

MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY

KATHY WALLACE,	)	No. ED99621
	)	
Appellant,	)	
	)	Appeal from the Circuit Court
v.	)	of Cape Girardeau County
	)	
ST. FRANCIS MEDICAL CENTER,	)	Hon. Benjamin F. Lewis
	)	
Respondent.	)	FILED: October 1, 2013

Kathy Wallace appeals from the trial court's summary judgment in favor of St. Francis Medical Center (Respondent) on her claims for breach of contract and *prima facie* tort. Wallace, a registered nurse, contends that there exist genuine issues of material fact as to whether she was permanently on call when not at work from 2006 to 2011 and thus entitled to back-pay for on-call time.

AFFIRMED.

DIVISION ONE HOLDS: Respondent's verbal offer of employment and written on-call phone list did not create an enforceable employment agreement predicate to Wallace's breach of contract claim. Moreover, the action is barred by the statute of frauds. Wallace's *prima facie* tort claim also fails, and her petition does not allege any malice by Respondent, and she conceded that Respondent had a business justification for restricting her paid on-call shifts.

Opinion by: Clifford H. Ahrens, J. Roy L. Richter, P.J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Daniel H. Rau

Attorney for Respondent: Thomas O. McCarthy

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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