

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

DIVISION 1

VICTOR C. HOWARD, PRESIDING JUDGE
JOSEPH M. ELLIS, JUDGE
ANTHONY REX GABBERT, JUDGE

DIVISION 2

THOMAS H. NEWTON, PRESIDING JUDGE
KAREN KING MITCHELL, JUDGE
GARY D. WITT, JUDGE

DIVISION 3

LISA WHITE HARDWICK, PRESIDING JUDGE
MARK D. PFEIFFER, JUDGE
CYNTHIA MARTIN, JUDGE

DIVISION 4

JAMES E. WELSH, CHIEF JUDGE, PRESIDING
ALOK AHUJA, JUDGE
JAMES P. WILLIAMS, SPECIAL JUDGE

SEPTEMBER, 2013

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 SEPTEMBER 11, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON SEPTEMBER 17, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON SEPTEMBER 12 AND 25, 2013 WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON SEPTEMBER 10, 2013 WITH ONE DOCKET CALL AT 9:00 A.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 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

LISA WHITE HARDWICK, PRESIDING JUDGE

MARK D. PFEIFFER, JUDGE

CYNTHIA MARTIN, JUDGE

SEPTEMBER, 2013

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON SEPTEMBER 12 AND 25, 2013 WITH
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
Oral Argument Docket**

12-Sep-2013 09:00

DIVISION 3

Western District Ct of Appeals

1. **WD75939**

JACKSON COUNTY CIRCUIT COURT

**DON FRITSCH, RESPONDENT,
vs
DAVID L WARD, ET AL., APPELLANTS.**

DAVID L WARD, Appellant
ANTHONY LANDERY GOSSERAND
DON FRITSCH, Respondent
GREG THOMAS SPIES

2. **WD75831**

JACKSON COUNTY CIRCUIT COURT

WD75880

**HCI INVESTORS LLC, RESPONDENTS,
vs
ANTHONY FOX, APPELLANT.**

ANTHONY FOX, Appellant
JOHN CHRISTIAN AISENBREY
ANGELA GERMAINE NICHOLS
FOXINVEST, LLC, Appellant
JOHN CHRISTIAN AISENBREY
ANGELA GERMAINE NICHOLS
DEANNA B FOX TRUST, Appellant
JOHN CHRISTIAN AISENBREY
ANGELA GERMAINE NICHOLS
SHAYLE P FOX TRUST, Appellant
JOHN CHRISTIAN AISENBREY
ANGELA GERMAINE NICHOLS
SARA MINTZ, Appellant
JOHN CHRISTIAN AISENBREY
ANGELA GERMAINE NICHOLS
LESLIE FOX GRIFFIN, Appellant
JOHN CHRISTIAN AISENBREY
ANGELA GERMAINE NICHOLS
JACK FINGERSH, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
JPJ INVESTMENTS LIMITED PARTNERSHIP, Respondent
CHARLES WALTER GERMAN

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

12-Sep-2013 09:00

DIVISION 3

Western District Ct of Appeals

DANIEL B HODES
LAWRENCE A ROUSE

FFC, INC., Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

PELLA FINGERSH TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

JACK FINGERSH GST TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

JACK FINGERSH TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

PAUL FINGERSH TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES

IRWIN BLITT, Respondent
CHARLES WALTER GERMAN
LAWRENCE A ROUSE

ILANA ANNE FINGERSH TRUST, Respondent
CHARLES WALTER GERMAN
LAWRENCE A ROUSE

JACK FINGERSH, Respondent
CHARLES WALTER GERMAN
LAWRENCE A ROUSE

FFBWC INVESTORS, LLC, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

HB INVESTORS, LLC, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

HCI INVESTOR, LLC, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

IRWIN BLITT, Respondent
CHARLES WALTER GERMAN

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

12-Sep-2013 09:00

DIVISION 3

Western District Ct of Appeals

DANIEL B HODES

BLITT MANAGEMENT, INC., Respondent
CHARLES WALTER GERMAN
DANIEL B HODES

CF PARTNERS, LP, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

LOIS COPAKEN REVOCABLE TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

PAUL COPAKEN REVOCABLE TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

PAUL FINGERSH TRUST, Respondent
CHARLES WALTER GERMAN
LAWRENCE A ROUSE

CONNIE BLITT TRUST, Respondent
CHARLES WALTER GERMAN
LAWRENCE A ROUSE

BLITT MANAGEMENT, INC., Respondent
CHARLES WALTER GERMAN
LAWRENCE A ROUSE

CWB ASSOCIATES, INC., Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

BF PARTNERS, LP, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

IRWIN BLITT REVOCABLE TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

RITA BLITT REVOCABLE TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
LAWRENCE A ROUSE

ANNA DEE FINGERSH TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES

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

12-Sep-2013 09:00

DIVISION 3

Western District Ct of Appeals

LAWRENCE A ROUSE
ILANA ANNE FINGERSH TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES
CONNIE BLITT TRUST, Respondent
CHARLES WALTER GERMAN
DANIEL B HODES

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

12-Sep-2013 10:30

DIVISION 3

Western District Ct of Appeals

1. **WD75413**

BUCHANAN COUNTY CIRCUIT COURT

JEFFREY W DAVIES (29.15), APPELLANT

vs

STATE OF MISSOURI, RESPONDENT

JEFFREY W DAVIES, Appellant

KENT E GIPSON

STATE OF MISSOURI, Respondent

SHAUN MACKELPRANG

2. **WD75145**

BUCHANAN COUNTY CIRCUIT COURT

JOSE QUINTERO (24.035), APPELLANT

vs

STATE OF MISSOURI, RESPONDENT

JOSE QUINTERO, Appellant

LAURA GREETHER MARTIN

STATE OF MISSOURI, Respondent

ROBERT J BARTHOLOMEW JR.

