

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

DIVISION 1

**ANTHONY REX GABBERT, PRESIDING JUDGE
VICTOR C. HOWARD, JUDGE
CYNTHIA MARTIN, JUDGE**

DIVISION 2

**MARK D. PFEIFFER, PRESIDING JUDGE
LISA WHITE HARDWICK, JUDGE
JAMES E. WELSH, JUDGE**

DIVISION 3

**JOSEPH M. ELLIS, PRESIDING JUDGE
KAREN KING MITCHELL, JUDGE
GARY D. WITT, JUDGE**

DIVISION 4

**ALOK AHUJA, CHIEF JUDGE, PRESIDING
THOMAS H. NEWTON, JUDGE
JAMES F. KANATZER, 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 DECEMBER 2ND, 2015 WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON DECEMBER 3RD, 2015 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON DECEMBER 16TH, 2015 WITH ONE DOCKET CALL AT 9:00 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON DECEMBER 8TH, 2015 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 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 3

JOSEPH M. ELLIS, PRESIDING JUDGE

KAREN KING MITCHELL, JUDGE

GARY D. WITT, JUDGE

DECEMBER, 2015

**THIS DIVISION WILL SIT ON DECEMBER 16TH, 2015, WITH ONE
DOCKET CALL AT 9:00 A.M.**

IMPORTANT NOTE

**PLEASE NOTE THE LOCATION 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

16-Dec-2015 09:00

DIVISION 3

Western District Ct of Appeals

1. **WD78598**

COLE COUNTY CIRCUIT COURT

**SHELTER PRODUCTS, INC., RESPONDENT,
vs
OMNI CONSTRUCTION COMPANY, INC., APPELLANT.**

OMNI CONSTRUCTION COMPANY, INC, Appellant
HEATHER SUSANNE ESAU ZERGER
J. D. MOORE
SHELTER PRODUCTS, INC., Respondent
GEORGE ANDREW UHL
JESSICA ELIZABETH COURTWAY

2. **WD78199**

GRUNDY COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT,
vs
ROBERT JOHNSTONE #1275011, APPELLANT.**

ROBERT JOHNSTONE, Appellant
CASEY ALLEN TAYLOR
STATE OF MISSOURI, Respondent
EVAN JOSEPH BUCHHEIM

3. **WD78066**

JOHNSON COUNTY CIRCUIT COURT

**DEE ANN PAGAEAL #1126781 (29.15), APPELLANT,
vs
STATE OF MISSOURI, RESPONDENT.**

DEE ANNE PAGEL, Appellant
DAMIEN SEPHER BHAKTI DE LOYOLA
STATE OF MISSOURI, Respondent
SHAUN MACKELPRANG

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

16-Dec-2015 09:00

DIVISION 3

Western District Ct of Appeals

4. **WD78681** JACKSON COUNTY CIRCUIT COURT
WD78686,WD78687

**IN THE INTEREST OF: G.C., D.E., M.E., PLAINTIFFS; JUVENILE OFFICER, RESPONDENT;
vs
M.C. (MOTHER), APPELLANT; S.C. (PUTATIVE FATHER), DEFENDANT; JOHN DOE (PUTATIVE
FATHER), DEFENDANT; M.E. (FATHER), APPELLANT.**

Appellant

MICHAEL THOMAS RAUPP
ANITA I RODARTE
TAMARA SUE HATHEWAY

Defendant

Respondent

ANASTACIA RENAE ADAMSON
LORI A. FLUEGEL

5. **WD78318** PLATTE COUNTY CIRCUIT COURT
WD78492

**IN RE THE MATTER OF: J.D.S. N/K/A J.G.S., PLAINTIFF; MICKIE AND MICHAEL SMITH,
APPELLANTS,
vs
AMY DUESENBERG, RESPONDENT.**

MICKIE SMITH, Appellant

JASON CHRISTOPHER CONKRIGHT

MICHAEL SMITH, Appellant

JASON CHRISTOPHER CONKRIGHT

AMY L DUESENBERG, Respondent

WILLIAM MICHAEL QUITMEIER
