



SUPREME COURT OF MISSOURI

en banc

CATHARINE SUE CARTER as
PERSONAL REPRESENTATIVE of
the ESTATE OF DAVID CARTER
(DECEASED),

Appellant-Respondent,

v.

MISSOURI DEPARTMENT OF
CORRECTIONS,

Respondent-Appellant.

Opinion issued August 12, 2025

No. SC100999

APPEAL FROM THE CIRCUIT COURT OF JACKSON COUNTY
The Honorable Marty W. Seaton, Judge

The personal representative of the estate of David Carter and the Missouri Department of Corrections (“the department”) both appeal the circuit court’s judgment following a jury verdict in Carter’s favor on his discrimination claims against the department. Carter argues the circuit court’s amended judgment, reducing the damages pursuant to the damages cap in section 213.111.4, must be vacated as void. Alternatively, Carter argues the damages cap is unconstitutional in that it violates various

constitutional provisions.¹ The department argues Carter failed to make a submissible case for discrimination and the circuit court erred in applying a multiplier to its award of attorney fees. Finding the judgment is not final because it fails to rule on Carter's requested equitable relief and request for prejudgment interest, however, this Court dismisses the appeal.

Factual and Procedural Background

The evidence, viewed in the light most favorable to the jury verdict, demonstrates Carter began working for the department in May 2017, when he was 61 years old. In 2018, Carter was diagnosed with shingles. Carter's supervisor repeatedly made disparaging comments about Carter to other employees and in front of inmates. The supervisor specifically targeted comments regarding Carter's shingles and age and prevented Carter from accessing the tools and training required to perform his duties. The varying forms of harassment exacerbated Carter's shingles, resulting in increased pain and difficulty walking, standing, and lifting objects.

Carter resigned in May 2019 and filed a petition alleging violations of the Missouri Human Rights Act ("the act"), including constructive discharge based on age and disability discrimination, hostile work environment, and retaliation. Each of Carter's counts in his petition includes the following prayer for relief:

WHEREFORE, Plaintiff prays for Judgment against Defendant, finding the acts and practices of the Defendant violated MO. REV. STAT. § 213.010 et seq., (2016); for actual, compensatory, and punitive damages; all costs,

¹ Carter specifically argues the damages cap violates Carter's right to a jury trial, equal protection, due process, the mandate for the separation of powers, and the open court provision of the state constitution.

expenses, expert witness fees, and attorneys' fees incurred herein; prejudgment and post-judgment interest at the highest lawful rate; appropriate equitable relief including, but not limited to, requiring Defendant to place Plaintiff in the same position he would have been absent the illegal discrimination and/or front-pay; and for such other and further relief as the Court deems just and proper.

After trial, a jury returned a verdict in Carter's favor, awarding him \$500,000 for non-economic damages for hostile work environment, \$144,000 for back pay on his constructive discharge claims, \$144,000 for future economic losses on his constructive discharge claims, and \$5 million in punitive damages. In December 2022, the circuit court entered a judgment on the jury verdict for total damages of \$5,788 million. In July 2023, the circuit court entered a separate judgment addressing Carter's attorney fees and reiterated the December judgment awarding Carter \$5,788 million in actual and punitive damages. The circuit court amended the judgment in August 2023, to reduce the damages award to \$644,000 and, again two days later, to cite the act's damages cap.

The circuit court's judgment includes awards of actual, compensatory, and punitive damages, attorney fees, costs, expenses, and post-judgment interest. The judgment is silent, however, regarding prejudgment interest and appropriate equitable relief.²

Analysis

The circuit court failed to rule on the prejudgment interest and equitable relief Carter requested. As a result, the appeal must be dismissed for lack of a final judgment.

² The judgment also fails to include a catch-all statement, such as: "All other relief requested is denied."

Rhodes v. Mo. Highways & Transp. Comm’n, No. SC100998, ___ S.W.3d ___ (Mo. banc August 12, 2025) (handed down herewith).

KELLY C. BRONIEC, JUDGE

All concur.