OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

ANITA KARASE, Respondent, v. CRAIG POLITTE, Appellant.	)))))))))	ED113279 Filed: November 10, 2026

Appeal from the Circuit Court of St. Louis County
The Honorable Thomas C. Albus, Judge

SUMMARY:
Anita Karase (Karase) filed her first amended petition alleging Craig Politte (Politte) committed medical negligence, negligence per se, battery, and violation of the Missouri Merchandising and Purchase Act (MMPA) when he provided counseling services to Respondent during which they engaged in sexual activity. Politte moved to dismiss the negligence per se, battery, and violation of the MMPA claims, which the circuit court denied. After jury trial, the circuit court entered judgment in favor of Karase on all four claims for a total of $2,135,120 in damages. Politte raises nine points on appeal asserting the circuit court erred in denying the motion to dismiss, submitting a jury instruction on future medical damages, entering judgment resulting in double recovery, and failing to amend the judgment.

Affirms, in part. Reverses and remands, in part.

DIVISION TWO HOLDS:
The regulations and their enabling statutes on which Karase based her claim for negligence per se were not intended to replace the standard of care in a negligence action and do not provide a private cause of action. As such, the regulations cannot serve as the basis for a negligence per se claim. Karase's negligence per se claim fails to state a claim upon which relief can be granted, and the circuit court erred in denying Politte's motion to dismiss this count. Accordingly, this court reverses and vacates the judgment entered on this count and remands this matter to the circuit court with instructions to dismiss the negligence per se claim with prejudice.

This court affirms the judgment in all other respects.

Opinion by: Kathleen S. Hamilton, Judge
Michael S. Wright, Presiding Judge; Virginia W. Lay, Judge concur.

Attorney for Appellant: Hardy C. Menees, Robert H. Menees, Melanie J. Roberts

Attorney for Respondent: Justin K. Gefland, Joseph A. Lambson

This summary is not part of the opinion of the court. It has been prepared for the convenience of the reader and should not be quoted or cited.