

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CHARLES COYLE, Respondent/Cross-Appellant,)	No. ED97509
)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	
)	Honorable Edward W. Sweeney, Jr.
CITY OF ST. LOUIS, Appellant.)	Filed: September 10, 2013

The City of St. Louis appeals the trial court's judgment in favor of Deputy Fire Chief Charles Coyle (Plaintiff) on his claim that the City discriminated against him on the basis of his race when it failed to promote him to the position of Fire Chief for the City of St. Louis Fire Department. The City asserts the trial court erred in denying its motion for mistrial and subsequent motion for a new trial because: (1) Plaintiff's counsel engaged in misconduct when he violated the terms of Plaintiff's motion in limine to exclude evidence of a former fire chief's appeal of his demotion; and (2) the court's exclusion of a Civil Service Commission determination that the former fire chief's demotion was not motivated by race and a Missouri Court of Appeals opinion upholding that determination prejudiced the City. Plaintiff cross-appeals, claiming that the trial court erred in denying his motion to amend the judgment to include: (1) equitable relief and (2) attorneys' fees.

AFFIRMED IN PART, REVERSED IN PART.

Division Four Holds: The trial court did not abuse its discretion in denying the City's motions for mistrial and a new trial because Plaintiff's counsel did not engage in misconduct when he asked former Fire Chief George whether he filed a claim against the City relating to his demotion. The evidence was admissible because it was relevant to Chief George's potential bias as a testifying witness and the City was not prejudiced by its admission because the trial court sustained the City's objection and instructed the jury to disregard the question and Chief George's answer thereto. Nor did the trial court abuse its discretion in excluding evidence of the disposition of Chief George's appeal because the record supports the trial court's determination that the risk of creating juror confusion outweighed the evidence's minimal probative value. In regard to Plaintiff's cross-appeal, the City concedes that Plaintiff is entitled to reasonable attorneys' fees and limited front pay under the Missouri Human Rights Act. With respect to the other equitable relief requested, the trial court erred in not determining the appropriateness and amount of the equitable relief requested, and the record is not adequate for this court to dispose of this issue. We therefore remand to the trial court for a determination of the amount of Plaintiff's attorneys' fees and the reasonableness and amount of the equitable relief requested.

Opinion by: Patricia L. Cohen, J.
Lawrence E. Mooney, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Nancy R. Kistler

Attorney for Respondent/Cross-Appellant: Jerome J. Dobson

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.