

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**JOHNNY RAY CHADD,
APPELLANT
vs.**

**CITY OF LAKE OZARK,
RESPONDENT**

DOCKET NUMBER WD72098

DATE: OCTOBER 12, 2010

Appeal from:

The Circuit Court of Miller County, Missouri
The Honorable Kenneth M. Hayden, Judge

Appellate Judges:

Division Two: Victor C. Howard, P.J., Thomas H. Newton and Gary D. Witt, JJ.

Attorneys:

Anthony L. Gosserand, for Appellant

Paul D. Link, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JOHNNY RAY CHADD, APPELLANT

v.

CITY OF LAKE OZARK, RESPONDENT

WD72098

Miller County, Missouri

Before Division Two Judges: Victor C. Howard, P.J., Thomas H. Newton and Gary D. Witt, JJ.

Johnny Ray Chadd appeals the summary judgment entered in favor of the City of Lake Ozark (City) on his petition for damages for wrongful termination (lost wages) and prima facie tort. Mr. Chadd claims that the trial court erred in finding that the doctrine of res judicata barred his claim for lost wages and that the doctrines of employment-at-will and sovereign immunity barred his prima facie tort claim.

AFFIRMED.

Division Two holds:

(1) Where Mr. Chadd's claim for lost wages arose out of the same act as his previous claim for reinstatement and the same operative facts gave rise to each claim, his claim for lost wages should have been brought in the first suit and, thus, was precluded under the doctrine of res judicata.

(2) Where the undisputed facts showed that Mr. Chadd was an employee-at-will, he may not bring an action for wrongful discharge under the guise of prima facie tort.

Opinion by: Victor C. Howard, Judge

Date: October 12, 2010

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