

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

LARRY WHITE,)	No. ED99585
)	
Appellant/Plaintiff,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
CITY OF LADUE, MISSOURI,)	Honorable Barbara Wallace
)	
Respondent/Defendant.)	Filed: December 17, 2013

Appellant Larry White (“White”) appeals the judgment of the Circuit Court of St. Louis County in favor of Respondent City of Ladue (the “City”). In his nine points on appeal, White contends that the trial court erred in: (1) dismissing his public policy wrongful discharge claims in Counts I through III against the individual defendants; (2) prohibiting him from conducting discovery into communications regarding Form D0112 and sovereign immunity on the basis of attorney-client and insurer-insured privilege; (3) denying his second motion for additional time to conduct discovery and supplement his response to the City’s second motion for summary judgment; (4) denying his motion to strike the City’s second motion for summary judgment; (5) granting summary judgment in favor of the City on his public policy wrongful discharge claims in Counts I through III on the basis of sovereign immunity; (6) granting summary judgment in favor of the City as to his Sunshine Law claim; (7) denying his first motion for sanctions; (8) denying his amended third motion for sanctions; and (9) failing to order the City to produce certain documents relevant to his public policy wrongful discharge claims. We disagree and affirm the judgment of the trial court.

Division Three holds:

(1) The trial court did not err in dismissing White’s public policy wrongful discharge claims against the mayor and city council members as White cannot establish an employer/employee relationship between himself and the individual defendants.

(2) The trial court did not err in denying White’s motion to compel communications among the City’s attorney, the City’s insurance broker and the insurance company’s claims handler as the communications were privileged and White did not establish that they would produce evidence sufficient to defeat the City’s second motion for summary judgment.

(3) The trial court did not abuse its discretion in denying White’s second motion for additional time to conduct discovery and supplement his response to the City’s second motion for summary judgment.

(4) The trial court did not err in denying White's motion to strike the City's second motion for summary judgment.

(5) The trial court did not err in granting summary judgment in favor of the City on White's public policy wrongful discharge claims on the basis of sovereign immunity because no genuine issue of material fact exists as to whether Form D0112 was part of the City's 2009/2010 insurance policy.

(6) The trial court did not err in granting summary judgment in favor of the City as to White's Sunshine Law claim as White does not establish that the City purposefully or knowingly violated the Sunshine Law.

(7) The trial court did not abuse its discretion in denying White's first motion for sanctions.

(8) The trial court did not abuse its discretion in denying White's amended third motion for sanctions.

(9) White has not preserved his ninth point on appeal as he does not identify the challenged ruling or action by the trial court in support of his claim of error as required by Missouri Supreme Court Rule 84.04(d).

Opinion by: Angela T. Quigless, J.

Mary K. Hoff, P.J., Kurt S. Odenwald, J., Concur.

Attorney for Appellant: Lynette M. Petruska

Attorney for Respondent: Timothy G. Carmody

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.