

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

DIVISION 1

MARK D. PFEIFFER, PRESIDING JUDGE
VICTOR C. HOWARD, JUDGE
ALOK AHUJA, JUDGE

DIVISION 2

KAREN KING MITCHELL, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
LISA WHITE HARDWICK, JUDGE

DIVISION 3

CYNTHIA MARTIN, PRESIDING JUDGE
JOSEPH M. ELLIS, JUDGE
GARY D. WITT, JUDGE

SPECIAL DIVISION (SITTING AT WILLIAM JEWELL COLLEGE)

JAMES E. WELSH, CHIEF JUDGE, PRESIDING
GARY D. WITT, JUDGE
ZEL FISCHER, SPECIAL JUDGE

JANUARY, 2013 (SEE SPECIAL DIVISION BELOW)
FEBRUARY, 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 FEBRUARY 5 AND 20, 2013. EACH DAY WILL HAVE SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON FEBRUARY 7 AT UMKC LAW SCHOOL WITH ONE DOCKET CALL AT 9:00 A.M. AND ON FEBRUARY 19TH HERE AT THE COURT OF APPEALS WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON FEBRUARY 14 AND 27, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

SPECIAL DIVISION: THIS DIVISION WILL SIT ON JANUARY 30, 2013 AT WILLIAM JEWELL COLLEGE IN LIBERTY, MISSOURI. DOCKET CALL WILL BE AT 9:00 A.M.

PLEASE NOTE THERE WILL BE NO DIVISIONS SITTING IN JANUARY, 2013 EXCEPT FOR A SPECIAL DIVISION SITTING ON JAN. 30, 2013 AT WILLIAM JEWELL COLLEGE. ALSO, DIVISION 4 WILL NOT SIT IN FEBRUARY, 2013.

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” argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant. If your case is expanded oral argument, there will be a notation next to the case.

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 2

**KAREN KING MITCHELL, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
LISA WHITE HARDWICK, JUDGE**

FEBRUARY, 2012

IMPORTANT NOTE

THIS DIVISION WILL SIT ON FEBRUARY 7 AT UMKC LAW SCHOOL WITH ONE DOCKET CALL AT 9:00 A.M. AND ON FEBRUARY 19TH HERE AT THE COURT OF APPEALS WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.



**PLEASE NOTE THE DATE, LOCATION AND 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

19-Feb-2013 09:00

DIVISION 2

Western District Ct of Appeals

1. **WD75141** JACKSON COUNTY CIRCUIT COURT
WD75142

ROBIN J WILSON, APPELLANT-RESPONDENT
vs
IMAGE FLOORING, LLC AND BRANDON RAPP, RESPONDENT-APPELLANT

ROBIN J WILSON, Appellant-Respondent
SCOTT ERIC NUTTER
MICHAEL W BLANTON
DOUGLAS RICHARD BRADLEY
IMAGE FLOORING, LLC, Respondent-Appellant
LEE MILLS BATY
THERESA ANN OTTO
ELIZABETH ASHLEY GILLESPIE
BRANDON RAPP, Respondent-Appellant
LEE MILLS BATY
THERESA ANN OTTO
ELIZABETH ASHLEY GILLESPIE

2. **WD75107** JACKSON COUNTY CIRCUIT COURT
WD75108

PLANNED INDUSTRIAL EXPANSION AUTHORITY OF KANSAS CITY MISSOURI, APPELLANT
vs
**IVANHOE NEIGHBORHOOD COUNCIL, ET AL., DEFENDANT; BROWN-CALDWELL CHRISTIAN
SCHOOL, RESPONDENT; CITY OF KANSAS CITY, APPELLANT**

CITY OF KANSAS CITY, MISSOURI, Appellant
STEPHEN D WALSH
THE PLANNED INDUSTRIAL EXPANSION AUTHORITY OF K.C. MISSOURI, Appellant
GALEN P BEAUFORT
IVANHOE NEIGHBORHOOD COUNCIL, Defendant
BROWN-CALDWELL CHRISTIAN SCHOOL, Respondent
ALAN B GALLAS
GWENDELYN MICHELLE GARCIA
SHERWIN L EPSTEIN

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

19-Feb-2013 09:00

DIVISION 2

Western District Ct of Appeals

3. WD75321

LABOR AND INDUSTRIAL RELATIONS

**DANNY MACKEY, APPELLANT
vs
TREASURER OF THE STATE OF MISSOURI - CUSTODIAN OF THE SECOND INJURY FUND,
RESPONDENT**

DANNY MACKEY, Appellant
DOUGLASS F NOLAND
TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND, Respondent
KIMBERLEY COX FOURNIER

