

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

damages is unconstitutional.¹ MDOC cross-appeals, contending the court erred in instructing the jury on Radmer's hostile work environment claim; awarding punitive damages; denying MDOC's motion for a judgment notwithstanding the verdict ("JNOV") on Radmer's claims; and applying a multiplier to Radmer's attorney fees award. Because the judgment is not final due to the court's failure to rule on Radmer's request for prejudgment interest and equitable relief, we dismiss the appeal.

FACTUAL AND PROCEDURAL HISTORY

Radmer began working for MDOC at the Western Reception Diagnostic Correctional Center in 2000. In 2019, one of her male co-workers, whom MDOC had disciplined before due to the way he treated women, began harassing her on a regular basis. Radmer reported his misconduct on several occasions, but MDOC either did nothing or blamed her. In February 2020, Radmer filed a charge of discrimination with the Missouri Commission on Human Rights. Radmer retired in May 2023 due to the harassment, mistreatment, and lack of help from MDOC.

Radmer filed a petition for damages, which she later amended, asserting several violations of the MHRA against MDOC. She requested actual and punitive damages, attorney fees and expenses, prejudgment and post-judgment interest, and equitable relief. A jury trial was held. At trial, Radmer submitted six claims to the jury: (1) race discrimination; (2) hostile work environment based on race; (3) retaliation based on race;

¹ Radmer specifically contends the damages cap violates her right to a jury trial, equal protection, due process, the mandate for separation of powers, the Missouri Constitution's prohibition against special laws, and the open court provision of the Missouri Constitution.

(4) gender discrimination; (5) hostile work environment based on gender; and (6) retaliation based on gender. The jury returned a verdict in favor of MDOC on Radmer's three race-based claims and a verdict in favor of Radmer on her three gender-based claims. The jury awarded Radmer \$250,000 for non-economic losses and \$750,000 in punitive damages.

The court entered judgment on the jury's verdict in September 2023. Radmer subsequently filed a motion for attorney fees, costs, and post-judgment interest, and MDOC filed an after-trial motion for JNOV, new trial, or remittitur. In November 2023, the court entered a separate judgment granting Radmer's motion for attorney fees, costs, and post-judgment interest and restating the September 2023 judgment awarding \$1 million total in damages. In December 2023, the court entered another amended judgment denying MDOC's motion for a JNOV or new trial and granting its motion for remittitur, reducing Radmer's punitive damages award to \$250,000.

Radmer appeals, and MDOC cross-appeals. Radmer contends the judgment reducing her damages award is void for lack of jurisdiction and the damages cap in Section 213.111.4² is unconstitutional, while MDOC argues the court erred in instructing the jury on Radmer's hostile work environment claim; awarding punitive damages; denying MDOC's motion for a JNOV on Radmer's claims; and applying a multiplier to Radmer's attorney fees award.

² All statutory references are to the Revised Statutes of Missouri 2016, as updated by the 2024 Cumulative Supplement.

ANALYSIS

Before this case was submitted, we transferred to the Supreme Court two cases in which plaintiffs, like Radmer, challenged the constitutionality of the damages cap in Section 213.111.4: *Carter v. Missouri Department of Corrections*, 718 S.W.3d 423 (Mo. banc 2025), and *Rhodes v. Missouri Highways and Transportation Commission*, 718 S.W.3d 419 (Mo. banc 2025). The cases were transferred based on the Supreme Court's exclusive appellate jurisdiction to determine constitutional issues. Mo. Const. art. V, § 3.

The Supreme Court handed down its opinions in *Carter* and *Rhodes* without ruling on the merits of the constitutional issues. In both cases, the Court found the circuit court failed to rule on the plaintiffs' requests for prejudgment interest and equitable relief; therefore, the judgments were not final. *Carter*, 718 S.W.3d at 425; *Rhodes*, 718 S.W.3d at 422-23. After stating the judgments were "silent" regarding prejudgment interest and appropriate equitable relief, the Court noted in footnote 2 of both opinions: "The judgment also fails to include a catch-all statement, such as: 'All other relief requested is denied.'" *Carter*, 718 S.W.3d at 425 n.2; *Rhodes*, 718 S.W.3d at 422 n.2.

Following the issuance of the *Carter* and *Rhodes* opinions, we requested and received from the parties supplemental briefing on the finality of the judgment in this case. Like the judgments in *Carter* and *Rhodes*, the judgment is silent regarding Radmer's requests for prejudgment interest and equitable relief and does not include a catch-all statement denying all other relief requested. The only difference between the judgment here and the judgments in *Carter* and *Rhodes* is that, at the end of the judgment, the circuit court states: "This Judgment disposes of all claims between the

parties, and there are no further issues to be addressed by this Court.” Stating the judgment “disposes” of all claims, however, is not the same as stating all other relief requested is “denied.” Moreover, the circuit court’s designation of the judgment as final is not dispositive. *Jefferson Cty. 9-1-1 Dispatch v. Plaggenberg*, 645 S.W.3d 473, 476 (Mo. banc 2022) (holding language in a judgment stating it is “‘a final judgment that resolves all issues as to all parties’ . . . does not make it so”).

Because the circuit court failed to consider Radmer’s requests for prejudgment interest and equitable relief, the judgment is not a final, appealable judgment. *Carter*, 718 S.W.3d at 425; *Rhodes*, 718 S.W.3d at 423. Without a final judgment, we cannot address the merits of the appeal. *Carter*, 718 S.W.3d at 425; *Rhodes*, 718 S.W.3d at 423.

CONCLUSION

The appeal is dismissed for lack of a final judgment.³



LISA WHITE HARDWICK, JUDGE

All Concur.

³ Radmer’s motion to transfer the case to the Supreme Court and her motion for attorney fees incurred on post-trial motions and appeal are denied.