

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106**

DIVISION 1

GARY D. WITT, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
MARK D. PFEIFFER, JUDGE

DIVISION 2

ALOK AHUJA, PRESIDING JUDGE
KAREN KING MITCHELL, JUDGE
NEW JUDGE

DIVISION 3

JOSEPH M. ELLIS, PRESIDING JUDGE
LISA WHITE HARDWICK, JUDGE
CYNTHIA MARTIN, JUDGE

DIVISION 4

JAMES E. WELSH, CHIEF JUDGE, PRESIDING
VICTOR C. HOWARD, JUDGE
PEGGY STEVENS MCGRAW, SPECIAL JUDGE

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

DIVISION 1: THIS DIVISION WILL SIT ON OUR MID-MISSOURI DOCKET. ON APRIL 3, 2013, IT WILL SIT AT WILLIAM WOODS UNIVERSITY, FULTON, MISSOURI. DOCKET CALL IS AT 1:00 P.M. ON APRIL 4, 2013, IT WILL SIT AT THE UNIVERSITY OF MISSOURI LAW SCHOOL, COLUMBIA, MISSOURI. DOCKET CALL IS AT 9:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON APRIL 11, 2013 K-HK GD@H8C7?9H75@@G AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON APRIL 10 AND 17, 2013. ON APRIL 10, IT WILL SIT AT TRUMAN STATE UNIVERSITY, KIRKSVILLE, MISSOURI. DOCKET CALL WILL BE AT 9:30 A.M. ON APRIL 17, IT WILL SIT HERE AT THE COURT OF APPEALS IN KANSAS CITY, MO. DOCKET CALL IS AT 9:00 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON APRIL 16, 2013 WITH SPLIT DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:

In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as “expanded oral argument” argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant. If your case is expanded oral argument, there will be a notation next to the case.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

Original exhibits shall be deposited with the appellate court on or before the day the reply brief is due or when the court so directs, whichever is earlier. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

DIVISION 1

GARY D. WITT, PRESIDING JUDGE

THOMAS H. NEWTON, JUDGE

MARK D. PFEIFFER, JUDGE

APRIL, 2013

IMPORTANT NOTE

THIS DIVISION WILL SIT ON OUR MID-MISSOURI DOCKET. ON APRIL 3, 2013, IT WILL SIT AT WILLIAM WOODS UNIVERSITY, FULTON, MISSOURI. DOCKET CALL IS AT 1:00 P.M. ON APRIL 4, 2013, IT WILL SIT AT THE UNIVERSITY OF MISSOURI LAW SCHOOL, COLUMBIA, MISSOURI. DOCKET CALL IS AT 9:30 A.M.



PLEASE NOTE THE DATE OF YOUR ARGUMENT. IT IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE IS LISTED.



Memo

To: All Attorneys With Cases on the April 3, 2013 Western District Docket at William Woods University

From: Terence G. Lord, Clerk

Re: Directions to the Weitzman Courtroom, Campus of William Woods University

Your case is scheduled for oral argument on April 3, 2013 at William Woods University. Docket call will be at 1:00 p.m.. The arguments will take place in the Weitzman Courtroom which is located in the back of the Burton Business and Economics Building. A campus map and directions to the campus are enclosed.

The faculty and students in the Department of Legal Studies are looking forward to these arguments. If you have any questions, please feel free to contact me at (816) 889-3600.

DIRECTIONS TO WILLIAM WOODS UNIVERSITY CAMPUS

LOCATION

William Woods University is located in Fulton, Missouri, about 7 miles south of the intersection of Interstate 70 and U.S. Highway 54.

DIRECTIONS FROM ST. LOUIS

Follow Interstate 70 approximately 100 miles west from St. Louis Lambert Airport to the junction with U.S. Highway 54. Take the Fulton exit (#148). Turn left (south). Then take U.S. Business 54 to Fulton.

DIRECTIONS FROM KANSAS CITY

Follow Interstate 70 east approximately 150 miles to the junction with U.S. Highway 54. Take the Fulton exit (#148). Turn right (south). Then take U.S. Business 54 into Fulton

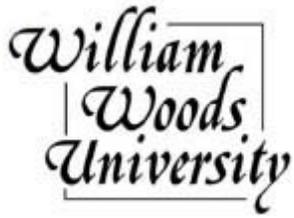
DIRECTIONS FROM THE SOUTH

Follow U.S. Highway 54. Approximately 25 miles from Jefferson City, take F (the second Fulton exit). Turn right (east).

DIRECTIONS TO THE CAMPUS

Arriving from the North: Follow Business 54 to the junction with State Highway Z (almost one mile past first stoplight and about one block south of Walmart. The east gate of the campus will be on your right (west).

Arriving from the South: Two long blocks past the first stoplight, take a left on Nichols Street (north, one way) and continue about seven blocks, cross the bridge and take the road to the right.



