

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

ROCKING H TRUCKING, LLC, and JOHN PAYNE HARRISON IV,

Respondents,

v.

H.B.I.C., LLC, MICHELLE ALDERSON, and DAVID FENTON, D.V.M.,

Appellants.

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**DOCKET NUMBER WD76470**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** April 22, 2014

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**APPEAL FROM**

The Circuit Court of Boone County, Missouri  
The Honorable Jodie C. Asel, Judge

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**JUDGES**

Division Three: Newton, P.J., and Pfeiffer and Martin, JJ.

CONCURRING.

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**ATTORNEYS**

Sue Crane  
Fulton, MO

Ron Ribaldo  
Ballwin, MO

Attorneys for Respondents,

David L. Knight and Jean E. Goldstein  
Columbia, MO

Attorneys for Appellants.

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

**ROCKING H TRUCKING, LLC, and** )  
**JOHN PAYNE HARRISON IV,** )  
 )  
**Respondents,** )  
v. )  
**H.B.I.C., LLC, MICHELLE ALDERSON,** )  
**and DAVID FENTON, D.V.M.,** )  
 )  
**Appellants.** )

**OPINION FILED:  
April 22, 2014**

**WD76470**

**Boone County**

**Before Division Three Judges:** Thomas H. Newton, Presiding Judge, and Mark D. Pfeiffer and Cynthia L. Martin, Judges

H.B.I.C., LLC, Michelle Alderson, and David Fenton appeal the judgment of the Circuit Court of Boone County, Missouri, awarding Rocking H Trucking, LLC, and John Payne Harrison IV replevin and damages. On appeal the appellants claim, inter alia, that the circuit court erred in sua sponte granting relief upon grounds not pleaded, tried, or argued during the bench trial of this case.

**APPEAL DISMISSED.**

**Division Three holds:**

There is no final judgment in this case, and therefore we have no jurisdiction to hear the present appeal. The purported judgment of the trial court does not dispose of all claims presented in the petition below, and there does not appear to be substantial evidence in the record to support the basis on which the trial court did grant relief, which was that the transfer of vehicles that gave rise to the dispute among the parties was void for noncompliance with section 301.210 RSMo. None of the parties presented evidence establishing the circumstances surrounding the delivery of the vehicles or pertaining to any possible affirmative defenses that may have excused strict compliance with section 301.210.

**Opinion by: Mark D. Pfeiffer, Judge**

April 22, 2014

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.