MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MATTHEW VALDIVIA, Respondent,
v.
MISSOURI DEPARTMENT OF CORRECTIONS, Appellant.

DOCKET NUMBER WD88465 (consolidated with WD87022)

DATE: September 15, 2026

Appeal From:

Jackson County Circuit Court
The Honorable S. Margene Burnett, Judge

Appellate Judges:

Division Two Judges: Janet Sutton, Presiding Judge, Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

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Attorneys:

Nicolas Taulbee, Kansas City, MO, for Appellant,

David Lunceford, Lee's Summit; MO, Christina Nielsen, Arlington, VA, and Eric Playter, Raytown, MO, for Respondent

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MISSOURI APPELLATE COURT OPINION SUMMARY

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MATTHEW VALDIVIA, Respondent,
v.
MISSOURI DEPARTMENT OF CORRECTIONS, Appellant.

WD88465 (consolidated with WD87022) Jackson County

Before Division Two Judges: Janet Sutton, Presiding Judge, Lisa White Hardwick, Judge, W. Douglas Thomson, Judge

The Missouri Department of Corrections ("MDOC") appeals the October 28, 2025 judgment denying its motion to decide unresolved issues in Matthew Valdivia's Missouri Human Rights Act ("MHRA") case against it and awarding Valdivia appellate attorney fees. The MDOC contends the circuit court erred in applying the law of the case doctrine to preclude review of the finality of the June 14, 2023 judgment in Valdivia's MHRA case and calculating the appellate attorney fees award.

REVERSED AND REMANDED WITH DIRECTIONS; MANDATE RECALLED IN VALDIVIA v. MISSOURI DEPARTMENT OF CORRECTIONS, WD87022, AND OPINION WITHDRAWN.

Division Two holds:

1. Our determination in *Valdivia v. Missouri Department of Corrections*, WD87022, 717 S.W.3d 575 (Mo. App. 2025) ("*Valdivia I*"), that the June 14, 2023 judgment was final was a mistake because the judgment failed to rule on Valdivia's request for prejudgment interest and equitable relief, either explicitly or with a catch-all statement. Instead of dismissing the MDOC's appeal in *Valdivia I* because the MDOC's notice of appeal was untimely filed, we should have dismissed the MDOC's appeal because the June 14, 2023 judgment was not a final, appealable judgment, and we lacked jurisdiction over the appeal.

2. The mistaken belief regarding the finality of the June 14, 2023 judgment caused manifest injustice to the MDOC in the circuit court and this court. Relying on the mistaken belief that the June 14, 2023 judgment was final, the circuit court declined to rule on the MDOC's motion for remittitur to enforce the statutory damages cap; this court dismissed the MDOC's appeal as untimely without a substantive review on the merits, and this court granted attorney fees on appeal to Valdivia as the prevailing party. Under these exceptional circumstances, we decline to apply *Valdivia I*'s erroneous determination that the June 14, 2023 judgment was final as the law of the case.

3. We treat the MDOC's request to remand the case to the circuit court to decide the unresolved issues and enter a final judgment as a motion to recall the mandate in *Valdivia I*. To correct the jurisdictional defect in *Valdivia I*, we recall the mandate in that case, withdraw the opinion, and consolidate *Valdivia I* into this case. Because the opinion in *Valdivia I* is withdrawn, the circuit court's award, in the October 28, 2025 judgment, of appellate attorney fees to Valdivia as the prevailing party is premature and must be reversed.

4. The October 28, 2025 judgment is reversed, and the cause is remanded to the circuit court to rule on Valdivia's unresolved requests for relief in the MHRA case and enter a final judgment in that case.

Opinion by: Lisa White Hardwick, Judge September 15, 2026

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