

MISSOURI COURT OF APPEALS
Western District

CINDY BRADEN AND RHONDA SLEBIODA, APPELLANTS,

v.

**JF ENTERPRISES, LLC D/B/A JEREMY FRANKLIN SUZUKI OF KANSAS CITY,
RESPONDENT.**

DOCKET NUMBER WD69520

DATE: December 30, 2008

Appeal From:

Jackson County Circuit Court
The Honorable Brian Curtis Wimes, Judge

Appellate Judges:

Division One: Ronald R. Holliger, Presiding Judge, Lisa White Hardwick and James E. Welsh,
Judges

Attorneys:

Thomas G. Pirmantgen, Jefferson City, MO, for appellant.
Cary Sawyer Smalley, Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

CINDY BRADEN AND RHONDA SLEBIODA, APPELLANTS,
v.
JF ENTERPRISES, LLC D/B/A JEREMY FRANKLIN SUZUKI OF KANSAS CITY,
RESPONDENT.

No. WD 69520

Jackson County

Before Division One Judges: Ronald R. Holliger, Presiding Judge, Lisa White Hardwick and James E. Welsh, Judges

Cindy Braden and Rhonda Slebioda sued J.F. Enterprises for damages allegedly resulting from representations made to the plaintiffs in connection with their purchase of an automobile from J.F. The parties had entered into an arbitration agreement at the time of the purchase. J.F. filed a motion to dismiss, or in the alternative, to stay the proceedings pending arbitration. The court granted the motion to stay the proceedings, retaining jurisdiction over the issue of punitive damages.

APPEAL DISMISSED.

Division One holds:

The right to appeal arises only by statute. Section 435.440 is a special statute governing appeals of arbitration awards and takes precedence over the general rule governing appeals, 512.020. Because a judgment compelling arbitration is not listed in section 435.440 as an appealable judgment, this court has no jurisdiction to hear this appeal.

Opinion by: Ronald R. Holliger, Presiding Judge

Date: December 30, 2008

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