

**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
ALOK AHUJA, JUDGE
EDITH L. MESSINA, SPECIAL JUDGE

AUGUST, 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 AUGUST 6 AND 29, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON AUGUST 8 AND 21, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON AUGUST 14 AND 28, 2013 WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON AUGUST 7, 2013 WITH A SPLIT DOCKET AT 9:00 AND 10:30.

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 3

LISA WHITE HARDWICK, PRESIDING JUDGE

MARK D. PFEIFFER, JUDGE

CYNTHIA MARTIN, JUDGE

AUGUST, 2013

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON AUGUST 14 AND 28, 2013 WITH
SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.**



**PLEASE NOTE THE DATE 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
Oral Argument Docket**

14-Aug-2013 09:00

DIVISION 3

Western District Ct of Appeals

1. **WD75921**

LABOR AND INDUSTRIAL RELATIONS

**PALMENTERE BROTHERS CARTAGE SERVICE, APPELLANT,
vs
WANDA WRIGHT, RESPONDENT; TREASURER OF THE STATE OF MISSOURI - CUSTODIAN OF
THE SECOND INJURY FUND, RESPONDENT.**

PALMENTERE BROTHERS CARTAGE SERVICE, Appellant

DOUGLAS MARK GREENWALD

ERIC THOMAS LANHAM

TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND,
Respondent

ERIC WILDEN LOWE

WANDA WRIGHT, Respondent

DONALD THOMAS TAYLOR

2. **WD75963**

LINN COUNTY CIRCUIT COURT

**SCOTTSDALE INSURANCE COMPANY AND WELLS TRUCKING, INC., APPELLANTS,
vs
ADDISON INSURANCE COMPANY, ET AL., RESPONDENTS.**

WELLS TRUCKING INC., Appellant

KENNETH MARTIN LANDER

SCOTTSDALE INSURANCE COMPANY, Appellant

KENNETH MARTIN LANDER

UNITED FIRE & CASUALTY COMPANY, Respondent

JOHN GERARD SCHULTZ

SUZANNE RENE BRUSS

JILL ELLEN FROST

ADDISON INSURANCE COMPANY, Respondent

JOHN GERARD SCHULTZ

SUZANNE RENE BRUSS

JILL ELLEN FROST

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

14-Aug-2013 10:30

DIVISION 3

Western District Ct of Appeals

1. **WD75846**

ADMINISTRATIVE HEARING COMMISSION

**PAUL AND MELISSA ENSOR, RESPONDENTS,
vs
DIRECTOR OF REVENUE, APPELLANT.**

MISSOURI DIRECTOR OF REVENUE, Appellant
JAMES ROBERT LAYTON
MELISSA ENSOR, Respondent Acting Pro Se
PAUL ENSOR, Respondent Acting Pro Se

RESPONDENTS DID NOT FILE A
BRIEF AND THUS WAIVE
ARGUMENT.

2. **WD76106**

RANDOLPH COUNTY CIRCUIT COURT

**STATE OF MISSOURI, APPELLANT,
vs
TARA A STOEBE, RESPONDENT.**

STATE OF MISSOURI, Appellant
JENNIFER RODEWALD
TARA ANN STOEBE, Respondent
RICHARD LEROY WINKIE

RESPONDENT DID NOT FILE A
BRIEF AND THUS WAIVE
ARGUMENT.

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

28-Aug-2013 09:00

DIVISION 3

Western District Ct of Appeals

1. **WD75822**

MILLER COUNTY CIRCUIT COURT

**LEE CAROL JORDAN, ET UX., APPELLANT,
vs
FREDERICK J PEET, JR., ET AL., RESPONDENT.**

LEE CAROL JORDAN, Appellant
G MICHAEL BAKER
FREDERICK J PEET JR, Respondent
ZACHARY WILLIAM RENNICK

2. **WD75468**

JACKSON COUNTY CIRCUIT COURT

**HOMEcomings FINANCIAL NETWORK, INC., RESPONDENT
vs
TIFFANY BROWN AND JAMES MCCRAY, APPELLANTS**

JAMES MCCRAY, Appellant
JEREMIAH KIDWELL
TIFFANY BROWN, Appellant
JEREMIAH KIDWELL
HOMEcomings FINANCIAL NETWORK, INC., Respondent
ERIC DAMEN ROBY

3. **WD75770**

JACKSON COUNTY CIRCUIT COURT

**LAVINIA GOUDEAUX, RESPONDENT
vs
BOARD OF POLIC COMMISSIONERS OF KANSAS CITY, MISSOURI AND DAMON HAWLEY,
APPELLANTS**

DAMON HAWLEY, Appellant
P BENJAMIN COX
KANSAS CITY BOARD OF POLICE COMMISSIONERS, Appellant
P BENJAMIN COX
LAVINIA GOUDEAUX, Respondent
THOMAS RAYMOND DAVIS

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

28-Aug-2013 10:30

DIVISION 3

Western District Ct of Appeals

1. **WD75224**

BUCHANAN COUNTY CIRCUIT COURT

JOSHUA S MORGAN #1204029 (24.035), APPELLANT

vs

STATE OF MISSOURI, RESPONDENT

JOSHUA S MORGAN, Appellant

DAVID SHERIDAN BELL

STATE OF MISSOURI, Respondent

RICHARD ANTHONY STARNES

2. **WD75494**

JACKSON COUNTY CIRCUIT COURT

DOMINIC BURTON #1168514 (29.15), APPELLANT

vs

STATE OF MISSOURI, RESPONDENT

DOMINIC V BURTON, Appellant

REBECCA LYNN KURZ

STATE OF MISSOURI, Respondent

RICHARD ANTHONY STARNES
