

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI, SOUTHERN DIVISION

Irene V. Alvarado v. Otis Elevator Company

Case No. 6:25-cv-03343-MDH (W.D. Mo. Jan. 13, 2026) · No. 6:25-cv-03343-MDH · Decided January 13, 2026

SUMMARY

The United States District Court for the Western District of Missouri denied Otis Elevator Company’s Rule 12(b)(6) motion to dismiss Irene V. Alvarado’s punitive-damages claim. The court held that punitive damages may be pleaded in a separate count when they are sought in connection with an underlying negligence claim, and that the complaint plausibly alleged Otis had actual knowledge of a dangerous elevator condition and acted with the requisite reckless disregard.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri, Southern Division
WRITING FOR THE COURT	Douglas Harpool
JURISDICTION	United States District Court for the Western District of Missouri, Southern Division
DECIDED	January 13, 2026
DOCKET	6:25-cv-03343-MDH
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Count Two of Plaintiff's First Amended Complaint, which sought punitive damages in connection with a negligence claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in favor of the nonmoving party, disregards legal conclusions unsupported by factual allegations, and determines whether the complaint plausibly states a claim for relief.
PRECEDENTIAL VALUE	unpublished

TOPICS

- motions to dismiss
- punitive damages
- negligence
- personal injury
- civil procedure

PRACTICE AREAS

civil procedure

torts

personal injury

punitive damages

negligence

QUESTIONS PRESENTED

1. Whether a punitive-damages request may be pleaded in a separate count when it is not asserted as an independent cause of action.
2. Whether Plaintiff's allegations plausibly state a claim for punitive damages under Missouri law.

HOLDINGS

1. Punitive damages are not an independent cause of action, but they may be pleaded in a separate count when sought in connection with an underlying claim for actual damages; Plaintiff's Count Two was not an independent cause of action.
2. The complaint plausibly stated a claim for punitive damages under Missouri law because its allegations, accepted as true, could support an inference that Otis knew or had reason to know of a high probability of injury and nevertheless failed to correct or remove the dangerous elevator condition.

KEY QUOTATIONS

"A punitive damage claim is not a separate cause of action, it must be brought in conjunction with a claim for actual damages."

"The request for punitive damages need not be plead in a separate count, but it must nevertheless appear from the complaint, either by direct averment or from necessary inference, that the act occasioning the damages was done maliciously or was the result of the willful misconduct of the defendant or of that reckless indifference to the rights of others which is equivalent to an intentional violation of them, at least where the wrongful act does not in itself imply malice."

"While punitive damages must not be brought in separate or independent causes of action, they may be pleaded as separate counts."

"Only 'when the defendant knew or had reason to know that there was a high degree of probability that the action would result in injury,' may punitive damages be appropriate in a negligence action."

FACTUAL BACKGROUND

Plaintiff alleged that an elevator at Mercy Hospital opened before its cab was level with the fourth-floor hallway, creating an uneven obstacle over which she tripped and fell. She alleged injuries to multiple parts of her body. Plaintiff further alleged that the uneven leveling was a recurring condition, that Otis employees had actual knowledge of it for months, and that the elevator remained in service despite reports of the dangerous condition and other elevators being out of service.

PROCEDURAL HISTORY

Plaintiff filed a First Amended Complaint asserting negligence and a claim for punitive damages. Otis moved to dismiss the punitive-damages count, arguing that punitive damages are not an independent cause of action and

that the allegations did not satisfy Missouri's heightened standard. After briefing, the district court denied the motion on both grounds.

DISPOSITION

other

CASES CITED

- Zutz v. Nelson, 601 F.3d 842, 848 (8th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Coons v. Mineta, 410 F.3d 1036, 1039 (8th Cir. 2005)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 545, 555 (2007)
- Jackson v. Asplundh Constr. Corp., No. 4:15CV00714 ERW, 2016 WL 4701589, at *3 (E.D. Mo. Sept. 8, 2016)
- Mischia v. St. John's Mercy Med. Ctr., 30 S.W.3d 848, 866 (Mo. Ct. App. 2000)
- City of Greenwood v. Martin Marietta Materials, Inc., 299 S.W.3d 606, 627 (Mo. Ct. App. 2009)
- Bower v. Hog Builders, Inc., 461 S.W.2d 784, 798 (Mo. 1970)
- Giger Welding & Fabrication, LLC v. DFW Movers & Erectors, Inc., No. 421-CV-00741-HFS, 2025 WL 3515444, at *2 (W.D. Mo. Sept. 12, 2025)
- Hoover's Dairy, Inc. v. Mid-Am. Dairymen, Inc./Special Prods. Inc., 700 S.W.2d 426, 435-36 (Mo. 1985)
- Scott v. Dyno Nobel, Inc., 108 F.4th 615, 632 (8th Cir. 2024)
- Rhoden v. Mo. Delta Med. Ctr., 621 S.W.3d 469, 481 (Mo. 2021)