MISSOURI COURT OF APPEALS
WESTERN DISTRICT

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

DOCKET NUMBER WD87383

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

WD87383 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 an award of attorneys' fees from the Circuit Court of Cole County, Missouri ("trial court"), after default judgment was entered against Appellants, ordering them to pay Charles Harris ("Harris"), a former employee of Missouri's 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 the trial court erred in awarding Harris attorneys' fees because: Point I, the trial court lacked authority to conduct any proceeding after October 27, 2019, because Appellants' motion for change of venue was granted as a matter of law; Point II, the trial court erred in improvidently entering a default 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.

AFFIRMED AND REMANDED.

Division Two holds:

This appeal arises from the trial court's award of attorneys' fees to Harris and is closely intertwined with Appellants' separate appeal before this Court, *Harris v. Department of Corrections*, WD87060, which is handed down contemporaneously with this opinion. Because this appeal deals with the trial court's award of attorneys' fees and is treated as an independent action pursuant to Rule 74.16 and because there was a final judgment that was timely appealed, we find this Court has jurisdiction.

As explained in Appellants' separate appeal with this Court, WD87060, we dismissed Appellants' appeal arising from the trial court's merits judgment because there is no final appealable judgment setting forth the trial court's denial of Appellants' motion to set aside the default judgment, and as such Appellants' direct challenges as to the

default judgment are moot and prohibited as they do not challenge the trial court's subject matter jurisdiction. Since we have dismissed Appellants' appeal of the underlying action under the MHRA, Harris remains the prevailing party. Thus, we affirm the trial court's judgment awarding Harris reasonably attorneys' fees.

We grant Harris's motion for attorneys' fees on appeal because he is the prevailing party in 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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