



Supreme Court of Missouri
en banc

SC95758

State of Missouri ex rel. Tivol Plaza, Inc., Appellant,
vs.
Missouri Commission on Human Rights, et al., Respondents.

Other

Amended order issued:
The parties are asked to brief the following issues:

Is the filing of a timely complaint with the Missouri Human Rights Commission a condition precedent to filing suit or is the nature and purpose of the administrative proceeding such that it is not necessary to exhaust the complainant's administrative rights? If the timely filing is a condition precedent, when and how is the failure to meet this condition precedent to be raised?

If the timely filing is not a condition precedent, what is the extent of injury, if any, in light of section 213.111, RSMo's, two year limitation on filing an action, to a person against whom the complaint is filed if the issue of the timely filing of the complaint is not resolved by the commission prior to the issuance of the right to sue letter and no relief on appeal is available on that issue?

In light of the two year limitation, what additional purpose is intended to be served by the requirement that a complaint be filed with the commission "within one hundred eighty days of the alleged act of discrimination"? Who is the intended beneficiary of the one hundred eighty day limit?

All supplemental briefs are due on or before February 14, 2017.

By: _____
Chief Justice

February 8, 2017
Date