MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106

DIVISION 1

MARK D. PFEIFFER, PRESIDING JUDGE
VICTOR C. HOWARD, JUDGE
ALOK AHUJA, JUDGE

DIVISION 2

KAREN KING MITCHELL, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
LISA WHITE HARDWICK, JUDGE

DIVISION 3

CYNTHIA MARTIN, PRESIDING JUDGE
JOSEPH M. ELLIS, JUDGE
GARY D. WITT, JUDGE

DIVISION 4
(SITTING AT NORTHWEST MISSOURI STATE UNIVERSITY, MARYVILLE, MO)

JAMES E. WELSH, CHIEF JUDGE, PRESIDING
GARY D. WITT, JUDGE
ZEL FISCHER, SPECIAL JUDGE

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

DIVISION 1: THIS DIVISION WILL SIT ON MARCH 5 AND 19, 2013. EACH DAY WILL HAVE SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON MARCH 7 AND 21, 2013. EACH DAY WILL HAVE SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON MARCH 6 AND 20, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON MARCH 11, 2013 AT NORTHWEST MISSOURI STATE UNIVERSITY, MARYVILLE,, MISSOURI. DOCKET CALL WILL BE AT 1:00 P.M.

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:
In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as "expanded oral argument" argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant. If your case is expanded oral argument, there will be a notation next to the case.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

Original exhibits shall be deposited with the appellate court on or before the day the reply brief is due or when the court so directs, whichever is earlier. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

DIVISION 3

CYNTHIA MARTIN, PRESIDING
JOSEPH M. ELLIS, JUDGE
GARY D. WITT, JUDGE

MARCH, 2013

IMPORTANT NOTE

THIS DIVISION WILL SIT ON MARCH 6 AND 20, 2013. EACH DAY WILL HAVE SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

PLEASE NOTE THE DATE AND TIME OF YOUR ARGUMENT. THIS INFORMATION IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE IS LISTED.

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

6-Mar-2013 09:00 **DIVISION 3** **Western District Ct of Appeals**

1. WD75227 **JACKSON COUNTY CIRCUIT COURT**

FREIGHT HOUSE LOFTS CONDO ASSOCIATION, RESPONDENT
vs
VSI METER SERVICES, INC, APPELLANT; CITY OF KANSAS CITY, MISSOURI, DEFENDANT

VSI METER SERVICES, INC, Appellant
LAWRENCE L. PRATT
PORTIA CELESTE KAYSER
CITY OF KANSAS CITY, MISSOURI, Defendant
FREIGHT HOUSE LOFTS CONDO ASSOCIATION, Respondent
JEFFREY ALAN BENOIST

CONTINUED TO MARCH 20, 2013

PLATTE COUNTY CIRCUIT COURT

2. WD75548
WD75626

IN THE INTEREST OF: S.M.F., PLAINTIFF; JUVENILE OFFICER, RESPONDENT
vs
C.E.F. (MOTHER), APPELLANT; A.J.L. (FATHER), DEFENDANT

Appellant
PETER W SCHLOSS
CHRISTOPHER TRUMAN PATTERSON
Defendant
ROBERT CHARLES BLACK
Plaintiff
SARAH E. RECKER
Repondent
TAMMYJO GLICK

BOONE COUNTY CIRCUIT COURT

3. WD75439

ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY, RESPONDENT
vs
KENNETH DAVIS III, A MINOR CHILD, BY AND THROUGH HIS GUARDIAN, DIXIE MAE DAVIS, APPELLANT

KENNETH DAVIS, Appellant
THAD ROBERT MULHOLLAND
ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY, Respondent
MARK DOUGLAS CHUNING

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

6-Mar-2013 09:00 **DIVISION 3** **Western District Ct of Appeals**

PLATTE COUNTY CIRCUIT COURT

4. WD75440

PERRY S KOHRS, RESPONDENT
vs
FAMILY SUPPORT DIVISION, MISSOURI DEPARTMENT OF SOCIAL SERVICES, ET AL., APPELLANT

STATE OF MO, DEPT OF SOCIAL SERVICES, FAMILY SUPPORT DIV, Appellant
NICOLAS TAULBEE
PERRY S KOHRS, Respondent
LANCE WOLF LEFEVRE

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

6-Mar-2013 **10:30** **DIVISION 3** **Western District Ct of Appeals**

1. WD75148 LABOR AND INDUSTRIAL RELATIONS

CHEIKH SECK, APPELLANT
vs
DEPARTMENT OF TRANSPORTATION, DEFENDANT; DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

