

**Missouri Court of Appeals, Western District  
Division 3**

**Mark D. Pfeiffer, Presiding Judge  
Alok Ahuja, Judge  
Thomas N. Chapman, Judge**

**November 4, 2025  
Westminster College  
Fulton, Missouri**

**WD87706**

**Tracy Rank, Appellant-Respondent,**

**v.**

**Pettis County Ambulance District, et al., Respondent-Appellant, Respondents.**

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Appellant-Respondent Tracy Rank and Respondent-Appellant Pettis County Ambulance District (“PCAD”) both appeal from the judgment of the Circuit Court of Cooper County. PCAD hired Rank as its Human Resource Manager in July 2013. Rank was in a relationship with M.G. who served as PCAD’s District Administrator. In March 2017, PCAD’s Board Members, Respondents Greg Nehring, Dave Clippert, Allen Rohrbach, and James Bales (“PCAD Board”), became aware of discrepancies relating to PCAD’s accounts. Rank was arrested and charged with felony stealing. After her arrest, PCAD suspended Rank from her employment and ultimately fired Rank on April 11, 2017. On January 19, 2018, all charges against Rank were dropped. M.G. ultimately pled guilty to felony stealing and felony forgery. Rank brought suit against PCAD and the PCAD Board stemming from her arrest, suspension, and termination. The circuit court entered summary judgment in favor of the PCAD Board on all counts against the individual board members, but, on Rank’s claim against PCAD for indemnification, the circuit court found in favor of Rank and entered a judgment of \$33,667.72 against PCAD. Both Rank and PCAD appeal.

Appellant-Respondent’s points on appeal:

1. The trial court erred in sustaining the individual defendants’ motion for summary judgment because the individual defendants waived or are not entitled to official immunity in that the individual defendants failed to obtain a bond, enacted indemnification and bond provisions in PCAD’s bylaws, and because the actions taken by the individual defendants were ministerial in nature or were otherwise done with malice or bad faith.

2. The trial court erred in sustaining defendants' motion for summary judgment as to count one because the individual defendants are not protected by the public duty doctrine in that the individual defendants owed Rank a particular, and not general publicly owed duty, pursuant to the grievance procedures contained in PCAD's bylaws.
3. The trial court erred in sustaining defendants' motion for summary judgment as to count two because the individual defendants are not protected by the public duty doctrine in that the individual defendants owed Rank a particular, and not general publicly owed duty, pursuant to the grievance procedures contained in PCAD's bylaws.
4. The trial court erred in sustaining defendants' motion for summary judgment because section 213.070.2, RSMo, of the Missouri Human Rights Act does not preclude any of Rank's claims in that Rank's claims do not relate to discrimination because of race, color, religion, national origin, sex, ancestry, age, or disability.
5. The trial court erred in sustaining defendants' motion for summary judgment as to count one because an employer-employee relationship is not a prerequisite to stating a negligent supervision claim in that the existence of a duty necessary to support a negligent supervision claim is a fact-based inquiry that is not so limited.
6. The trial court erred in sustaining defendants' motion for summary judgment as to count one because summary judgment is not appropriately entered when genuine factual issues remain as to an element of a cause of action in that there are remaining genuine factual issues relating to the proximate cause element of Rank's negligent supervision claim.
7. The trial court erred in sustaining defendants' motion for summary judgment as to count two because summary judgment is not appropriately entered when factual issues remain as to an element of a cause of action in that there are existing factual issues relating to the proximate cause element of Rank's negligence claim.
8. The trial court erred in sustaining defendants' motion for summary judgment as to count six because summary judgment is not appropriately entered when genuine factual issues remain as to an element of a cause of action in that there are genuine existing factual issues relating to the falsity element of Rank's fraudulent representation claim.

Respondent-Appellant's points on appeal:

1. The trial court erred in granting Rank's motion for summary judgment on her claim for indemnification in Count IV of her First Amended Petition, because it misapplied the law, in that the bylaws only allow for reimbursement of attorney's

fees and expenses incurred in her service as an employee of PCAD, and Rank seeks reimbursement of attorney's fees and expenses in defending criminal charges of stealing and in this case, which are not in her capacity as an employee of PCAD.