4. WD75337

CASS COUNTY CIRCUIT COURT

**GREG PAGE, ET AL, APPELLANTS
vs
@ ?9 SCAVUZZO, ET AL, RESPONDENTS**

GREG PAGE, Appellant
DEREK TODD TEETER
DEBRA BALLARD, Appellant
DEREK TODD TEETER
FRIENDS OF THE ZOO, INC OF KANSAS CITY, MISSOURI, Appellant
DEREK TODD TEETER
LUKE SCAVUZZO, Respondent
PAUL ANTHONY CAMPO
BETSY A BLAKE
BRIAN BAKER, Respondent
PAUL ANTHONY CAMPO
BETSY A BLAKE
JANET BURLINGAME, Respondent
PAUL ANTHONY CAMPO
BETSY A BLAKE

CONTINUED TO MARCH

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

19-Feb-2013 10:30

DIVISION 2

Western District Ct of Appeals

1. **WD74925** HOLT COUNTY CIRCUIT COURT
WD74945

**DOROTHY J SODERHOLM AND BEVERLY A SODERHOLM, APPELLANT-RESPONDENTS
vs
DUANE L NAUMAN AND MARTHA J NAUMAN, RESPONDENT-APPELLANTS; GLEN E NAUMAN
AND BARBARA L NAUMAN, DEFENDANT**

DOROTHY J SODERHOLM, Appellant-Respondent
ROBERT EDWARD SUNDELL
BEVERLY A SODERHOLM, Appellant-Respondent
ROBERT EDWARD SUNDELL
BARBARA L NAUMAN, Defendant
ROBERT EDWARD SUNDELL
GLEN E NAUMAN, Defendant
ROBERT EDWARD SUNDELL
DUANE L NAUMAN, Respondent-Appellant
LEROY C TIEMAN
JEFFREY ROBERT LAWYER
KEITH JOSEPH SCHIEBER
ARNOLD ROBERT DAY JR
MARTHA A NAUMAN, Respondent-Appellant
LEROY C TIEMAN
JEFFREY ROBERT LAWYER
KEITH JOSEPH SCHIEBER
ARNOLD ROBERT DAY JR

2. **WD74719** PETTIS COUNTY CIRCUIT COURT

**ROBERT A RENNICK #347259 (29.15), APPELLANT
vs
STATE OF MISSOURI, RESPONDENT**

ROBERT A RENNICK JR, Appellant
ELLEN H FLOTTMAN
STATE OF MISSOURI, Respondent
EVAN JOSEPH BUCHHEIM

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

19-Feb-2013 10:30

DIVISION 2

Western District Ct of Appeals

3. **WD74521**

PUBLIC SERVICE COMMISSION

**BARRY ROAD ASSOCIATES, INC. D/B/A MINSKY'S PIZZA, ET AL. INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY SITUATED, APPELLANTS,
vs
SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T MISSOURI, RESPONDENT,
MISSOURI PUBLIC SERVICE COMMISSION, RESPONDENT.**

HARRY MARK WOOLDRIDGE, Appellant

JOHN FISHER EDGAR

ANTHONY EDWARD LACROIX

BARRY ROAD ASSOCIATES, INC., Appellant

JOHN FISHER EDGAR

ANTHONY EDWARD LACROIX

THE MAIN STREET ASSOCIATES, INC., Appellant

JOHN FISHER EDGAR

ANTHONY EDWARD LACROIX

SOUTHWESTERN BELL TELEPHONE COMPANY, Respondent

AMANDA JO HETTINGER

JEFFREY EDWARD LEWIS

ANN AHRENS BECK

CRAIG STEPHEN LAIRD

KIMBERLY M BOUSQUET

AMANDA JO HETTINGER

STEPHEN BOYD HIGGINS

LEO J BUB

PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, Respondent

JENNIFER LEIGH HEINTZ

4. **WD74767**

COLE COUNTY CIRCUIT COURT

**MIDWEST FREEDOM COALITION, LLC, ET AL., PLAINTIFF; MICAH RIGGS, APPELLANT
vs
CHRIS KOSTER, ATTORNEY GENERAL, RESPONDENT**

MICAH RIGGS, Appellant

MICHAEL JOSEPH GUNTER

MIDWEST FREEDOM COALITION, Plaintiff

CHRISTOPHER A. KOSTER, Respondent

JEREMIAH MORGAN
