

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

WRIT DIVISION I

STATE OF MISSOURI, ex rel.	)	No. ED93413
BASS PRO OUTDOOR WORLD, L.L.C.,	)	
	)	Cause No. 03CV127432
Relators,	)	
	)	Writ of Prohibition
vs.	)	
	)	
HONORABLE NANCY L. SCHNEIDER,	)	
JUDGE, DIVISION 2,	)	
11 <sup>TH</sup> JUDICIAL DISTRICT CIRCUIT	)	
COURT OF ST. CHARLES COUNTY,	)	
	)	Filed: October 6, 2009
Respondent.	)	

Bass Pro Outdoor World, L.L.C. (Relator) filed a Petition for Writ of Prohibition with this Court, seeking to prohibit the trial court, Honorable Nancy Schneider, (Respondent) from enforcing discovery orders entered on April 3, 2009, May 7, 2009, and July 24, 2009, in the action of Kyle J. Kelly v. Bass Pro Outdoor World, L.L.C. This action is pending in the Circuit Court of St. Charles County, Missouri, Case No. 03-CV-127432 (Lawsuit), following remand by this Court for a determination of punitive damages. Kelly v. Bass Pro Outdoor World, L.L.C., 245 S.W.3d 841 (Mo. App. E.D. 2007). Relator contends that the trial court abused its discretion when entering these three discovery orders. We previously issued a Preliminary Order in Prohibition.

GRANTED.

Division One holds: Because we find the discovery orders issued by Respondent exceed the scope of our mandate to Respondent regarding the determination of punitive damages, the Preliminary Order in Prohibition is made absolute.

Opinion by: Kurt S. Odenwald, P.J.  
Lawrence E. Mooney, J., and George W. Draper III, J., Concur.

Attorney for Relator: Charles E. Reis IV

Attorneys for Respondent: Ray A. Gerritzen

<p><b>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.</b></p>
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