



IN THE 16th JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: Dwayne Allen Johnson, 7th Division	Circuit Court Case Number: 2411-CC00522	
Plaintiff/Petitioner: Danny Roberson	Appellate Number: ED113938	<input type="checkbox"/> Filing as an Indigent
	Date of Judgment/Decree/Order: (ATTACH A COPY) September 3rd and 4th, 2025	Court Reporter: OCT 14 2025
vs.	Date Post Trial Motion Filed:	<input type="checkbox"/> Sound Recording Equipment
Defendant/Respondent: Rachel Homolak, et. al.	Date Ruled Upon:	The Record on Appeal will consist of: ___ Legal File only or <u>X</u> Legal File and Transcript

FILED

MORGANA COLEMAN
CLERK, MISSOURI COURT OF APPEALS
EASTERN DISTRICT

(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District: Western Eastern Southern

Notice is given that Vanessa Hagedorn and Jane Puszkar appeal from the denial of attorneys' fees in the judgment/decree/order entered in this action on September 3, 2025 and September 4, 2025.

Appellant's Name (If multiple, list all or attach additional pages) Danny Roberson	Respondent's Name (If multiple, list all or attach additional pages) Rachel Homolak, et. al.
Address See attorney information below	Address See attorney information below
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Nico Stillwell, #74352	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Fred Vilbig
Address 208 W. Linwood Blvd., Kansas City, MO 64111	Address Law Matters, LLC 400 Chesterfield Center, Suite 400 Chesterfield, MO 63017
E-mail Address nstillwell@elmlawkc.com	E-mail Address fvilbig@lawmatters.llc
Telephone (816) 200-1148	Telephone (636) 537-7884

Brief Description of Case (May be completed on a separate page)

Plaintiff brought forth frivolous claims of defamation and civil conspiracy against six defendants in its Petition filed in the Circuit of Ct. Charles County, Missouri on May 2, 2024. The Court correctly dismissed all claims against defendants; Plaintiff appealed that decision. Defendants Vanessa Hagedorn and Jane Puszkar ask this Court to uphold the lower court decision and grant fees.

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)

Whether the trial court erred in denying attorneys' fees to Defendants Vanessa Hagedorn and Jane Puszkar after it correctly granted their Special Motion to Dismiss under Missouri's Anti-Slapp Statute.

Docket Fee Information

The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.

No docket fee is being tendered because:

- a docket fee is not required by law pursuant to _____ (cite specific statute or other authority).
- a motion to prosecute the appeal in forma pauperis has been or will be filed.
- a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or

Appellant /s Fred Vilbig

Date

October 7, 2025

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on _____ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by regular mail registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, _____ District.

- Docket fee in the amount of \$70.00 was received by this clerk on _____ (date) which will be disbursed as required by statute.
- No docket fee was received.

Date

Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
Defendant Grace Church STL	Robert Joseph Wulff
Address	Address
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	E-mail Address
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	Telephone
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Party Name	Attorney Name
Defendant JW	
Address	Address
Unknown	
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Defendants Vanessa Hagedorn and Jane Puszkas	Erin Mersino
Address	Address
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	E-mail Address
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Party Name	Attorney Name
Defendant Chris Barrett	Daniel J. Rhoads
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Additional Parties and Attorneys (continued)

Party Name	Attorney Name
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Party Name	Attorney Name
Plaintiff, Danny Roberson	Mary Madeline Johnson
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Party Name	Attorney Name
Defendant, Chris Barrett	John M. Reeves, Jr.
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Party Name	Attorney Name
Defendant, Rachel Homolak	Robert H. Tyler
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Additional Parties and Attorneys (continued)

Party Name	Attorney Name
Defendant, Rachel Homolak	Bethany Onishenko
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Party Name	Attorney Name
Defendant, Rachel Homolak	Kelly Rickert
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	Telephone
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Party Name	Attorney Name
Defendant, Rachel Homolak	Michael James Scott
Address	Address
	1100 Main Street, Suite 2700
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	Email Address
	mjscott@gravesgarrett.com
	Telephone
	(816) 256-3181

Party Name	Attorney Name
Defendant, Rachel Homolak	Katherine Graves
Address	Address
	1100 Main Street, Suite 2700
City, State, Zip Code	City, State, Zip Code
	Kansas City, MO 64105
	Email Address
	kgraves@gravesgarrett.com
	Telephone
	(816) 256-3181

