

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 4

JAMES E. WELSH, CHIEF JUDGE, PRESIDING

VICTOR C. HOWARD, JUDGE

MICHAEL MANNERS, SPECIAL JUDGE

MAY , 2013

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON ONE DAY, MAY 14, 2013 WITH
SPLIT DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.**

**PLEASE NOTE THE TIME OF YOUR ARGUMENT. THIS INFORMATION IS
LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE IS LISTED.**

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

14-May-2013 09:00

DIVISION 4

Western District Ct of Appeals

1. WD75538

PLATTE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, EX INF. ERIC G ZAHND, PROSECUTING ATTORNEY, PLATTE COUNTY,
MISSOURI, RESPONDENT**

vs

RITA A RHOADS, APPELLANT

RITA A RHOADS, Appellant
KEITH WAYNE HICKLIN
STATE OF MISSOURI, Respondent
JOSEPH W. VANOVER

2. WD75875

BUCHANAN COUNTY CIRCUIT COURT

**RUSSELL STOUT, AS NEXT FRIEND FOR DAKOTA STOUT, A MINOR, APPELLANT,
vs
BOARD OF GOVERNORS OF MISSOURI WESTERN STATE UNIVERISTY, RESPONDENT.**

RUSSELL STOUT, Appellant
HERBERT WILLIAM MCINTOSH
BOARD OF GOVERNORS OF MISSOURI WESTERN STATE UNIVERSITY, Respondent
STEPHEN JAMES BRIGGS

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**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

14-May-2013 09:00

DIVISION 4

Western District Ct of Appeals

3. WD75518

PLATTE COUNTY CIRCUIT COURT

**IN THE ESTATE OF KENNETH V MYERS TRUST, DECEASED, RESPONDENT
vs
KYLE V MYERS, KENNETH TAYLOR MYERS, CANDY MYERS, APPELLANTS; MELANIE MYERS
AND ALL UNKNOWN OR UNBORN BENEFICIARIES OF THE KENNETH VEAL MYERS TRUST
DATED FEBRUARY 4, 1994, DEFENDANTS.**

CANDY MYERS, Appellant

JOHN HISE NORTON

ROBERT G NORFLEET

KENNETH TAYLOR MYERS, Appellant

JOHN HISE NORTON

ROBERT G NORFLEET

KYLE V MYERS, Appellant

JOHN HISE NORTON

ROBERT G NORFLEET

MELANIE MYERS, Defendant

KENNETH V MYERS TRUST, Respondent

KEITH WAYNE HICKLIN

J COURTNEY BOWLIN

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

14-May-2013 10:30

DIVISION 4

Western District Ct of Appeals

1. WD75180

LABOR AND INDUSTRIAL RELATIONS

CLINTON MCCULLOUGH, APPELLANT

vs

**BROOKLYN BARBEQUE CORPORATION, DEFENDANT; DIVISION OF EMPLOYMENT SECURITY,
RESPONDENT**

CLINTON MCCULLOUGH, Appellant

JEFFREY B BERMAN

BROOKLYN BARBEQUE CORPORATION, Defendant

STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent

BART ANTON MATANIC

2. WD75090

JACKSON COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT

vs

DAVID D EWING, APPELLANT

DAVID EWING, Appellant

ROSEMARY ELLEN PERCIVAL

STATE OF MISSOURI, Respondent

RICHARD ANTHONY STARNES