[Click here for a pdf version of the campus map](#)

[Directions to William Woods University and the Baseball/Softball Complex](#)



CAMPUS BUILDINGS
1. McNutt Campus Center (The Dome) Visitor Information Center Admissions Community Life Safety & Security Post Office Cutlip Auditorium Logo Store
2. Virginia Cutlip Center Alumni University Advancement Marketing & University Relations
3. Cox Science/Language Building
4. W.S. Woods Academic Building
5. Dulany Library
6. University Information Systems

SPORTS/RECREATION
I. Aldridge Recreation Center
II. Junior Lake Dock
III. Firley Soccer Field
IV. Soccer Practice Field
V. Equestrian Cross Country Course
VI. Helen Stephens Sports Complex
VII. Tennis Courts
VIII. Sand Volleyball Court

RESIDENCE
A. Staff Residences
B. President's Residence
C. Lambert Hall-Alpha Chi Omega
D. Brockman Hall-Alpha Phi
E. Serena Hall
F. Cockrell Hall-Phi Gamma Delta
G. Booth Hall-Pi Kappa Alpha
H. Jones Hall
I. Rosa Parks Center
J. Campbell/Stone Hall Student Apartments Office of Faith and Service Health/Counseling Center
K. Harmon Hall-Delta Gamma
L. Atkinson Hall-Chi Omega

7. Blacksmith Shop
8. Stables - Hunter/Jumper
9. Outdoor Riding Arena
10. Stables - Dressage
11. Stables - Western
12. Indoor Riding Arena
13. Stables - Saddle Seat
14. Gladys W. Kemper Center for the Arts Mildred Cox Gallery
15. Dulany Auditorium
16. Tucker Dining Hall
17. Fairchild Alumni House
18. Thurmond Chapel
19. Burton Business and Economics Building Weitzman Model Courtroom ITP/American Sign Language Lab
20. Center for Human Performance

M. Bartley Hall
N. Swearingen Hall Weider Fitness Center
O. Allen Hall
P. Smith Hall

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

3-Apr-2013 13:00

DIVISION 1

William Woods University

1. WD75446

COLE COUNTY CIRCUIT COURT

**MISSOURI PUBLIC ENTITY RISK MANAGEMENT FUND, APPELLANT
vs
AMEIRCAN CASUALTY COMPANY OF READING, PENNSYLVANIA, RESPONDENT**

MISSOURI PUBLIC ENTITY RISK MANAGEMENT FUND, Appellant
MICHAEL G. BERRY
AMERICAN CASUALTY COMPANY OF READING PENNSYLVANIA, Respondent
DAVID PAUL ELLINGTON
KEVIN JAMES ADRIAN

2. WD74888

COLE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT
vs
WILLIAM J VAUGHT, APPELLANT**

WILLIAM J VAUGHT, Appellant
CRAIG ALLAN JOHNSTON
STATE OF MISSOURI, Respondent
JESSICA PAIGE MEREDITH

3. WD75560

COLE COUNTY CIRCUIT COURT

**GEORGE P MASSENGALE, APPELLANT
vs
CITY OF JEFFERSON, ET AL., RESPONDENTS**

GEORGE P MASSENGALE, Appellant
AUDREY ELLEN SMOLLEN
ALLIED SERVICES, LLC, Respondent
JANE CHRISTINE DRUMMOND
DUANE EDWARD SCHREIMANN
CITY OF JEFFERSON, Respondent
DREW WADE HILPERT

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

3-Apr-2013 13:00

DIVISION 1

William Woods University

4. WD75652

COLE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, APPELLANT
vs
JEFFREY LUKE MOAD, RESPONDENT**

STATE OF MISSOURI, Appellant
CHERYL AYN CAPONEGRO NIELD
JEFFERY LUKE MOAD, Respondent
DOUGLAS WADE HENNON

5. WD75557

COLE COUNTY CIRCUIT COURT

**AUDREY JENKINS, APPELLANT
vs
MISSOURI VETERINARY MEDICAL BOARD, RESPONDENT**

AUDREY JENKINS DVM, Appellant
JILL RENEE JACKSON
MISSOURI VETERINARY MEDICAL BOARD, Respondent
DARYL RALPH HYLTON

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

4-Apr-2013 09:30

DIVISION 1

Univ of Missouri Law School

1. WD74871

SALINE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT
vs
CARLOS ALVAREZ, APPELLANT**

CARLOS ALVAREZ, Appellant
DANIEAL HOWARD MILLER
STATE OF MISSOURI, Respondent
EVAN JOSEPH BUCHHEIM

2. WD74927

COLE COUNTY CIRCUIT COURT

**KEITH BIAS, RESPONDENT
vs
LEROY E WELCH, DECEASED; WAYNE R. WELCH, APPELLANT**

WAYNE R WELCH, Appellant
F RANDALL WALTZ III
KEITH W BIAS, Respondent
BRIAN KEITH FRANCKA

3. WD75529

BOONE COUNTY CIRCUIT COURT

**PRECISION ELECTRIC, INC. AND JD BUILDERS, INC., RESPONDENTS
vs
EX-AMISH SPECIALTIES, INC., APPELLANT**

EX-AMISH SPECIALTIES, INC., Appellant
ANDREW WILLIAM BACH
J.D. BUILDERS, INC., Respondent
WILLIAM D. ROTTS
PRECISION ELECTRIC, INC, Respondent
WILLIAM D. ROTTS

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

4-Apr-2013 09:30

DIVISION 1

Univ of Missouri Law School

4. WD75559

BOONE COUNTY CIRCUIT COURT

**CITY OF COLUMBIA, APPELLANT
vs
KENNETH HENDERSON, RESPONDENT**

CITY OF COLUMBIA, MISSOURI, Appellant
ROBERT JOSEPH RINCK
KENNETH R HENDERSON, Respondent
KEVIN P O'BRIEN