2. The trial court erred in overruling PCAD's motion for summary judgment on Rank's claim for indemnification in Count IV of her First Amended Petition seeking reimbursement for her attorney's fees and expenses incurred in her criminal case because it misapplied the law in that its ruling that PCAD would be responsible for paying the attorney's fees and costs in the criminal case is not fair, reasonable, or practical.
3. The trial court erred in awarding Rank pre-judgment interest because it misapplied the law in that sovereign immunity bars prejudgment interest.
4. The trial court erred in awarding Rank pre-judgment interest commencing on January 19, 2018, because it misapplied the law in that prejudgment interest did not begin to accrue until Rank provided all the bills upon which she was requesting indemnification, which is January 12, 2024.

**WD87722**

**Ria Schumacher, Individually and on Behalf of Others, Appellant,**

**v.**

**SC Data Center, Inc., d/b/a Colony Brands, Inc., Respondent.**

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Appellant Ria Schumacher appeals from the judgment of the Circuit Court of Cole County dismissing her petition brought under the Fair Credit Reporting Act ("FCRA") against Respondent SC Data Center, Inc. Schumacher filed a petition in Cole County on February 3, 2016, alleging that, when she applied for employment with Respondent, Respondent obtained a Consumer Report concerning Schumacher and used that information to deny her employment. Schumacher alleged that she was not informed that Respondent would obtain a Consumer Report nor did she authorize such an action. The case was removed to federal court where the parties reached a settlement. Four days after the parties reached a settlement, Respondent filed a motion to dismiss the case for lack of jurisdiction. The Eighth Circuit found that the petition did not satisfy the standing requirements for the federal court, and, on June 23, 2022, the case was remanded back to the Circuit Court of Cole County. Schumacher filed a motion to enforce settlement and Respondent filed a motion to dismiss. The circuit court entered a judgment denying the motion to enforce settlement and dismissing the action with prejudice. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in dismissing Schumacher's disclosure claim for lack of standing *because* Schumacher's amended petition alleged concrete injuries sufficient to satisfy Missouri standing requirements *in that* Schumacher identified actual harms stemming from Respondent's alleged FCRA violations.
2. The trial court erred in dismissing Schumacher's authorization claim for lack of standing *because* Schumacher's amended petition alleged concrete injuries sufficient to satisfy Missouri standing requirements *in that* Schumacher identified actual harms stemming from Respondent's alleged FCRA violations.
3. The trial court erred in dismissing Schumacher's adverse action claim for lack of standing *because* Schumacher's amended petition alleged concrete injuries sufficient to satisfy Missouri standing requirements *in that* Schumacher identified actual harms stemming from Respondent's alleged FCRA violations.
4. The trial court erred in dismissing Schumacher's claims for lack of standing *because* Schumacher's amended petition alleged concrete injuries sufficient to satisfy Missouri standing requirements *in that* Schumacher identified actual harms stemming from Respondent's breach of agreements concerning Schumacher.
5. The trial court erred in dismissing plaintiff's motion to enforce settlement *because* the parties entered into a valid and enforceable settlement agreement, *in that* the plaintiff has established the existence of offer, acceptance, and consideration creating a legally recognizable right this court must enforce.

**WD87540**

**Bradley Hult, Appellant-Respondent,**

**v.**

**Missouri Department of Health and Senior Services, Respondent-Appellant.**

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Both Bradley Hult and the Missouri Department of Health and Senior Services ("DHSS") appeal from the decision of the Circuit Court of Cole County affirming the decision of DHSS placing Hult on an employee disqualification list but also reversing DHSS's decision to place Hult on the disqualification list permanently. On appeal, the Court reviews the decision of DHSS to place Hult on the employee disqualification list permanently. Hult is a Registered Nurse licensed by the Missouri State Board of Nursing. In 2021, Hult was employed as a nurse by Barnes Jewish Hospital. On January 12, 2021, DHSS received a neglect allegation via a "hot-line" self-report from the hospital. The report alleged that Hult failed to perform a physician ordered alcohol-withdraw assessment of a patient, D.S. D.S. died, and Hult then falsified documentation regarding D.S.'s alcohol-withdrawal assessment flowsheet and D.S.'s daily rounds safety

