Summary of SC97872, *State ex rel. Universal Credit Acceptance Inc. v. The Honorable Gloria Clark Reno*

Proceeding originating in the St. Louis County circuit court, Judge Gloria Clark Reno
Argued and submitted April 22, 2020; opinion issued June 30, 2020

Attorneys: Universal Credit Acceptance was represented by Corey L. Kraushaar, Christopher J. Seibold and Tyler A. McElroy of Brown & James PC in St. Louis, (314) 421-3400. Ware was represented byMartin L. Daesch, Jesse B. Rochman and Craig W. Richards of OnderLaw in St. Louis, (314) 963-9000.

This summary is not part of the opinion of the Court. It has been prepared by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A company challenges the grant of a man's motion to change venue. In a unanimous decision written by Judge Mary R. Russell, the Supreme Court of Missouri makes permanent its preliminary writ of mandamus compelling the circuit court to transfer the case back to St. Charles County. The circuit court lacked authority to transfer venue. The man waived his right to seek a change of venue when he failed to include it in his application for change of judge.

Facts: Universal Credit Acceptance Inc. sued Renwick Ware in the St. Charles County circuit court's associate division seeking amounts it alleged Ware owed after defaulting on a retail sales installment contract. Ware applied for a change of judge; the circuit court sustained the application and appointed a new judge. Ware later moved to change venue to St. Louis County. Universal Credit Acceptance opposed the motion. Following a hearing, the circuit court sustained Ware's motion and transferred the case to St. Louis County. Universal Credit Acceptance seeks to make permanent this Court's preliminary writ of mandamus requiring the circuit court to transfer venue back to St. Charles County.

PRELIMINARY WRIT MADE PERMANENT.

Court en banc holds: The circuit court lacked authority to sustain Ware's motion and transfer venue to St. Louis County. Because he failed to file his motion to change venue with his previously filed application for change of judge, his motion to change venue was improper under Rule 51.06(a). Under the rule, if a party fails to join a change of judge and change of venue into a single application, a second motion "shall not be granted." By not joining his request to change venue with his application for change of judge, Ware waived his right to seek a change of venue.