

SUPREME COURT OF MISSOURI

Badahman v. Catering St. Louis

395 S.W.3d 29 (Mo. banc 2013) · Decided April 9, 2013

SUMMARY

The Missouri Supreme Court affirmed an order granting a new trial on compensatory damages after the circuit court found the jury's award inadequate and against the weight of the evidence. The court held that Missouri's conditional additur procedure under section 537.068 and Rule 78 does not violate the constitutional right to a jury trial when the opposing party may reject the additur and elect a new jury trial. The court also held that the trial court did not abuse its discretion by limiting the new trial to compensatory damages.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Zel M. Fischer
JURISDICTION	Missouri
DECIDED	April 9, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury awarded Badahman compensatory and punitive damages on her Missouri Human Rights Act disability-discrimination claim, the circuit court sustained her motion for additur or, alternatively, a new trial on compensatory damages. Catering St. Louis rejected the additur, and the circuit court ordered a new trial limited to compensatory damages. Catering St. Louis appealed.
STANDARD OF REVIEW	When a circuit court sustains a motion for additur or remittitur, or grants a new trial because the verdict is against the weight of the evidence, the appellate court reviews the evidence in the light most favorable to the circuit court's order and reviews the ruling for manifest abuse of discretion. A circuit court has broad discretion to grant a new trial on the ground that the verdict is against the weight of the evidence. A new trial limited to damages will not be disturbed unless the record shows that damages cannot be tried separately without injustice to the defendant.
PRECEDENTIAL VALUE	Published, precedential Supreme Court of Missouri opinion

PARTIES

Catering St. Louis, Mark Erker v. Sarah Badahman

TOPICS

motion for new trial

standard of review

damages

civil procedure

appellate procedure

PRACTICE AREAS

civil procedure

appellate procedure

remedies

employment law

civil rights

disability discrimination

QUESTIONS PRESENTED

1. Whether Missouri Revised Statutes section 537.068 and Rule 78.10 violate the Missouri constitutional right to a jury trial by permitting conditional additur.
2. What standard of appellate review applies when a circuit court sustains a motion for additur or, alternatively, a new trial because the verdict is against the weight of the evidence.
3. Whether the circuit court abused its discretion by finding the compensatory-damages verdict inadequate and ordering a new trial.
4. Whether the circuit court abused its discretion by limiting the new trial to compensatory damages.

HOLDINGS

1. Section 537.068 and Rule 78.10 do not violate the Missouri constitutional right to a jury trial because the defendant may reject the additur and obtain a new jury trial on damages; accepting the additur constitutes a waiver of the jury-trial right.
2. When a circuit court sustains a motion for additur or, alternatively, a new trial and the defendant elects a new trial, the order is reviewed under the same standard applicable to a new trial granted because the verdict is against the weight of the evidence: the evidence is viewed in the light most favorable to the circuit court's order, and the ruling is reviewed for manifest abuse of discretion.
3. The circuit court did not abuse its discretion in finding the \$11,250 compensatory-damages verdict inadequate and against the weight of the evidence and in ordering a new trial.
4. The circuit court did not abuse its discretion by ordering a new trial limited to compensatory damages because Catering St. Louis did not show that liability and compensatory damages were substantially intertwined or that a damages-only trial would cause injustice.

KEY QUOTATIONS

"It is to eliminate such confusion that this Court now holds that the best way to articulate the proper standard of review is that the evidence is reviewed in "the light most favorable to the circuit court's order." (395 S.W.3d at 40)

"Therefore, the circuit court's judgment is affirmed." (395 S.W.3d at 42)

FACTUAL BACKGROUND

Catering St. Louis hired Sarah Badahman as a recruiter at an annual salary of \$45,000. After her neurologist suspended her driver's license because of epilepsy, Badahman continued working for two weeks using alternative transportation and discussed possible transportation accommodations with the company's president, Mark Erker. Erker then terminated her employment. Badahman remained unemployed for approximately three months and later obtained lower-paying jobs earning \$27,000 and \$33,000 annually. The jury awarded her \$11,250 in compensatory damages, although she presented evidence calculating lost wages of approximately \$44,979.72.

PROCEDURAL HISTORY

Badahman sued Catering St. Louis and Mark Erker under the Missouri Human Rights Act, alleging disability discrimination and retaliation. She proceeded to trial only on disability discrimination. The jury awarded \$11,250 in compensatory damages against Catering St. Louis and Erker and \$2,000 in punitive damages against Catering St. Louis. The circuit court found the compensatory award inadequate and against the weight of the evidence, offered additur or a new trial, and ordered a new trial limited to compensatory damages after Catering St. Louis rejected the additur. The Supreme Court of Missouri affirmed.

DISPOSITION

affirmed

CASES CITED

- Blaske v. Smith & Entzeroth, Inc., 821 S.W.2d 822, 828-29, 838-39 (Mo. banc 1991)
- Malan Realty Investors, Inc. v. Harris, 953 S.W.2d 624, 626 (Mo. banc 1997)
- Dimick v. Schiedt, 293 U.S. 474 (1935)
- Massman Construction Co. v. Missouri Highway & Transportation Commission, 914 S.W.2d 801, 803 (Mo. banc 1996)
- Tucci v. Moore, 875 S.W.2d 115, 116 (Mo. banc 1994)
- Wiley v. Homfeld, 307 S.W.3d 145, 148 (Mo. App. 2009)
- Firestone v. Crown Center Redevelopment Corp., 693 S.W.2d 99, 110 (Mo. banc 1985)
- Steuernagel v. St. Louis Public Service Co., 238 S.W.2d 426, 431-32 (Mo. banc 1951)
- Dodd v. Missouri-Kansas-Texas Railroad Co., 354 Mo. 1205, 193 S.W.2d 905, 907 (1946)
- Gentry by Gentry v. Douglas, 744 S.W.2d 788, 789-90 (Mo. banc 1988)
- Wessels v. Smith, 341 S.W.2d 104, 106 (Mo. 1960)
- Zibung v. Union Pacific Railroad Co., 776 S.W.2d 4, 6 (Mo. banc 1989)
- Burnett v. Griffith, 769 S.W.2d 780, 791 (Mo. banc 1989)
- St. Louis County v. Prestige Travel, Inc., 344 S.W.3d 708, 712 (Mo. banc 2011)
- Kuzuf v. Gebhardt, 602 S.W.2d 446, 451 (Mo. banc 1980)
- Collier v. City of Oak Grove, 246 S.W.3d 923, 925 (Mo. banc 2008)

