

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

KLAUS LAMBERT, and	)	No. ED96445
CONSTANCE ALT,	)	
	)	
Appellants,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Honorable Nancy L. Schneider
MARK WARNER and THE CITY OF	)	
PORTAGE DES SIOUX,	)	
	)	
Respondents.	)	FILED: July 3, 2012

Appellants Klaus Lambert (“Lambert”) and Constance Alt (“Alt”) (hereinafter collectively “Appellants”) appeal from the trial court’s judgment after a jury found them liable to Respondents Mark Warner, Russel Cissel, and the City of Portage des Sioux (collectively hereinafter “City”) for abuse of process in connection with the filing of certain lawsuits. Appellants assert multiple points of error. First, Appellants argue that the trial court erred in denying their motions for a directed verdict, judgment notwithstanding the verdict or for a new trial, and instructing the jury on damages because insufficient evidence existed to support a verdict for City. Second, Appellants contend that the trial court erred in submitting a punitive damages instruction because insufficient evidence existed that Appellants acted with the required evil motive or reckless indifference when commencing and prosecuting the underlying lawsuits. Third, Appellants aver that the trial court’s verdict director constituted a roving commission. Lastly, Appellants claim the trial court improperly admitted hearsay evidence.

#### AFFIRMED

Division 4 holds: 1) The trial court did not err in denying Appellants’ motions for a directed verdict, judgment notwithstanding the verdict or for a new trial, or instructing the jury on damages because the record contains sufficient evidence that Appellants made an improper use of judicial process for an improper purpose and City was thereby damaged; 2) The trial court did not err in instructing the jury on punitive damages because sufficient evidence exists for the jury to find that Appellants acted with an evil motive or reckless indifference; 3) The trial court did not plainly err in submitting the verdict director; and 4) the trial court did not abuse its discretion in admitting the challenged evidence because the evidence at issue was admitted for a relevant non-hearsay purpose.

Opinion by: Kurt S. Odenwald, C.J., Patricia L. Cohen, J. and Robert M. Clayton III, J., Concur.

Attorney for Appellant: John C. Kress and Jonathan E. Fortman

Attorney for Respondent: Stephen A. Martin and Nathan A. Steimel

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