CHEIKH SECK, Appellant
JEFFREY B BERMAN
MISSOURI DEPARTMENT OF HIGHWAY AND TRANSPORTATION, Defendant
STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent
NINION S RILEY

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2. WD74962 JACKSON COUNTY CIRCUIT COURT

CLARENCE JAGGERS #1059455 (24.035), APPELLANT
vs
STATE OF MISSOURI, RESPONDENT

CLARENCE JAGGERS, Appellant
KENT E GIPSON
STATE OF MISSOURI, Respondent
DORA FICHTER

CONTINUED ON NEXT PAGE

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

Western District Ct of Appeals

6-Mar-2013 10:30 **DIVISION 3**

COLE COUNTY CIRCUIT COURT

3. WD75403
WD75404

STATE EX REL. UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, RESPONDENT
vs
PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, APPELLANT; MISSOURI INDUSTRIAL ENERGY CONSUMERS, APPELLANT

MISSOURI INDUSTRIAL ENERGY CONSUMERS, Appellant
EDWARD F DOWNEY
BRENT EDWARD ROAM
DIANA MARIE VUYLSTEKE
PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, Appellant
SHELLEY E BRUEGGEMANN
JENNIFER LEIGH HEINTZ
STEVEN CARROLL REED
JAIME N OTT
THE COMMERCIAL GROUP, Defendant
KORIAMBANYA SANA CAREW
STATE OF MISSOURI, Defendant
ROBERT EDWARD CARLSON
NORANDA ALUMINUM, INC, Defendant
DIANA MARIE VUYLSTEKE
BRENT EDWARD ROAM
MISSOURI ENERGY GROUP, Defendant
LISA CHRISTINE LANGENECKERT
IBEW LOCAL UNION 702, Defendant
SHERRIE A. SCHRODER
MICHAEL ANTHONY EVANS
OFFICE OF PUBLIC COUNSEL, Defendant
LEWIS ROBINSON MILLS JR
MISSOURI COALITION FOR THE ENVIRONMENT, Defendant
KATHLEEN GREEN HENRY
HENRY B ROBERTSON
BRUCE ALAN MORRISON
MISSOURIANS FOR SAFE ENERGY, Defendant
KATHLEEN GREEN HENRY
HENRY B ROBERTSON
MISSOURI RETAILERS ASSOCIATION, Defendant
THOMAS R SCHWARZ JR
STEPHANIE SUE BELL
INTERNATIONAL UNION OF OPERATING ENGINEERS, Defendant
SHERRIE A. SCHRODER

ORAL ARGUMENT EXPANDED TO 15 MIN. FOR APP., 15 MIN. RESP. AND 5 MIN. FOR APP. REBUTTAL.

MICHAEL ANTHONY EVANS
IBEW LOCAL UNION 649, Defendant
SHERRIE A. SCHRODER
MICHAEL ANTHONY EVANS
IBEW LOCAL UNION 309, Defendant
SHERRIE A. SCHRODER
MICHAEL ANTHONY EVANS
IBEW LOCAL UNION 2, Defendant
SHERRIE A. SCHRODER
MICHAEL ANTHONY EVANS
IBEW LOCAL UNION 1455, Defendant
SHERRIE A. SCHRODER
MICHAEL ANTHONY EVANS
IBEW LOCAL UNION 1439, Defendant
SHERRIE A. SCHRODER
MICHAEL ANTHONY EVANS
DEPARTMENT OF NATURAL RESOURCES, Defendant
SARAH BETH MANGELSDORF
LACLEDE GAS COMPANY, Defendant
MICHAEL CHARLES PENDERGAST
CONSUMERS COUNCIL OF MISSOURI, Defendant
JOHN BRUCE COFFMAN
AARP, Defendant
JOHN BRUCE COFFMAN
MISSOURIANS FOR SAFE ENERGY, Defendant
KATHLEEN GREEN HENRY
BRUCE ALAN MORRISON
UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, Respondent
JAMES B. LOWERY
JAMES MICHAEL FISCHER
LYMAN RUSSELL MITTEN II
STEVEN RAYMOND SULLIVAN
WENDY KAY TATRO
THOMAS M BYRNE

BOONE COUNTY CIRCUIT COURT

4. WD74527

STATE OF MISSOURI, RESPONDENT
vs
DARRIS ARLANDO PEAL, APPELLANT

DARRIS ARLANDO PEAL, Appellant
EMMETT D. QUEENER
STATE OF MISSOURI, Respondent
JESSICA PAIGE MEREDITH

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

20-Mar-2013 09:00 **DIVISION 3** **Western District Ct of Appeals**

1. WD74755 JACKSON COUNTY CIRCUIT COURT

LISA FUNK BOHANON, APPELLANT
vs
DONALD K FUNK, RESPONDENT

LISA BOHANON, Appellant
MARY ANN DRAPE
DONALD FUNK, Respondent
PATRICK ALAN HAGERTY