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on _____ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by email registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

<p align="center">Missouri Court of Appeals Sent via email To moappednoa@courts.mo.gov</p>	<p align="center">Mary M Johnson Alexis M Pearson Attorneys for Plaintiff Sent Via e-filing System</p>
<p align="center">Katherine E Graves Robert H Tyler Kelly Rickert Bethany Onishenko Michael J Scott Attorney for Defendant Rachel Homolak Sent Via e-filing System</p>	<p align="center">Merry Tucker Robert J Wulff Attorneys for Defendant Grace Church STL Fred L Vilbig Erin E Mersino Chris Barrett Daniel J Rhoads John M Reeves Attorneys for Defendants Vanessa Hogedorn and Jane Puszkas Sent Via e-filing System</p>

I have transmitted a copy of the notice of appeal to the clerk of the **Court of Appeals, Eastern District.**

Docket fee in the amount of \$70.00 was received by this clerk on 9-19-2025 (date) which will be disbursed as required by statute.

No docket fee was received because:

a docket fee is not required by law under: State agency is exempt from filing fees pursuant to Carpenter V. King, 679 S.W.2d.866 (Mo. Banc 1984); Pursuant to Section 483.500, RSMo., St. Charles County and its officers are exempt from filing fees in the Court of Appeals

a motion to prosecute the appeal in forma pauperis was received on _____ (date) and was granted on (date).



Cheryl Crowder, Circuit Clerk

October 14, 2025

Date

By: /S/KARLA TRACHSEL
Karla Trachsel, Deputy Clerk

IN THE ELEVENTH JUDICIAL CIRCUIT, STATE OF MISSOURI
CIRCUIT JUDGE DIVISION

FILED

SEP 03 2025

CIRCUIT CLERK
ST. CHARLES COUNTY

DANNY ROBERSON,)
)
 Plaintiff,)
)
 v.)
)
 RACHEL HOMOLAK, et al.,)
)
 Defendants.)

Cause No: 2411-CC00522

Division No: 7

ORDER

On the 28th day of August, 2025, all appeared before this Court by counsel for argument on all pending motions. After brief oral argument, the parties agreed to submit their respective motions for decision on their respective briefs. The matters were taken under advisement. After having reviewed each of the respective motions and their attending briefs, this Court enters the following orders:

For purposes of reviewing each of the Defendant’s Motions to Dismiss, this Court notes that the Court will assume all facts alleged in Plaintiff’s Petition as true and grant Plaintiff all reasonable inferences therefrom. Aaron v Havens, 758 S.W.2d 446 (Mo. 1988)). Missouri courts apply a fact pleading standard, which requires the petition to identify the facts upon which Plaintiff’s claims rests. Green v Penn-Am Ins. Co., 242 S.W. 3d 374 (Mo. App. W.D. 2007). Conclusory allegations are insufficient; the petition must contain allegations of ultimate fact necessary for recovery or allegations from which such ultimate facts can be inferred. Thomas v Denney, 453 S.W. 3d 325 (Mo. App. W.D. 2014).

Given the nature of Plaintiff’s specific allegations against some or all of the named Defendants, this Court finds the following principles of law particularly instructive in its analysis:

Plaintiff's Defamation Claims: In determining the sufficiency of Plaintiff's claims of defamation, this Court engaged in a two step process. The first step is to establish whether the alleged words are capable of defamatory meaning and such determination is a question of law for the court to decide on a motion to dismiss. Brown v Kitterman, 443 S.W. 2d 146, 149-150 (Mo. 1969.) In determining whether a statement is defamatory, courts must strip words of "any pleaded innuendo" and construe words "in their most innocent sense." Castle Rock Remodeling, LLC, v Better Bus. Bureau of Greater St. Louis, Inc., 354 S.W. 3d 234, 239 (Mo. App. E.D. 2011). If a statement is capable of defamatory meaning, the second step of the inquiry requires courts to determine whether a defense "shields the defendant from legal action." Castle Rock Remodeling, LLC, 354 S.W. 3d at 239. First, truth is always a complete defense to defamation and renders a statement incapable of defamatory meaning. Mortiz v Kansas City Star Co., 364 Mo. 32 (1953). Second, "statements of opinion are protected by an absolute privilege which is rooted in the First Amendment to the United States Constitution." Pape v Reither, 918 S.W. 2d 376, 380 (Mo. App. E.D. 1996) (quoting Diez v Pearson, 834 S.W. 2d 250, 253 (Mo. App. E.D. 1992)). Opinion cannot form the basis of a viable defamation claim. Nigor v St. Joseph Med. Ctr., 371 S.W. 3d 808, 820 (Mo. App. W.D. 2012).

