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
THOMAS H. NEWTON, JUDGE
GARY D. WITT, JUDGE

ORAL ARGUMENT DOCKET – DECEMBER, 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 I: THIS DIVISION WILL SIT ON DECEMBER 1, 2016, WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON DECEMBER 14, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON DECEMBER 7, 2016, WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON DECEMBER 20, 2016, WITH DOCKET CALLS AT 9:00 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 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 1

THOMAS H. NEWTON, PRESIDING JUDGE

CYNTHIA MARTIN, JUDGE

TED ARDINI, JUDGE

DECEMBER 2016

IMPORTANT NOTE

THIS DIVISION WILL SIT ON DECEMBER 1, 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

1-Dec-2016 09:00 **DIVISION 1** **Western District Ct of Appeals**

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1. WD79454 JACKSON COUNTY CIRCUIT COURT
WD79641

SUN AVIATION, INC., RESPONDENT,
vs
L-3 COMMUNICATIONS AVIONICS SYSTEMS, INC., APPELLANT.

L-3 COMMUNICATIONS AVIONICS SYSTEMS, INC., Appellant
PAUL KEITH HENTZEN
KAREN LEE ROSENBERG
SUN AVIATION, INC., Respondent
MICHAEL PATRICK HEALY

MOVED TO DEC 20 BEFORE DIVISION 4.

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2. WD79676 CLAY COUNTY CIRCUIT COURT

ANTIOCH COMMUNTIY CHURCH, RESPONDENT,
vs
THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF KANSAS CITY, MISSOURI, APPELLANT.

BOARD OF ZONING ADJUSTMENT OF CITY OF KANSAS CITY MO, Appellant
M. MARGARET SHEAHAN MORAN
ANTIOCH COMMUNITY CHURCH, Respondent
BERNARD JOSEPH RHODES

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3. WD79064 BUCHANAN COUNTY CIRCUIT COURT
WD79089

JANE DOE, BY AND THROUGH HER NEXT FRIEND, JANE DOE GMA, RESPONDENT
vs
PROGRESSIVE COMMUNITY SERVICES, ET AL., DEFENDANTS; ALBERTA HUGHES, APPELLANT; JANE DOE GMA, DEFENDANT.

Appellant
STEVEN FELICIANO CORONADO
MARK D KATZ
Defendant
MATTHEW J GIST
Respondent
JONATHAN STERNBERG
ROSE CHERIE BRISCOE

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

1-Dec-2016 **10:30** **DIVISION 1** **Western District Ct of Appeals**

1. WD79581 BOONE COUNTY CIRCUIT COURT

SYCAMORE HILLS ASSOCIATION, INC., RESPONDENT,
vs
WAYNE R BAUM, ET AL., APPELLANTS.

VICKY EPPERSON, Appellant
THOMAS MICHAEL SCHNEIDER
BEVERLY BAUM, Appellant
THOMAS MICHAEL SCHNEIDER
ROBERT EUGENE ESKEW, Appellant
THOMAS MICHAEL SCHNEIDER
WILLIAM GROVERO, Appellant
THOMAS MICHAEL SCHNEIDER
JAMES GLENN NOAH, Appellant
THOMAS MICHAEL SCHNEIDER
TIM ULHORN, Appellant
THOMAS MICHAEL SCHNEIDER
TRACY LYNN WESTBROK, Appellant
THOMAS MICHAEL SCHNEIDER
ORA LEE EPPERSON, Appellant
THOMAS MICHAEL SCHNEIDER
CINDY ANN ESKEW, Appellant
THOMAS MICHAEL SCHNEIDER
KACIE ULHORN, Appellant
THOMAS MICHAEL SCHNEIDER
WAYNE R BAUM, Appellant
THOMAS MICHAEL SCHNEIDER
SYCAMORE HILLS ASSOCIATION, INC., Respondent
GEORGE SWEARINGEN SMITH
ANDREW GLENN HEITMANN

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MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

1-Dec-2016 **10:30** **DIVISION 1** **Western District Ct of Appeals**

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2. WD79324 MILLER COUNTY CIRCUIT COURT

DORIS KOCINA, RESPONDENT,
vs
LEVI JOHANNES, DEFENDANT; TRACY JOHANNES, APPELLANT.

TRACY JOHANNES, Appellant
MICHAEL T CARNEY
LEVI JOHANNES, Defendant
ZANE GREGORY WILLIAMS
DORIS KOCINA, Respondent Acting Pro Se -DID NOT FILE A BRIEF AND THUS WAIVES ARGUMENT

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3. WD79445 DEKALB COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT,
vs
KYLE W NELSON, APPELLANT.

KYLE W NELSON, Appellant
STEPHEN K GRIFFIN
CALE ALLEN GRIFFIN
TROY LESTER DIETRICH
STATE OF MISSOURI, Respondent
DANIEL NEAL MCPHERSON

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4. WD78436 BUCHANAN COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT,
vs
MARION CLYDE ELLIS, APPELLANT.

MARION CLYDE ELLIS, Appellant
JONATHAN STERNBERG
STATE OF MISSOURI, Respondent
KAREN LOUISE KRAMER