

MISSOURI COURT OF APPEALS, EASTERN DISTRICT, DIVISION TWO

Mohamed Alhalabi v. Missouri Department of Natural Resources

300 S.W.3d 518 (Mo. App. E.D. 2009) · No. ED 92091 · Decided November 24, 2009

SUMMARY

The Missouri Court of Appeals affirmed a judgment awarding Mohamed Alhalabi actual damages, punitive damages, and attorney fees on his hostile work environment claim under the Missouri Human Rights Act. The court held that Alhalabi adequately exhausted his administrative remedies, that the hostile work environment jury instruction was not prejudicially deficient, and that the evidence supported submission of punitive damages. The court also upheld the trial court's attorney-fee award and granted additional fees and costs for the appeal.

CASE DETAILS

COURT	Missouri Court of Appeals, Eastern District, Division Two
WRITING FOR THE COURT	Robert G. Dowd, Jr.; Sherri B. Sullivan, P.J.; Nannette A. Baker, J.
JURISDICTION	Missouri
DECIDED	November 24, 2009
DOCKET	ED 92091
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Missouri Department of Natural Resources appealed a circuit-court judgment entered after a jury trial on Mohamed Alhalabi's Missouri Human Rights Act hostile-work-environment claim. The judgment awarded actual damages, punitive damages, and attorney's fees.
STANDARD OF REVIEW	The court reviewed the exhaustion issue de novo; instructional error as a question of law, reversing only upon a showing that the instruction misdirected, misled, or confused the jury and caused substantial prejudice; punitive-damages submissibility de novo by viewing the evidence and reasonable inferences favorably to submission; and the attorney-fee award for abuse of discretion.
PRECEDENTIAL VALUE	published precedential Missouri Court of Appeals decision
PARTIES	Missouri Department of Natural Resources v. Mohamed Alhalabi

TOPICS

hostile work environment

racial discrimination

religious discrimination

exhaustion of remedies

remedies

PRACTICE AREAS

employment law

civil rights

administrative law

remedies

appellate procedure

QUESTIONS PRESENTED

1. Whether Alhalabi exhausted his administrative remedies for a hostile-work-environment claim under the Missouri Human Rights Act.
2. Whether the hostile-work-environment jury instruction correctly stated substantive law or prejudicially misled, misdirected, or confused the jury by omitting an express requirement that the harassment be objectively severe or pervasive.
3. Whether the evidence was sufficient to submit punitive damages on the hostile-work-environment claim.
4. Whether the trial court abused its discretion in calculating and awarding attorney's fees.

HOLDINGS

1. Alhalabi adequately exhausted his administrative remedies because his charge described continuing, pervasive discrimination and was sufficient to encompass a hostile-work-environment claim; alternatively, such a claim was reasonably related to and within the scope of the investigation reasonably expected to grow out of the charge.
2. The trial court did not commit reversible instructional error. Instruction 7 required proof that harassment affected a term, condition, or privilege of employment, which incorporated the severe-or-pervasive requirement, and the Department failed to show prejudice.
3. The evidence was sufficient as a matter of law to submit punitive damages on the hostile-work-environment claim because a reasonable juror could find by convincing clarity that the Department acted outrageously with reckless indifference to Alhalabi's rights.
4. The trial court did not abuse its discretion by using the attorneys' current hourly rates and awarding \$474,949 in fees after a 15 percent reduction attributable solely to the retaliation claim.

KEY QUOTATIONS

“As a result, administrative remedies are deemed exhausted as to all incidents of discrimination that are like or reasonably related to the allegations of the administrative charge.” (300 S.W.3d at 526)

“A submissible case is made if the evidence and the inferences drawn therefrom are sufficient to permit a reasonable juror to conclude that the plaintiff established with convincing clarity that the defendant's conduct was outrageous because of evil motive or reckless indifference.” (300 S.W.3d at 529)

“Instead, where a plaintiff's claims are related and he has obtained excellent results overall, his counsel should recover a fully compensatory fee that should not be reduced simply because he has not prevailed on every litigated claim.” (300 S.W.3d at 531)

FACTUAL BACKGROUND

Mohamed Alhalabi, an Arab-American Muslim born in Lebanon, worked as an engineer for the Missouri Department of Natural Resources and later served as regional director. He alleged pervasive discrimination and harassment based on race, national origin, and religion, including anti-Arab and anti-Muslim postings, mailings, accusations, and workplace treatment. The Department knew of the alleged harassment but failed to take effective corrective action, and the conduct continued for multiple years.

PROCEDURAL HISTORY

Alhalabi filed a timely discrimination charge with the Missouri Commission on Human Rights and received a right-to-sue notice before filing suit under the Missouri Human Rights Act. After the circuit court denied the Department's summary-judgment and directed-verdict motions, the jury found for the Department on discrimination and retaliation claims but for Alhalabi on his hostile-work-environment claim, awarding \$187,000 in actual damages and \$150,000 in punitive damages. The circuit court entered judgment totaling \$811,949, including attorney's fees, and denied the Department's post-trial motions.

DISPOSITION

affirmed

CASES CITED

- Tart v. Hill Behan Lumber, 31 F.3d 668, 671 (8th Cir. 1994)
- Pettigrew v. Hayes, 196 S.W.3d 53, 56 (Mo. App. W.D. 2005)
- Daugherty v. City of Maryland Heights, 231 S.W.3d 814, 818 (Mo. banc 2007)
- Hill v. Ford Motor Co., 277 S.W.3d 659, 666, 669-70 (Mo. banc 2009)
- Woelbling v. R.C. Wilson Co., 966 F. Supp. 858, 861 (E.D. Mo. 1997)
- Pollock v. Wetterau Food Distribution Group, 11 S.W.3d 754, 763, 774-75 (Mo. App. E.D. 1999)
- Twin Chimneys Homeowners Ass'n v. J.E. Jones Construction Co., 168 S.W.3d 488, 497-98 (Mo. App. E.D. 2005)
- Barekman v. City of Republic, 232 S.W.3d 675, 679 (Mo. App. S.D. 2007)
- Cooper v. Albacore Holdings, Inc., 204 S.W.3d 238, 244-45 (Mo. App. E.D. 2006)
- Lynn v. TNT Logistics North America, Inc., 275 S.W.3d 304, 311 (Mo. App. W.D. 2008)
- Hoyt v. GE Capital Mortgage Services, Inc., 193 S.W.3d 315, 322 (Mo. App. E.D. 2006)
- H.S. v. Board of Regents, Southeast Missouri State University, 967 S.W.2d 665, 672 (Mo. App. E.D. 1998)
- Stewart v. Alton & Southern Railway Co., 849 S.W.2d 119, 125 (Mo. App. E.D. 1993)
- Essex Contracting, Inc. v. Jefferson County, 277 S.W.3d 647, 656 (Mo. banc 2009)
- Williams v. Finance Plaza, Inc., 78 S.W.3d 175, 185 (Mo. App. W.D. 2002)
- Lippman v. Bridgecrest Estates I Unit Owners Ass'n, Inc., 4 S.W.3d 596, 598 (Mo. App. E.D. 1999)
- Missouri v. Jenkins, 491 U.S. 274, 283-84 (1989)
- J.C.W. ex rel. Webb v. Wyciskalla, 275 S.W.3d 249 (Mo. banc 2009)
- Griffin v. Ozark County, Missouri, 688 F. Supp. 1372, 1373 (W.D. Mo. 1988)

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