care flowsheet. Following an investigation, DHSS substantiated the allegations. DHSS informed Hult of its intent to place him permanently on the employee disqualification list. Hult appealed to DHSS's Appeals Unit. Following an evidentiary hearing, a hearing officer issued a Decision and Order affirming DHSS's decision to place Hult on the employee disqualification list permanently. Hult filed a petition for review to the circuit court. The circuit court affirmed the decision to place Hult on the disqualification list but reversed the decision to make the placement permanent. Both parties appealed. Because the Court reviews the agency decision, and DHSS does not allege error in the agency decision, only Hult raises points of error on appeal.

Appellant-Respondent's points on appeal:

1. The Missouri Department of Health and Senior Services erred in the length of time it placed Bradley Hult on its Employee Disqualification List (also referred to herein as "EDL"), because its decision is in excess of the statutory authority of the agency pursuant to section 536.140.2(2), RSMo, in that DHSS's EDL Unit Manager/counsel testified she "saw no reason to try and keep Mr. Hult employed in the industry", which is not a factor in section 192.2490.9, RSMo, and this constitutes reversible error.
2. The Missouri Department of Health and Senior Services erred in the length of time it placed Bradley Hult on its Employee Disqualification List, because it abused its discretion under section 536.140.2(7), RSMo, in not considering mitigating circumstances pursuant to section 192.2490.9(6), RSMo, including whether the nurse has previously been listed on the employee disqualification list, section 192.2490.9(4), RSMo; in that the agency EDL Unit Manager/Counsel testified she found no mitigating circumstances, and this resulted in reversible error.

**WD87919**

**Tina Hursman, Appellant,**

**v.**

**The City of Sedalia, Missouri, Respondent.**

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Appellant Tina Hursman appeals from the judgment of the Circuit Court of Pettis County. As alleged by Hursman, on June 14, 2019, Hursman fell on a sidewalk due to an uneven surface created by a wheelchair ramp. Hursman alleged that Respondent City of Sedalia installed the wheelchair ramps and, to prevent pedestrians from falling, installed railings to block pedestrians from walking into the path of the drop-off created by many of the ramps. Hursman alleges that the ramp that caused her fall did not have a handrail to block her path and that she did not see the drop-off. Hursman filed suit against the City. The City moved for summary judgment. The circuit court granted summary judgment finding, among other things, that the uneven surface was not a dangerous condition and

was open and obvious, readily observable to anyone exercising ordinary care. This appeal followed.

Appellant's points on appeal:

1. The trial court erred in granting summary judgment in favor of the City because the City did not negate with uncontroverted facts any of the four elements of Ms. Hursman's cause of action in that there is, at a minimum, controverted facts in the summary judgment record that: 1) the change in elevation in the City's sidewalk rendered it not reasonably safe; 2) the City had actual or constructive notice of the condition in sufficient time to make the condition reasonably safe; 3) the City failed to use ordinary care to remedy the condition; and 4) such failure directly caused or directly contributed to cause damage to Ms. Hursman.
2. The trial court erred in granting summary judgment in favor of the City because whether the unsafe condition of the City's property was "open and obvious" was a controverted issue of fact in that there was no evidence that the drop-off was painted yellow on the date Ms. Hursman fell; Ms. Hursman's expert testified that people generally walk looking straight ahead and a person looking straight ahead may not see a change of elevation even if painted; and Ms. Hursman testified that it is her custom and habit to walk looking straight ahead, and that she did not see the change in elevation prior to falling.
3. The trial court erred in granting summary judgment in favor of the City because even if it was uncontroverted that the drop-off was "open and obvious" there remained a genuine issue of fact as to whether the City anticipated that pedestrians like Ms. Hursman using its sidewalks may nevertheless be distracted and harmed as a result of the condition in that the City, at other corners of the same intersection, used barricades/handrails to prevent pedestrians from walking into the path of the drop-off.