IN THE 19TH CIRCUIT COURT
COLE COUNTY
STATE OF MISSOURI

KATHLEEN NEWMAN,	)	
Plaintiff,	)	
v.	)	Cause No. 17AC-CC00364
MISSOURI DEPARTMENT OF CORRECTIONS, et al.,	)	
Defendants.	)	

Judgment

Plaintiff Kathleen Newman worked at the Jefferson City Correctional Center, a facility of the Missouri Department of Corrections ("DOC"). Plaintiff experienced sexual harassment beginning on January 20, 2017, in her workplace. Plaintiff timely filed a Charge of Discrimination on or about April 14, 2017, and she filed this action on July 17, 2017.

Plaintiff named her former employer, Corizon, LLC, her former supervisors Collette Rogers and Wanda Laramore, the Missouri Department of Corrections, Sergeant James McKee, Corrections Officer Michael Redmon, and Corrections Officer Thomas Eslahi as defendants. In her Petition for Damages and Injunctive Relief, Plaintiff alleged claims under the Missouri Human Rights Act for Sexual Harassment against Defendants DOC, Corizon, Rogers, Laramore, McKee, and Redmon; for sex discrimination against Defendants DOC, Corizon, Rogers, Laramore, McKee, and Redmon; and retaliation against all defendants. Plaintiff also filed a claim of false

imprisonment against Defendants Redmon and McKee (Count IV), a claim of intentional infliction of emotional distress against Defendant Redmon (Count V), a claim of intentional infliction of emotional distress against Defendant McKee (Count VI), and a claim of battery against Defendant Eslahi (Count VII).

Plaintiff and Defendants Corizon, LLC, Rogers, and Laramore stipulated to the dismissal of all claims against Defendants Corizon, LLC, Rogers, and Laramore on November 7, 2022, before trial began. Plaintiff also voluntarily dismissed Counts IV-VII and the retaliation claim against Defendant Eslahi prior to trial on November 7, 2022. Plaintiff moved for a bifurcated trial on the issue of punitive damages, which was granted by the court. On November 7, 2022, a jury of twelve jurors and two alternates was selected from a panel of eligible veniremen. On November 8, 2022, one of the alternates was dismissed, and the remaining twelve jurors and one alternate were seated, sworn, and instructed. Opening statements were made by the parties, and Plaintiff presented evidence. On November 9, 10, 14, 15, and 16, Plaintiff presented additional evidence. Plaintiff rested her case in the morning on November 16, 2022. After Plaintiff rested her case, Defendants made oral motions for directed verdict. The motions were denied.

Defendants presented their evidence on November 16, 2022, and Defendants rested in the afternoon. In the mid-afternoon, the Court released the jury for the day. There was no rebuttal evidence. Thereafter, the evidence was closed. Defendants renewed their motions for directed verdict, which were denied. Plaintiff moved for directed verdict on the issue of whether Defendant DOC was acting as an employer

as defined by statute at the time and pursuant to *Diaz v. Autozoners, LLC*, 484 S.W.3d 64 (Mo. App. 2015). The court granted Plaintiff's directed verdict motion on that issue.

The court conducted an informal jury instruction conference with counsel for the parties. During the informal jury instruction conference, Plaintiff voluntarily dismissed Defendant McKee from all claims leaving only claims against Defendant DOC. The court recessed for the day. On the morning of November 17, 2022, a jury instruction conference was held on the record. Plaintiff and Defendant submitted alternate instructions, which were refused and marked for the record.

After the final jury instruction conference, the jury returned. One juror was unable to return to court on November 17, 2022, and the court excused that juror and placed the final alternate on the jury for deliberations. The jury was further instructed by the Court. Counsel for the parties then made closing arguments. Upon conclusion of the parties' closing arguments, the jury withdrew to deliberate. Later on November 17, 2022, the jury returned to the courtroom, and it was determined that the jury would return the following morning to continue deliberations. On November 18, 2022, the jury returned and continued deliberating.

Thereafter, on November 18, 2022, the jury returned and reported its verdicts as follows:

On Plaintiff's hostile work environment claims on the basis of sex and retaliation against Defendant Missouri Department of Corrections, the jury found in favor of Plaintiff and awarded her compensatory damages in the total amount of

$150,000.00. On this claim, the jury further found that Defendant Missouri Department of Corrections is liable for punitive damages.

On Plaintiff's claims for constructive discharge on the basis of sex and retaliation against Defendant Missouri Department of Corrections, the jury found in favor of Defendant Missouri Department of Corrections. On this claim, the jury further found that Defendant Missouri Department of Corrections is not liable for punitive damages.

The Verdict Forms were signed by all twelve jurors.

Following the initial verdicts, the court recessed while a witness was summoned to the courthouse for the punitive phase of trial. In the afternoon of November 18, 2022, Plaintiff put on additional evidence and rested. Defendant did not present additional evidence. The jury was further instructed by the Court. Counsel for the parties then made closing arguments. Upon conclusion of the parties' closing arguments, the jury withdrew to deliberate.

Thereafter, on the afternoon of November 18, 2022, the jury returned and reported its verdict for the punitive phase as follows:

On Plaintiff's claim for punitive damages against Defendant Missouri Department of Corrections, the jury awarded $2,000,000.

The Verdict Form was signed by eleven jurors.

The Court, having considered the jury's verdicts, the evidence presented at trial, and the Court's previous orders, judgments, and rulings. Accordingly, the Court has determined that a Final Judgment and Order is proper.

In accordance with the Jury's verdict, it is hereby ORDERED, ADJUDGED, AND DECREED that Final Judgment on Plaintiff's hostile work environment claims against Defendant Missouri Department of Corrections is entered in favor of Plaintiff for compensatory damages in the amount of $150,000.00 and punitive damages in the amount of $2,000,000 for a total judgment of $2,150,000. Post-judgment interest shall accrue at a rate of 9.4% from the date of this order. Court costs are taxed to Defendant Missouri Department of Corrections.

12/27/22
Date

Jon Beetem, Circuit Judge