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2. WD75461 LABOR AND INDUSTRIAL RELATIONS

TERRY O'CONNOR, APPELLANT
vs
CONSTRUCTION MATERIAL TRUCKING, RESPONDENT

TERRY O'CONNOR, Appellant
BRIANNE THOMAS
CONSTRUCTION MATERIAL TRUCKING, INC., Respondent
THOMAS D. BILLAM

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3. WD75327 JACKSON COUNTY CIRCUIT COURT

PAUL ROHNER, RESPONDENT
vs
PATRICIA BEETS, ET AL, APPELLANT; PATRICIA BEETS REVOCABLE LIVING TRUST, APPELLANT

PATRICIA BEETS, Appellant
GEORGE EDWARD KAPKE
PATRICIA BEETS REVOCABLE LIVING TRUST, Appellant
GEORGE EDWARD KAPKE
PAUL ROHNER, Respondent
MARK MOUEEN HADDAD
ZACHARY ROBERT LUND
CORY L ATKINS

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

20-Mar-2013 09:00 **DIVISION 3** **Western District Ct of Appeals**

4. WD75363 JACKSON COUNTY CIRCUIT COURT

PAUL DAMON AND NATALIA OLINETCHOUK, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, APPELLANTS

vs

CITY OF KANSAS CITY, MISSOURI AND AMERICAN TRAFFIC SOLUTIONS, INC, RESPONDENTS

PAUL DAMON, Appellant
RYAN ALEXANDER KEANE
JOHN ERIC CAMPBELL
MITCHELL L BURGESS
BLAKE PATRICK GREEN

NATALIA OLINETCHOUK, Appellant
RYAN ALEXANDER KEANE
JOHN ERIC CAMPBELL
MITCHELL L BURGESS
BLAKE PATRICK GREEN

CITY OF KANSAS CITY, MISSOURI, Respondent
CHAD STEWART
DOUGLAS MCMILLAN

AMERICAN TRAFFIC SOLUTIONS, INC, Respondent
JANE ELLEN DUEKER
NICHOLAS GRANT FREY

Arg. expanded to 15 min. for App., 15 min. for Resp., 5 min. for App. rebuttal.

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

20-Mar-2013 10:30 **DIVISION 3** **Western District Ct of Appeals**

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1. WD75195 LABOR AND INDUSTRIAL RELATIONS

PEGGY FRANTZ, APPELLANT
vs
WAL-MART ASSOCIATES, DEFENDANT; DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

PEGGY FRANTZ, Appellant
CRAIG DOUGLAS HINES
WALMART ASSOCIATES, INC., Defendant
STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent
LARRY RAYMOND RUHMANN

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2. WD75030 CALLAWAY COUNTY CIRCUIT COURT

LEANNE MARIE PECHER, RESPONDENT
vs
EDWARD GEORGE PECHER III, APPELLANT

EDWARD PECHER, Appellant
DANIEL E. HUNT
LEANNE PECHER, Respondent
CARLA GRACE HOLSTE

SUBMITTED ON THE BRIEFS

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3. WD74651 LAFAYETTE COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT
vs
ANTHONY EUGENE DAVIES, APPELLANT

ANTHONY E DAVIES, Appellant
EMMETT D. QUEENER
STATE OF MISSOURI, Respondent
DANIEL NEAL MCPHERSON

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

20-Mar-2013 10:30 **DIVISION 3** **Western District Ct of Appeals**

4. WD75227 JACKSON COUNTY CIRCUIT COURT

FREIGHT HOUSE LOFTS CONDO ASSOCIATION, RESPONDENT
vs
VSI METER SERVICES, INC, APPELLANT; CITY OF KANSAS CITY, MISSOURI, DEFENDANT

VSI METER SERVICES, INC, Appellant
LAWRENCE L. PRATT
PORTIA CELESTE KAYSER
CITY OF KANSAS CITY, MISSOURI, Defendant
FREIGHT HOUSE LOFTS CONDO ASSOCIATION, Respondent
JEFFREY ALAN BENOIST

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5. WD75251 LABOR AND INDUSTRIAL RELATIONS

MONICA NICHOLS, APPELLANT
vs
C.F.M. NO. 14-003, INC., RESPONDENT; DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

MONICA NICHOLS, Appellant
JOHN J AMMANN
STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent
BART ANTON MATANIC
C.F.M. NO. 14-003, INC., Respondent
TINA MARIE CROW HALCOMB