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

25-Sep-2013 09:00

DIVISION 3

Western District Ct of Appeals

1. **WD75670**

JACKSON COUNTY CIRCUIT COURT

CB3 ENTERPRISES LLC, APPELLANT

vs

NAGE L DAMAS, RESPONDENT

CB3 ENTERPRISES, LLC, Appellant

DENNIS JOSEPH DOBBELS

CHRISTOPHER JOHN MOHART

NAGE L DAMAS, Respondent

RICHARD EARL MCLEOD

2. **WD76033**

BUCHANAN COUNTY CIRCUIT COURT

ANDREA D BOHR AND FRANKLIN D BOHR, RESPONDENTS,

vs

**FRANKLIN LEO BOHR, JR AND SHAROLYN ANN BOHR, DEFENDANTS; NODAWAY VALLEY
BANK, APPELLANT.**

NODAWAY VALLEY BANK, Appellant

PATRICK NATHANIEL FANNING

CHARLES GREGG LARSON

SHAROLYN ANN BOHR, Defendant

FRANKLIN LEO BOHR JR, Defendant

FRANKLIN D BOHR, Respondent

JAMES ROBERT MUELLER

FRANK WENDT

STEPHEN P. HORN

ANDREA BOHR, Respondent

JAMES ROBERT MUELLER

FRANK WENDT

STEPHEN P. HORN

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

25-Sep-2013 10:30

DIVISION 3

Western District Ct of Appeals

1. **WD75980** PUBLIC SERVICE COMMISSION
WD76076,WD76080,WD76082

**IN THE MATTER OF UNION ELECTRIC COMPANY D/B/A AMEREN UE FOR AUTHORITY TO FILE
TARIFFS INCREASING RATES FOR ELECTRIC SERVICE PROVIDED TO CUSTOMERS IN THE
COMPANY'S MISSOURI SERVICE AREA, APPELLANT-RESPONDENT,**

vs

**PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, RESPONDENT; MISSOURI OFFICE
OF PUBLIC COUNSEL, RESPONDENT-APPELLANT; MISSOURI RETAILERS ASSOCIATION,
RESPONDENT; MIEC, RESPONDENT-APPELLANT; MECG, RESPONDENT; MEG, RESPONDENT;
AARP AND CONSUMERS COUNCIL OF MISSOURI, RESPONDENT-APPELLANTS; NATURAL
RESOURCES DEFENSE COUNCIL, RENEW MISSOURI AND SIERRA CLUB, DEFENDANTS;
MDNR, RESPONDENT; IBEW, LOCAL UNIONS AND INTERNATIONAL UNION OF OPERATING
ENGINEERS, RESPONDENTS; KANSAS CITY POWER & LIGHT COMPANY AND KCP&L
GREATER MISSOURI OPERATIONS COMPANY, RESPONDENTS.**

UNION ELECTRIC COMPANY, Appellant-Respondent

JAMES B. LOWERY

MICHAEL ROBERT TRIPP

ERIC EUGENE DEARMONT

WENDY KAY TATRO

LYMAN RUSSELL MITTEN II

THOMAS M BYRNE

SIERRA CLUB, Defendant

MDNR, Defendant

SARAH BETH MANGELSDORF

JENNIFER SUZANNE FRAZIER

PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, Respondent

JENNIFER LEIGH HEINTZ

KEVIN ALLEN THOMPSON

JOSHUA KEITH TURNER HARDEN

MISSOURI RETAILERS ASSOCIATION, Respondent

THOMAS R SCHWARZ JR

STEPHANIE SUE BELL

MECG, Respondent

DAVID LEE WOODSMALL

MEG, Respondent

LISA CHRISTINE LANGENECKERT

IBEW, Respondent

SHERRIE A. SCHRODER

LOCAL UNIONS, Respondent

SHERRIE A. SCHRODER

INTERNATIONAL UNION OF OPERATING ENGINEERS, Respondent

SHERRIE A. SCHRODER

KANSAS CITY POWER & LIGHT COMPANY, Respondent

EXPANDED ORAL ARGUMENT. SEE
WESTERN DISTRICT SPECIAL RULE I
REGARDING ARGUMENT TIMES IN
CROSS-APPEALS. ARGUMENT TIMES
HAVE BEEN EXPANDED TO 15-15-5.

RESPONDENTS KCP&L, MO. RETAILERS
ASSOCIATION, KCP&L GREATER MO.
OPERATIONS CO., MEG, NATURAL
RESOURCES DEFENSE COUNSEL,
RENEW MISSOURI, IBEW, LOCAL UNIONS,
INTERNATIONAL UNION OF OPERATING
ENGINEERS AND MECG DID NOT FILE
BRIEFS AND WILL NOT ARGUE.

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Extended Oral Argument Docket

25-Sep-2013 10:30

DIVISION 3

Western District Ct of Appeals

JAMES MICHAEL FISCHER
KCP & L GREATER MISSOURI OPERATIONS CO., Respondent
JAMES MICHAEL FISCHER
PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, Respondent
JENNIFER LEIGH HEINTZ
SHELLEY E BRUEGGEMANN
NATURAL RESOURCES DEFENSE COUNCIL, Respondent
HENRY B ROBERTSON
RENEW MISSOURI, Respondent
HENRY B ROBERTSON
OFFICE OF PUBLIC COUNSEL, Respondent-Appellant
LEWIS ROBINSON MILLS JR
AARP, Respondent-Appellant
JOHN BRUCE COFFMAN
CONSUMERS COUNCIL OF MISSOURI, Respondent-Appellant
JOHN BRUCE COFFMAN
MIEC, Respondent-Appellant
EDWARD F DOWNEY
DIANA MARIE VUYLSTEKE
