

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

**DIVISION 1**

**THOMAS H. NEWTON, PRESIDING JUDGE  
CYNTHIA MARTIN, JUDGE  
TED ARDINI, JUDGE**

**DIVISION 2**

**LISA WHITE HARDWICK, PRESIDING JUDGE  
KAREN KING MITCHELL, JUDGE  
REX GABBERT, JUDGE**

**DIVISION 3**

**ALOK AHUJA, PRESIDING JUDGE  
VICTOR C. HOWARD, JUDGE  
JAMES E. WELSH, JUDGE**

**DIVISION 4**

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING  
KAREN KING MITCHELL, JUDGE  
GARY D. WITT, JUDGE**

**ORAL ARGUMENT DOCKET – NOVEMBER, 2016**

**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 NOVEMBER 1 AND 15, WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.***

***DIVISION 2: THIS DIVISION WILL SIT ON NOVEMBER 3 AND 16, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.***

***DIVISION 3: THIS DIVISION WILL SIT ON NOVEMBER 2 AND 17, 2016, WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M. ON NOVEMBER 2 AND ONE DOCKET CALL AT 9:00 A.M. ON NOVEMBER 17.***

***DIVISION 4: THIS DIVISION WILL SIT ON NOVEMBER 1, 2016 AT THE UNIVERSITY OF MISSOURI LAW SCHOOL, COLUMBIA, MISSOURI WITH ONE DOCKET CALL AT 1:30 P.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 court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. 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 2**

**LISA WHITE HARDWICK, PRESIDING JUDGE**

**KAREN KING MITCHELL, JUDGE**

**REX GABBERT, JUDGE**

**NOVEMBER 2016**

**IMPORTANT NOTE**

**THIS DIVISION WILL SIT ON NOVEMBER 3 AND 16, 2016 WITH  
DOCKET CALLS AT 9:00 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  
Oral Argument Docket**

3-Nov-2016 09:00

DIVISION 2

Western District Ct of Appeals

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1. **WD79608**

CASS COUNTY CIRCUIT COURT

**MODERN MOTORS, L.L.C, RESPONDENT,  
vs  
DONALD W GESSLEY AND TERRY L GERBER, DEFENDANTS; CATHY GERBER, APPELLANT.**

CATHY J GERBER, Appellant  
DENNIS R ROWLAND  
TERRY L GERBER, Defendant  
DONALD W GESSLEY, Defendant  
MODERN MOTORS, LLC, Respondent  
CHARLES EDWARD WEEDMAN JR

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2. **WD79300**

CLAY COUNTY CIRCUIT COURT

**WENDELL WOLFE, RESPONDENT,  
vs  
TIFFANY D'ARCY, APPELLANT; NICHOLAS EUGENE MCCOY, RESPONDENT.**

TIFFANY D'ARCY, Appellant  
REBECCA JANE MARTIN  
WENDELL WOLFE, Respondent  
MARK E. ALLEN  
GARY MICHAEL STEINMAN  
NICHOLAS E MCCOY, Respondent Acting Pro Se

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3. **WD79513**

PLATTE COUNTY CIRCUIT COURT

**DANIEL NAVARRO, RESPONDENT,  
vs  
MARISA NAVARRO, APPELLANT.**

MARISA NAVARRO, Appellant  
DENNIS R ROWLAND  
DANIEL NAVARRO, Respondent Acting Pro Se

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**MISSOURI JUDICIARY**  
**WESTERN DISTRICT CT OF APPEALS**  
**Oral Argument Docket**

