

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

**DIVISION 1**

VICTOR C. HOWARD, PRESIDING JUDGE  
JOSEPH M. ELLIS, JUDGE  
ANTHONY REX GABBERT, JUDGE

**DIVISION 2**

THOMAS H. NEWTON, PRESIDING JUDGE  
KAREN KING MITCHELL, JUDGE  
GARY D. WITT, JUDGE

**DIVISION 3**

LISA WHITE HARDWICK, PRESIDING JUDGE  
MARK D. PFEIFFER, JUDGE  
CYNTHIA MARTIN, JUDGE

**DIVISION 4**

JAMES E. WELSH, CHIEF JUDGE, PRESIDING (SITTING JULY 16, 2013)  
ALOK AHUJA, JUDGE  
JACK GRATE, SPECIAL JUDGE

JAMES E. WELSH, CHIEF JUDGE, PRESIDING (SITTING JULY 17, 2013)  
VICTOR C. HOWARD, JUDGE  
PEGGY STEVENS MCGRAW, SPECIAL JUDGE

**SPECIAL DIVISION (SITTING AT LODGE OF 4 SEASONS)**

JOSEPH M. ELLIS, PRESIDING JUDGE  
GARY D. WITT, JUDGE  
ROBERT CLAYTON III, SPECIAL JUDGE

**SPECIAL DIVISION (SITTING AT TAN-TAR-A)**

ZEL FISCHER, SPECIAL JUDGE, PRESIDING  
VICTOR C. HOWARD, JUDGE  
MARK D. PFEIFFER, JUDGE

JULY, 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 JULY 10, WITH A SPLIT DOCKET CALL AT 9:00 AND 10:30 A.M.**

**DIVISION 2: THIS DIVISION WILL SIT ON JULY 3 AND 11, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.**

**DIVISION 3: THIS DIVISION WILL SIT ON JULY 2 AND 9, 2013 WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.**

**DIVISION 4: THIS DIVISION WILL SIT ON JULY 16 AND 17, 2013. ON JULY 16, IT WILL HAVE A SPLIT DOCKET AT 9:00 AND 10:30. ON JULY 17, IT WILL HEAR ONE CASE AND DOCKET CALL WILL BE AT 10:00 A.M.**

**SPECIAL DIVISION (SITTING AT LODGE OF 4 SEASONS): THIS DIVISION WILL SIT ON JULY 15, 2013 AT THE LODGE OF THE FOUR SEASONS, LAKE OZARK, MO. THIS DOCKET WILL BE IN CONJUNCTION WITH THE MID-AMERICA LABOR/MANAGEMENT CONFERENCE. DOCKET CALL IS AT 9:30 A.M.**

**SPECIAL DIVISION (SITTING AT TAN-TAR-A): THIS DIVISION WILL SIT ON JULY 19, 2013 AT TAN-TAR-A RESORT, OSAGE BEACH, MISSOURI IN CONJUNCTION WITH THE MACDL ANNUAL DWI SEMINAR. DOCKET CALL WILL BE AT 1:00 P.M.**

**PLEASE NOTE THAT COUNSEL WHO APPEAR BEFORE OUR SPECIAL DIVISIONS WILL BE NOTIFIED OF A LOCATION AND DIRECTIONS TO DOCKETS AT BOTH THE LODGE OF THE 4 SEASONS AND TAN-TAR-A IN THE FORTHCOMING WEEKS VIA THE E-FILING SYSTEM.**

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

**SPECIAL DIVISION**

**ZEL FISCHER, SPECIAL JUDGE, PRESIDING**

**VICTOR C. HOWARD, JUDGE**

**MARK D. PFEIFFER, JUDGE**

**JULY , 2013**

**IMPORTANT NOTE**

**THIS DIVISION WILL SIT ON JULY 19, 2013 AT TAN-TAR-A RESORT, OSAGE BEACH, MISSOURI IN CONJUNCTION WITH THE MACDL ANNUAL DWI SEMINAR. DOCKET CALL WILL BE AT 1:00 P.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**

19-Jul-2013 13:00

SPECIAL DIVISION

Tan-Tar-A

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1. **WD75704**

CLINTON COUNTY CIRCUIT COURT

**REX L KELLY, APPELLANT  
vs  
DIRECTOR OF REVENUE, RESPONDENT**

REX KELLY, Appellant  
MARK EDWARD KELLY  
MISSOURI DEPARTMENT OF REVENUE, Respondent  
RACHEL M JONES

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2. **WD75330**

COLE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT  
vs  
RODNEY S GARNETT, APPELLANT**

RODNEY SCOTT GARNETT, Appellant  
GAYLIN RICH CARVER  
SAMUEL E BUFFALOE  
STATE OF MISSOURI, Respondent  
EVAN JOSEPH BUCHHEIM

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3. **WD75654**

PLATTE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, APPELLANT  
vs  
ANTHONY ROBERT MIGNONE, RESPONDENT**

STATE OF MISSOURI, Appellant  
ALYSSA MICHELE MAYER  
ANTHONY R MIGNONE, Respondent  
JEFFREY SCOTT EASTMAN

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