

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

WRIT DIVISION I

STATE OF MISSOURI ex rel.)	No. ED103031
DONALD E. ISSELHARD, D.D.S.,)	
)	
Relator,)	Writ of Mandamus
)	Circuit Court of St. Louis County
)	Cause No. 15SL-CC00133
vs.)	
)	
THE HONORABLE COLLEEN DOLAN,)	
JUDGE OF THE 21 ST JUDICIAL)	
CIRCUIT COURT,)	
)	Filed: July 7, 2015
Respondent.)	

Relator, Donald E. Isselhard, D.D.S., seeks a writ of mandamus directing Respondent, Hon. Colleen Dolan, to enter an order accepting the date of filing of the petition against him as January 15, 2015, as originally determined by the electronic filing system, and dismissing the Plaintiff’s cause of action against him with prejudice as the petition was filed outside the statute of limitations.

PETITION FOR WRIT OF MANDAMUS DENIED.

Writ Division I Holds: Relator’s petition for writ of mandamus is denied. Relator has not demonstrated that he has a clear, unconditional legal right to the action requested of the trial court. The trial court properly exercised its discretion when it ordered the record to reflect January 13, 2015 as the filing date of the Plaintiff’s petition because the petition was submitted and received by the electronic filing system on January 13, 2015, which falls within the statute of limitations, and the clerk was obligated to accept the filing on that day.

Opinion by: Odenwald, P.J.
Lisa S. Van Amburg, C.J. and Robert G. Dowd, Jr., J. concur.

Attorneys for Relator: Daniel E. Wilke and Steven McMahon (co-counsel)
Attorneys for Respondent: Rodney Holmes

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.