

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI
AT JOPLIN

GREGORY L. DAGNAN,

Plaintiff,

Vs.

CITY OF CARTHAGE,

and

TIFFANY COSSEY,

and

ALAN SNOW,

and

CARTHAGE CITIZENS UNITED,

Defendants.

Case No. 24AO-CC00165

FILED

Kimberly Clinton Interim Clerk

Feb 26 2026

Jasper County Circuit Court
Joplin Missouri

PARTIAL SUMMARY JUDGMENT

This matter comes on from advisement, the matter having been previously argued to the Court and taken under advisement on January 24, 2025. The Plaintiff appeared in person and with his attorney Aaron Hadlow and the Defendants City of Carthage, Tiffany Cossey and Alan Snow appeared by attorney Justin Gist. Defendant Carthage Citizens United appeared by attorney William Lasley. Court now takes matter from advisement and enters Summary Judgment in favor of the Defendant City of Carthage, as it relates to punitive damage claim contained in Count I and to Plaintiff's claims in Count II of Plaintiff's Petition.

Count I of Plaintiff's Petition seeks to recover damages against the Defendant City of Carthage for violation of Section 105.055 RSMo. Plaintiff asserts a claim for punitive damages. It is the general rule that in the absence of a statute specifically authorizing punitive damages that they are not recoverable against a municipal corporation. *Chappell v. Springfield*, 423 S.W.2d 810 (Mo. banc 1968). Summary Judgment granted in favor of Defendant City of Carthage as to the claim for Punitive damages contained in Count I of Plaintiff's Petition.

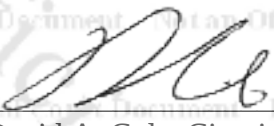
Count II of Plaintiff's Petition seeks to recover damages from the Defendant City of Carthage for the tort of defamation. Defendant City of Carthage moves for Summary Judgment

based on sovereign immunity. Defendant City of Carthage maintained an insurance policy which included a provision stating said policy “is not intended to, nor does it waive, nor shall it be construed as waiving in any way whatsoever, any sovereign immunity.” (Summary Judgment Ex. 2).

A public entity does not waive its sovereign immunity by maintaining an insurance policy where that policy includes a provision stating that policy is not meant to constitute a waiver of sovereign immunity. *Doe v. Garagnai*, 614 S.W.3d 556, (Mo. App. S.D. 2020).

Summary Judgment granted in favor of Defendant City of Carthage as to Count II of Plaintiff’s Petition.

SO ORDERED this the 25th day of February, 2025.


David A. Cole, Circuit Judge