

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

VALERIE VANCE

Appellant

v.

LAREA ANNETTE GRIGGS AND DAVID L. MCCOLLUM AND
MCCOLLUM & GRIGGS, LLC.

Respondents

DOCKET NUMBER WD75579

DATE: December 10, 2013

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Robert Michael Schieber, Judge

Appellate Judges:

Division One
Alok Ahuja, P.J., Thomas H. Newton, and Anthony R. Gabbert, JJ.

Attorneys:

Valerie Vance, Independence, MO

Appellant Acting Pro Se

Attorneys:

Steven Streen, Kansas City, MO

Counsel for Respondents

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

VALERIE VANCE, Appellant, v. LAREA ANNETTE GRIGGS AND DAVID L.
MCCOLLUM AND MCCOLLUM & GRIGGS, LLC., Respondents

WD75579

Jackson County

Before Division One Judges: Ahuja, P.J., Newton, and Gabbert, JJ.

In 2010, this court ruled on two related cases (“2006” and “2007”) involving Vance, Griggs, and McCollum. *See Vance v. Griggs, et al., LLC*, 324 S.W.3d 471 (Mo. App. W.D. 2010). We concluded that the trial court accurately dismissed Vance’s claim in the 2006 case, but erred in dismissing her petition in the 2007 case for failure to state a claim for fees earned prior to Vance’s separation from the firm and an accounting of the firm’s fees and assets. While both cases were on appeal, and without requesting leave to amend, Griggs and McCollum re-filed the counterclaim that they had dismissed in 2009, and attached it to the 2006 case. In June 2012, Vance dismissed her claim in the 2007 case, but a bench trial was held on the counterclaim. Vance did not attend the hearing. The trial court entered judgment against Vance and awarded Griggs and McCollum a combined total of \$116,297. Vance filed a motion to set aside the judgment, which the trial court denied. Vance appeals.

REVERSED.

Division One Holds:

Vance argues that the trial court erred in permitting Griggs and McCollum to proceed with the June 2012 hearing and issuing a judgment because all valid claims for relief had been dismissed. Griggs and McCollum re-filed their counterclaim while the 2006 and 2007 cases were pending on appeal, and were within our sole jurisdiction. Thus, the filing of the counterclaim in the trial court was invalid. A trial court and appellate court may not concurrently share jurisdiction over cases.

Consequently, there were no existing matters for the trial court to resolve when Vance dismissed the 2007 case. It was an abuse of discretion to proceed with the hearing in June 2012. The judgment against Vance should have been set aside, so we reverse.

Opinion by Thomas H. Newton, Judge

December 10, 2013

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