

Summary of SC92796, Sarah Badahman v. Catering St. Louis

Appeal from St. Louis city circuit court, Judge Julian Bush

Argued and submitted January 31, 2013; opinion issued April 9, 2013

Attorneys: Catering St. Louis was represented by David R. Bohm and Laura Gerdes Long of Danna McKittrick PC in St. Louis, (314) 726-1000; and Badahman was represented by Gregory A. Rich of Dobson, Goldberg, Berns & Rich LLP in St. Louis, (314) 621-8363.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: Catering St. Louis challenges the constitutional validity of section 537.068, RSMo, claiming that allowing a circuit court to increase an award through additur violates the constitutional right to a trial by jury. It further alleges that the circuit court abused its discretion in granting Badahman's motion for additur, or in the alternative, a new trial and in ordering a new trial on the issue of damages only. In a 7-0 decision written by Judge Zel M. Fischer, the Supreme Court of Missouri affirms the circuit court's decision. Catering St. Louis elected to have a new jury trial on the sole issue of damages, therefore, the circuit court presumed its right to a jury trial and did not abuse its discretion in granting the motion and ordering a new trial on the issue of damages.

Facts: Catering St. Louis hired Sarah Badahman as a recruiter, which included attending job fairs, catering events and maintaining reliable transportation. Badahman's license was suspended for a period of at least six months due to epilepsy while employed with Catering St. Louis. Badahman was terminated two weeks after her license was suspended. She brought an action against Catering St. Louis, alleging disability discrimination and retaliation in violation of the Missouri Human Rights Act. The jury found in favor of Badahman and awarded actual and punitive damages. Badahman filed a motion for additur (additional court ordered damages), or in the alternative, a motion for new trial on the issue of damages. The circuit court determined that the jury verdict was against the weight of the evidence and pursuant to this Court's rules gave Catering St. Louis the option of accepting an enhanced damages award, or to elect to hold a new trial on the issue of damages only. Catering St. Louis would not accept the enhanced award and the circuit court ordered a new trial. Catering St. Louis appeals.

AFFIRMED.

Court en banc holds: (1) That section 537.068 as applied in this case does not violate the right to trial by jury. Catering St. Louis had the option of accepting additur or a new jury trial. The circuit court's order resulted in nothing more or less than a new jury trial on the issue of compensatory damages based on a determination that the verdict was against the weight of the evidence. (2) The circuit court did not abuse its discretion in granting a new trial on the grounds that the verdict was against the weight of the evidence. (3) The circuit court did not abuse its discretion in granting a new trial on the issue of damages alone.