

WRIT SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, ex rel.)	No. ED94066
JACK COOPER TRANSPORT CO., INC.,)	
)	
Relators,)	Circuit Court of the County of
)	St. Charles, Missouri
v.)	Cause No. 0911-CV06376
)	
THE HONORABLE LUCY D. RAUCH,)	Writ of Prohibition or,
Circuit Judge, Div. 3)	alternatively, Writ of Mandamus
Eleventh Judicial Circuit)	
Circuit Court of St. Charles County, Mo.)	
)	
Respondent.)	FILED: February 23, 2010

WRIT SUMMARY

Plaintiff filed an Amended Petition containing six counts. Five of the counts in Plaintiff's Amended Petition are personal injury claims against various entities arising from a series of factual allegations related to an incident that occurred on 28 January 2008. Count IV of the Amended Petition is an employment discrimination claim against Relator, Jack Cooper Transport. Relator filed a Motion to Sever in which it moved the Court to sever and require separate proceedings for the employment discrimination claim. On 23 November 2009 Respondent, the Honorable Lucy D. Rauch, entered an Order denying Relator's Motion to Sever. Relator filed a Writ of Prohibition or, alternatively, a Writ of Mandamus.

The Preliminary Order in Prohibition or, alternatively, Mandamus is made absolute.

Writ Division Five Holds: Under Supreme Court Rule 52.05(a) Judge Rauch should have severed and required separate proceedings for Plaintiff's claims. There are disparate claims which should be severed under Rule 52.05(a).

Opinion by: Kenneth M. Romines, C.J.

Glenn A. Norton, J., and Roy L. Richter, Jr. concur.

Attorney for Relators: Robert Wilson McKinley, Jr. and Patrick Michael Sanders

Attorneys for Respondent: Brian M. Wendler

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.