3-Nov-2016 10:30

DIVISION 2

Western District Ct of Appeals

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1. **WD79099**

HENRY COUNTY CIRCUIT COURT

**JEFFREY LYNN DONNELL #317690 (24.035), APPELLANT,**

**vs**

**STATE OF MISSOURI, RESPONDENT.**

JEFFREY L DONNELL, Appellant

S. KATE WEBBER

STATE OF MISSOURI, Respondent

GREGORY L. BARNES

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2. **WD79175**

JACKSON COUNTY CIRCUIT COURT

**PORTFOLIO RECOVERY ASSOCIATES, LLC, A LIMITED LIABILITY COMPANY, APPELLANT,**

**vs**

**GUADALUPE MEJIA, RESPONDENT.**

OFFICE OF ATTORNEY GENERAL, STATE OF MISSOURI, Amicus Curiae

ANNE E. SCHNEIDER

PORTFOLIO RECOVERY ASSOCIATION, LLC, Appellant

ELIZABETH C CARVER

ROBERT M. THOMPSON

GUADALUPE MEJIA, Respondent

FRED L SLOUGH

GINA MARIE CHIALA

DALE K IRWIN

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3. **WD79051**

CLAY COUNTY CIRCUIT COURT

**PHILLIP G PAYNE #106016 (29.15), APPELLANT,**

**vs**

**STATE OF MISSOURI, RESPONDENT.**

PHILLIP GLEN PAYNE, Appellant

DAMIEN SEPPER BHAKTI DE LOYOLA

STATE OF MISSOURI, Respondent

EVAN JOSEPH BUCHHEIM

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**MISSOURI JUDICIARY  
WESTERN DISTRICT CT OF APPEALS  
Oral Argument Docket**

16-Nov-2016 09:00

DIVISION 2

Western District Ct of Appeals

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1. **WD79753**

JACKSON COUNTY CIRCUIT COURT

**RONALD MILLER, APPELLANT,  
vs  
GEORGE BRAD SAMS, RESPONDENT.**

RONALD MILLER, Appellant  
PATRICK F BOTTARO  
KASEY ANDREW KLEND

GEORGE BRAD SAMS, Respondent  
JOHN GERARD SCHULTZ  
JAMES CHRISTOPHER MEYERS

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2. **WD79663**

JACKSON COUNTY CIRCUIT COURT

**TRUMAN MEDICAL CENTERS, INC., APPELLANT,  
vs  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, DEFENDANT; JOHN E MCKAY,  
RESPONDENT.**

TRUMAN MEDICAL CENTER, Appellant  
BRIAN JOSEPH GORDON

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Defendant  
JOHN E MCKAY, Respondent  
JOHN EDWARD MCKAY

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MISSOURI JUDICIARY  
WESTERN DISTRICT CT OF APPEALS

Docket

16-Nov-2016 09:00

DIVISION 2

Western District Ct of Appeals

3. WD79520

JACKSON COUNTY CIRCUIT COURT

TRUMAN MEDICAL CENTER, INC, RESPONDENT,  
vs  
AMERICAN STANDARD INSURANCE COMPANY, APPELLANT; CHARLES FANNING,  
RESPONDENT.

AMERICAN STANDARD INSURANCE COMPANY, Appellant

JESSICA RYAN BEEVER

CHRISTOPHER J CARPENTER

CHARLES FANNING, Respondent

LEAH MARIE MASON

TRUMAN MEDICAL CENTER, Respondent

BRIAN JOSEPH GORDON

CARL JOSEPH BARVICK

**MISSOURI JUDICIARY  
WESTERN DISTRICT CT OF APPEALS  
Oral Argument Docket**

16-Nov-2016 10:30

DIVISION 2

Western District Ct of Appeals

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1. **WD79313**

COLE COUNTY CIRCUIT COURT

**NICOLE L MARTIN, RESPONDENT,**

**vs**

**MATTHEW RAY MARTIN, APPELLANT.**

MATTHEW RAY MARTIN, Appellant Acting Pro Se

NICOLE LYNN MARTIN, Respondent

JESSICA MARIE CHRISTIANSEN

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2. **WD79411**

COLE COUNTY CIRCUIT COURT

**BARBARA BARTLETT, ET AL., APPELLANTS,**

**vs**

**MISSOURI DEPARTMENT OF INSURANCE AND JOHN M HUFF, RESPONDENTS.**

BARBARA BARTLETT, Appellant

RYAN MICHAEL PAULUS

MARY DOERHOFF WINTER

ANTHONY LOUIS DEWITT

EDWARD D ROBERTSON

BRITTANY NICOLE COUGHLIN

MISSOURI DEPARTMENT OF INSURANCE, Respondent

MARY ANNE LONG

JAMES ROBERT MCADAMS

JOHN HUFF, Respondent

MARY ANNE LONG

JAMES ROBERT MCADAMS

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