

**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 4**

**JAMES E. WELSH, CHIEF JUDGE, PRESIDING**

**ALOK AHUJA, JUDGE**

**EDITH L. MESSINA, SPECIAL JUDGE**

**AUGUST , 2013**

**IMPORTANT NOTE**

**THIS DIVISION WILL SIT ON AUGUST 7, 2013 WITH A SPLIT  
DOCKET CALL 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**

**Docket**

**7-Aug-2013 09:00**

**DIVISION 4**

**Western District Ct of Appeals**

**1. WD75051  
WD75081**

PLATTE COUNTY CIRCUIT COURT

**DEVELOPER SERVICES CORPORATION, APPELLANT-RESPONDENT**

**vs**

**TRIPLE J CONSTRUCTION, INC., ET AL., RESPONDENTS; BAZIN EXCAVATING, INC.,  
RESPONDENT-APPELLANT**

DEVELOPER SERVICES CORPORATION, Appellant-Respondent

MARGARET D LINEBERRY

SIGNATURE QUALITY HOMES, LLC, Defendant

BANNISTER REALTY CO., INC., Respondent

JAMES DALE LAWRENCE

THOMAS EDWARD NANNEY

TRIPLE J CONSTRUCTION, INC., Respondent

DERON ALVIN ANLIKER

M&I BANK, Respondent

JAMES DALE LAWRENCE

THOMAS EDWARD NANNEY

VALLEY VIEW BANK, Respondent

MANDI RENE HUNTER

UNION BANK, Respondent

JAMES DALE LAWRENCE

THOMAS EDWARD NANNEY

REGAN HOMES, INC., Respondent

MEGAN ANN SCHEIDERER

DAVID B RAYMOND

KINGSTON BUILDERS, LLC, Respondent

DERON ALVIN ANLIKER

SUMMIT HOMES, LLC, Respondent

DERON ALVIN ANLIKER

1ST CHOICE BUILDERS, Respondent

DERON ALVIN ANLIKER

GREENHILLS DEVELOPMENT, LLC, Respondent

DERON ALVIN ANLIKER

GREEN HILLS ESTATES, LLC., Respondent Acting Pro Se

OAKHILL VILLAGE, LLC, Respondent Acting Pro Se

RANDALL WILLBANKS, Respondent Acting Pro Se

BAZIN EXCAVATING, INC., Respondent-Appellant

NORMAN E BEAL

ARGUMENT EXPANDED TO  
15 MINUTES FOR APPELLANT;  
15 MINUTES FOR RESPONDENTS;  
5 MINUTES FOR APPELLANT'S  
REBUTTAL (SEE WESTERN  
DISTRICT SPECIAL RULE I  
FOR CROSS-APPEALS)

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RESPONDENTS TRIPLE J  
CONSTRUCTION, GREENHILLS  
DEVELOPMENT, 1ST CHOICE  
BUILDERS, SUMMIT HOMES,  
KINGSTON BUILDERS, LLC,  
REGAN HOMES, INC. AND  
RANDALL WILLBANKS DID NOT  
FILE BRIEFS & THUS WAIVE  
ARGUMENT.

**MISSOURI JUDICIARY  
WESTERN DISTRICT CT OF APPEALS**

**Docket**

**7-Aug-2013 09:00**

**DIVISION 4**

**Western District Ct of Appeals**

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**2. WD75771**

JACKSON COUNTY CIRCUIT COURT

**VIRGINIA PAYNE, RESPONDENT**

**vs**

**ASHLEY L MARKESON, APPELLANT**

ASHLEY L MARKESON, Appellant

JESSICA RYAN BEEVER

VIRGINIA PAYNE, Respondent

JOHN EDMUND TURNER

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**MISSOURI JUDICIARY  
WESTERN DISTRICT CT OF APPEALS**

**Docket**

**7-Aug-2013 10:30**

**DIVISION 4**

**Western District Ct of Appeals**

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**1. WD75648**

**NODAWAY COUNTY CIRCUIT COURT**

**CAROLYN MILLION, RESPONDENT**

**vs**

**JAMES EDWARD BOWMAN, INDIVIDUALLY AND AS TRUSTEE OF THE BOWMAN TRUST JOINT  
LIVING TRUST, APPELLANT**

JAMES EDWARD BOWMAN, Appellant

DAN SMITH

CAROLYN MILLION, Respondent

SHARON KENNEDY

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**2. WD75370**

**NODAWAY COUNTY CIRCUIT COURT**

**STATE OF MISSOURI, RESPONDENT**

**vs**

**WILLIAM RICHARD GRACE, APPELLANT**

WILLIAM R GRACE, Appellant

CRAIG ALLAN JOHNSTON

STATE OF MISSOURI, Respondent

ROBERT LEWIS RICE

RESPONDENT DID NOT FILE A BRIEF  
AND THUS WAIVES ARGUMENT.

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