

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

DIVISION 1

**THOMAS H. NEWTON, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
TED ARDINI, JUDGE**

DIVISION 2

**LISA WHITE HARDWICK, PRESIDING JUDGE
KAREN KING MITCHELL, JUDGE
REX GABBERT, JUDGE**

DIVISION 3

**ALOK AHUJA, PRESIDING JUDGE
VICTOR C. HOWARD, JUDGE
JAMES E. WELSH, JUDGE**

DIVISION 4

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING
VICTOR C. HOWARD, JUDGE
GARY D. WITT, JUDGE**

ORAL ARGUMENT DOCKET - OCTOBER - 2016

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 OCTOBER 12, 2016 AT MISSOURI WESTERN STATE UNIVERSITY, ST. JOSEPH, MISSOURI. DOCKET CALL WILL BE AT 9:30 A.M. IT WILL ALSO SIT AT THE COURT OF APPEALS ON OCTOBER 25, 2016, WITH DOCKET CALL AT 9:00 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON OCTOBER 4 AND 12, 2016 ,WITH DOCKET CALL AT 9:00 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON OCTOBER 3, 2016, AT THE SULLIVAN COUNTY COURTHOUSE, MILAN, MISSOURI. DOCKET CALL WILL BE AT 1:00 P.M. IT WILL ALSO SIT AT THE COURT OF APPEALS ON OCTOBER 26, 2016, WITH DOCKET CALL AT 9:00 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON OCTOBER 5, 2016 AT THE UNIVERSITY OF CENTRAL MISSOURI, WARRENSBURG, MISSOURI. THERE WILL BE TWO DOCKET CALLS. THE FIRST WILL BE AT 9:30 A.M. AND THE SECOND AT 1:30 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” preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

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 court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. 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 2

LISA WHITE HARDWICK, PRESIDING JUDGE

KAREN KING MITCHELL, JUDGE

REX GABBERT, JUDGE

OCTOBER 2016

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON OCTOBER 4 AND 12, 2016 WITH
DOCKET CALL AT 9:00 A.M.**

**PLEASE NOTE THE 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
Oral Argument Docket

4-Oct-2016

09:00

DIVISION 2

Western District Ct of Appeals

1. **WD79437**

HENRY COUNTY CIRCUIT COURT

JOANNE CARTER, RESPONDENT,

vs

**TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND INJURY FUND,
APPELLANT.**

TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND, Appellant

CARA LEE HARRIS

JOANNE CARTER, Respondent

TRUMAN EVERETT ALLEN

BENJAMIN BRADLEY NELSON

2. **WD77747**

LABOR AND INDUSTRIAL RELATIONS

WD78840

PHILLIP CARTER, DEC., APPELLANT,

vs

**RIVERSIDE TRANSPORT, DEFENDANT; TREASURER OF THE STATE OF MISSOURI - CUSTODIAN
OF THE SECOND INJURY FUND, RESPONDENTS.**

PHILLIP CARTER, Appellant

TRUMAN EVERETT ALLEN

BENJAMIN BRADLEY NELSON

TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND, Respondent

KIMBERLEY COX FOURNIER

CARA LEE HARRIS

JASON MICHAEL LLOYD

3. **WD79262**

JACKSON COUNTY CIRCUIT COURT

PATRICK ANYANIKE, APPELLANT,

vs

MISSOURI DEPARTMENT OF MENTAL HEALTH, RESPONDENT.

PATRICK ANYANIKE, Appellant

KARON D RAMSEY

DEPARTMENT OF MENTAL HEALTH, Respondent

DARYL RYAN TAYLOR

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

4-Oct-2016

09:00

DIVISION 2

Western District Ct of Appeals

4. **WD78208**

JACKSON COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT,
vs
BRANDON J NAYLOR #01038465, APPELLANT.**

BRANDON J NAYLOR, Appellant
STEVEN BRADLEY WILLIBEY
STATE OF MISSOURI, Respondent
EVAN JOSEPH BUCHHEIM

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

12-Oct-2016 09:00

DIVISION 2

Western District Ct of Appeals

1. **WD79467**

JACKSON COUNTY CIRCUIT COURT

**JEFFREY WUNDERLICH, RESPONDENT,
vs
SHARON WUNDERLICH, RESPONDENT; NATIONAL GENERAL INSURANCE ONLINE, INC.,
APPELLANT.**

NATIONAL GENERAL INSURANCE ONLINE, Appellant
JOHN LAVELLE MULLEN
CHRISTOPHER MICHAEL HARPER
JEFFREY WUNDERLICH, Respondent
JASON MONTGOMERY POTTENGER
SHARON WUNDERLICH, Respondent
SPENCER EDWARD FARRIS

2. **WD79300**

CLAY COUNTY CIRCUIT COURT

**WENDELL WOLFE, RESPONDENT,
vs
TIFFANY D'ARCY, APPELLANT; NICHOLAS EUGENE MCCOY, RESPONDENT.**

TIFFANY D'ARCY, Appellant
REBECCA JANE MARTIN
WENDELL WOLFE, Respondent
MARK E. ALLEN
GARY MICHAEL STEINMAN
NICHOLAS E MCCOY, Respondent Acting Pro Se

CONTINUED TO NOVEMBER 3.

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**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

12-Oct-2016 09:00

DIVISION 2

Western District Ct of Appeals

3. **WD79520**

JACKSON COUNTY CIRCUIT COURT

**TRUMAN MEDICAL CENTER, INC, RESPONDENT,
vs
AMERICAN STANDARD INSURANCE COMPANY, APPELLANT; CHARLES FANNING,
RESPONDENT.**

AMERICAN STANDARD INSURANCE COMPANY, Appellant
JESSICA RYAN BEEVER
CHRISTOPHER J CARPENTER

CHARLES FANNING, Respondent
LEAH MARIE MASON

TRUMAN MEDICAL CENTER, Respondent
BRIAN JOSEPH GORDON
CARL JOSEPH BARVICK
