

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**AMINA ALHALABI, Respondent,  
v.  
MISSOURI DEPARTMENT OF CORRECTIONS, Appellant.**

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DOCKET NUMBER WD85012

DATE: March 7, 2023

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Appeal From:  
Callaway County Circuit Court  
The Honorable Robert Jeffrey Harris, Judge

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Appellate Judges:  
Division Three: Thomas N. Chapman Presiding Judge, Mark D. Pfeiffer, and Cynthia L. Martin, Judges

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Attorneys:  
Jeremiah Morgan, Jefferson City, MO counsel for appellant  
James Galbraith, St. Louis, MO co-counsel for appellant  
  
Benjamin Westhoff, St. Louis, MO, counsel for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS**  
**WESTERN DISTRICT**

**AMINA ALHALABI, Respondent,**

**v.**

**MISSOURI DEPARTMENT OF CORRECTIONS, Appellant.**

WD85012

Callaway County

Before Division Three Judges: Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge and Cynthia L. Martin, Judge

The Missouri Department of Corrections (“the DOC”) appeals the judgment of the Callaway County Circuit Court following a jury verdict in favor of Amina Alhalabi on her hostile work environment claim. The DOC raises two points on appeal challenging the admission of the testimony of a “me too” witness and the award of attorney’s fees. The judgment is affirmed, and the case is remanded with directions.

**AFFIRMED AND REMANDED**

**Division Three holds:**

1. Where Alhalabi and the “me too” witness held the same positions at the DOC during the same general time period, they both were Muslim and were born in another country, they were targeted by co-workers or supervisors based on their religion and country of origin, they were both subject to the DOC’s anti-discrimination policy, which was enforced by the same HR office, and their complaints of discriminatory harassment were brought to the attention of the DOC’s central HR office and it failed to act in each case, their shared characteristics made the “me too” evidence relevant and admissible.

2. Where the jury found that Alhalabi was subjected to a hostile work environment by the DOC and awarded her \$140,000, a sum of over five times her annual salary at the DOC, Alhalabi obtained excellent results overall despite not succeeding on her constructive discharge claim and not recovering the full amount sought or punitive damages, and the trial court did not abuse its discretion in failing to reduce the lodestar amount. Furthermore, where Alhalabi’s attorneys expended over 1,000 hours over six years litigating Alhalabi’s claims on a contingency fee basis, Alhalabi’s case involved a significant risk to her attorneys of a defense verdict and not being paid, and the attorneys had to turn away less risky work and delayed work in their other cases because of the demands of this case, the trial court’s application of the 1.5 multiplier was supported by the evidence and not an abuse of discretion.

3. Where Alhalabi prevailed on her claim for hostile work environment and successfully defended the judgment on appeal, she succeeded on a significant issue and is a prevailing party, and this court is authorized under section 213.111.2 to award her reasonable attorney's fees on appeal. Thus, Alhalabi's motion for attorney's fees on appeal is sustained, and the case is remanded to the trial court to award reasonable attorney's fees to her.

**Opinion by: Thomas N. Chapman, Presiding Judge**

March 7, 2023

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