challenges to the merits of the default judgment raised in Points I and II.

We grant Harris's motion for attorneys' fees on appeal because he is the prevailing party in securing dismissal of this appeal. On remand, we direct the trial court to determine and award Harris reasonable attorneys' fees for this appeal.

Opinion by: Gary D. Witt, Judge May 27, 2025

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