

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
MICHAEL MANNERS, SPECIAL JUDGE

MAY, 2013

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 MAY 1 AND 22, 2013. IT WILL HAVE SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON MAY 2, 2013. THERE WILL BE THREE DOCKET CALLS AT 9:00 A.M., 10:30 A.M. AND 2:00 P.M.

DIVISION 3: THIS DIVISION WILL SIT ON MAY 7 AND 29, 2013. DOCKET CALL FOR BOTH DAYS IS AT 9:00 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON ONE DAY, MAY 14, 2013 WITH SPLIT DOCKET CALL 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” preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

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

MAY, 2013

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON MAY 1 AND 22, 2013. IT WILL
HAVE SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.**



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



**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

1-May-2013 09:00

DIVISION 1

Western District Ct of Appeals

1. WD75516

JACKSON COUNTY CIRCUIT COURT

**STEPHANIE TYLER, APPELLANT,
vs
RECOVERY MANAGEMENT CORP, D/B/A CARGO LARGO, ET AL., DEFENDANTS; ALTER &
ALVAREZ, CATALINA ALVAREZ AND LAURENCE ALTER, RESPONDENTS.**

STEPHANIE TYLER, Appellant
KIRK D HOLMAN
RECOVERY MANAGEMENT CORPORATION, Defendant
CATALINA MARGARITA ALVAREZ, Respondent
JAMES CHRISTIAN MORROW
PEGGY ANN WILSON
LAURENCE F ALTER, Respondent
JAMES CHRISTIAN MORROW
PEGGY ANN WILSON
ALTER & ALVAREZ, Respondent
JAMES CHRISTIAN MORROW
PEGGY ANN WILSON

2. WD75250

JACKSON COUNTY CIRCUIT COURT

**BRIAN NAIL, APPELLANT
vs
HUSCH BLACKWELL SANDERS, LLP., RESPONDENT**

BRIAN NAIL, Appellant
TIMOTHY W MONSEES
RICHARD WAYNE MARTIN JR
HUSCH BLACKWELL SANDERS LLC, Respondent
ROBERT LAWRENCE WARD
ANDREW J ENNIS
KIRSTEN A BYRD
JAMES MORRISON HUMPHREY IV

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

1-May-2013 09:00

DIVISION 1

Western District Ct of Appeals

3. WD75218

CLAY COUNTY CIRCUIT COURT

MIKE COX PLUMBING, INC., A MISSOURI CORPORATION, PLAINTIFF

VS

**SEEMA FINANACIALS & MGMT, INC., ET AL., APPELLANT; NORTHWEST MISSOURI AUTOMATIC
SPRINKLER CORP, RESPONDENT**

SEEMA FINANACIALS & MGMT, INC., Appellant

JOHN HENRY EDMISTON

MIKE COX PLUMBING, INC., Plaintiff

NORTHWEST MISSOURI AUTOMATIC SPRINKLER CORP, Respondent

JACK A LEWIS

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

1-May-2013 10:30

DIVISION 1

Western District Ct of Appeals

1. WD75104

JACKSON COUNTY CIRCUIT COURT

**WILFREDO PUJOLS JR (24.035), APPELLANT
vs
STATE OF MISSOURI, RESPONDENT**

WILFREDO PUJOLS JR, Appellant
PATRICK W PETERS
STATE OF MISSOURI, Respondent
DANIEL NEAL MCPHERSON

2. WD75409

JACKSON COUNTY CIRCUIT COURT

**CARRIE A PEEL, RESPONDENT
vs
CREDIT ACCEPTANCE CORPORATION, ET AL, APPELLANT**

CHRISTOPHER A. KOSTER, Amicus Curiae
BRIAN TIMOTHY BEAR
CREDIT ACCEPTANCE CORPORATION, Appellant
JAMES FORREST BENNETT
LISA SUZANNE HOPPENJANS
ROBERT FRANKLIN EPPERSON Jr
JAMES R. JARROW
CARRIE A PEEL, Respondent
BERNARD E BROWN
GINA MARIE CHIALA
DALE K IRWIN

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

22-May-2013 09:00

DIVISION 1

Western District Ct of Appeals

1. WD75210

ATCHISON COUNTY CIRCUIT COURT

**ELLEN ROCHELLE BUTTERCASE, APPELLANT
vs
JOHN RICHARD BUTTERCASE, RESPONDENT**

ELLEN ROCHELLE BUTTERCASE, Appellant
CRAIG DALE RITCHIE
JENNIFER LYNN SOPER
JOHN RICHARD BUTTERCASE, Respondent
STEVEN ERIC SKINNER

2. WD75358

JACKSON COUNTY CIRCUIT COURT

**JACK RUHL, BY HIS NEXT FRIEND AND NATURAL MOTHER STEPHANIE AXE AND STEPHANIE
AXE, INDIVIDUALLY, RESPONDENTS
vs
PETER RUHL, APPELLANT**

Appellant
STEPHEN CHARLES MAYER
Respondent
KAY MADDEN

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

22-May-2013 10:30

DIVISION 1

Western District Ct of Appeals

1. WD74431

JACKSON COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT
vs
BERNARD JACKSON, APPELLANT**

BERNARD JACKSON, Appellant
ROSEMARY ELLEN PERCIVAL
STATE OF MISSOURI, Respondent
RICHARD ANTHONY STARNES

2. WD75697

COLE COUNTY CIRCUIT COURT

**MARIA STANDER, APPELLANT
vs
LINDA SZABADOS ET UX., RESPONDENTS**

MARIA STANDER, Appellant
GAYLIN RICH CARVER
LINDA SZABADOS, Respondent
F RANDALL WALTZ III
