

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 28<sup>th</sup> 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:**



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Dwayne A. Johnson, Circuit Judge

DATED: September 3, 2025