Plaintiff's Alternative False Light Claims: Missouri court generally do not recognize a claim for false light invasion of privacy. Sullivan v. Pulitzer Board Co., 709 S.W. 2d 475, 480-481 (Mo. 1986). Claims for false light invasion of privacy are not cognizable when based on allegedly false statements, as the proper claim is defamation. Farrow v St. Francis Med. Ctr., 407 S.W. 3d 579, 600-602 (Mo. 2013).

Plaintiff's Alternative Prima Facie Tort Claims: Missouri severely limits its recognition of prima facie torts. Prima facie tort "is not a duplicate remedy for claims that can be sounded in

other traditionally recognized tort theories, or a catchall remedy of last resort for claims that are not otherwise salvageable under traditional causes of action.” Nazeri v Missouri Valley Coll., 860 S.W.2d 303, 315 (Mo. 1993).

Plaintiff’s Civil Conspiracy Claims: A conspiracy claim cannot stand if there is no viable underlying tort. Oak Bluff Partners, Inc. v Meyer, 3 S.W.3d 777, 781 (Mo. 1999).

1. After having reviewed Plaintiff’s Petition, Defendant Rachel Homolak’s Special Motion to Dismiss Plaintiff’s Complaint, Plaintiff’s Suggestions in Opposition to Defendant Homolak’s Motion to Dismiss, and Defendant Rachel Homolak’s Reply in Support of Special Motion to Dismiss, this Court hereby GRANTS said Defendant’s Special Motion to Dismiss as to all counts for failure to state a claim upon which relief can be granted under Missouri Rule of Civil Procedure 55.27(a)(6). No attorney fees are awarded Defendant.

2. After having reviewed Plaintiff’s Petition, Defendant Chris Barrett’s Special Motion to Dismiss for Failure to State a Claim and for Attorney Fees Pursuant to Mo. Rev. Stat. 537.528, Plaintiff’s Suggestions in Opposition to Defendant’s Motion to Dismiss, and Defendant Chris Barrett’s Reply – Suggestions in Support of Special Motion to Dismiss, this Court hereby GRANTS said Defendant’s Special Motion to Dismiss as to all counts for failure to state a claim upon which relief can be granted under Missouri Rule of Civil Procedure 55.27(a)(6). No attorney fees are awarded Defendant.

3. After having reviewed Plaintiff’s Petition, Improperly Designated Grace Church STL’s Motion to Dismiss, or in the alternative, Motion for More Definite Statement, Improperly Designated Defendant Grace Church STL’s Suggestions in Support of its Motion to Dismiss, or in the alternative, Motion for More Definite Statement, Plaintiff’s Suggestions in Opposition to Defendant Grace Church STL’s Motion to Dismiss, and Reply in Support of Improperly

Designated Defendant Grace Church STL's Motion to Dismiss or, in the alternative, Motion for More Definite Statement, this Court hereby GRANTS said Defendant's Motion to Dismiss as to all counts for failure to state a claim upon which relief can be granted under Missouri Rule of Civil Procedure 55.27(a)(6). No attorney fees are awarded Defendant.

4. After having reviewed Plaintiff's Petition, Defendants Vanessa Hagedorn and Jane Puszkar's Special Motion to Dismiss Plaintiff's Complaint Under Missouri's Anti-Slapp Statute, 537.528 R.S. Mo., Plaintiff's Suggestions in Opposition to Defendant's Motion to Dismiss, and Defendants Vanessa Hagedorn and Jane Puszkar's Reply in Support of their Special Motion to Dismiss Plaintiff's Complaint Under Missouri's Anti-Slapp Statute, 537.528 R.S. Mo., this Court hereby GRANTS said Defendant's Special Motion to Dismiss as to all counts for failure to state a claim upon which relief can be granted under Missouri Rule of Civil Procedure 55.27(a)(6). No attorney fees are awarded Defendant.

SO ORDERED:



Dwayne A. Johnson, Circuit Judge

DATED: September 3, 2025