MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ORAL ARGUMENT DOCKET – MARCH 2024

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. *All arguments are held in person unless otherwise notified.*

Please note the information below for each division:

Division 1: (University of Missouri-Columbia School of Law)
Alok Ahuja, Presiding Judge
Cynthia Martin, Judge
Thomas N. Chapman, Judge

Division 1 will sit on our Mid-Missouri Docket on March 12, 2024. Oral arguments will take place at the University of Missouri-Columbia School of Law, Columbia, Missouri, at 1:30 p.m.

Division 2:
Anthony Rex Gabbert, Presiding Judge
Gary D. Witt, Chief Judge
Karen King Mitchell, Judge
Janet Sutton, Judge

Division 2 will sit on March 13 and 21, 2024. Docket call will be at 10:00 a.m. on both dates.

Division 3:
Mark D. Pfeiffer, Presiding Judge
Lisa White Hardwick, Judge
W. Douglas Thomson, Judge

Division 3 will sit on March 20 and 27, 2024. Docket call will be at 9:00 a.m. and 10:30 a.m. on March 20, 2024, and at 10:30 a.m. on March 27, 2024.

Division 4: (William Woods University)
Gary D. Witt, Chief Judge, Presiding
Alok Ahuja, Judge
Edwin R. Ardini, Jr., Judge

Division 4 will sit on our Mid-Missouri Docket on March 13, 2024. Oral arguments will take place at William Woods University, Fulton, Missouri, at 9:30 a.m.

Information Regarding Motions for Continuance and Motions to Permit Virtual Oral Argument

Motions for Continuance and Motions to Permit Virtual Oral Arguments are discouraged absent exceptional circumstances. However, in the event such motions are filed, they should be filed within ten (10) days of publication of the docket and should contain, at minimum, consent of the client, the position of opposing counsel, and a specific reason(s) for the request that details the alleged exceptional circumstances (exceptional circumstances may include health or disability concerns of an unrepresented litigant or counsel that will be arguing the case). In ruling upon a motion for continuance or a motion to permit virtual oral argument, the court, in its discretion, may grant the motion, deny the motion, order part or all of the case submitted on the briefs, or grant such other relief as the court deems proper.

Motions for virtual oral argument must also include a separate attachment that lists the names and e-mail addresses of all counsel or unrepresented litigants who will be presenting oral argument and the telephone numbers where those individuals may be reached during the oral argument should technical difficulties arise. This attachment is for court use only. If the motion to permit virtual argument is granted, the entire matter will be argued virtually via the Webex platform, and counsel and unrepresented litigants who are presenting oral argument will receive a Webex invitation for the argument. A separate Case.net notification will be made notifying co-counsels, clients, and the public how they may obtain access to the virtual oral argument. In the event a motion to permit virtual oral argument is sustained by the court, every effort will be made by the court to schedule the Webex argument on the same date as originally docketed. The parties should ensure their schedules are open for the entire date indicated on the docket. Special dockets that are set outside of the courthouse such as colleges and universities, *en banc* cases, and certain high-profile cases are not eligible for virtual argument.

No motions to permit virtual oral argument will be entertained by the court after the expiration of ten (10) days from the date of the publication of the docket. Should a motion for continuance be filed after ten (10) days from publication of the docket, the motion must be accompanied by counsel's or an unrepresented litigant's representation that, after the ten (10) day window, circumstances arose outside the control of counsel or the unrepresented litigant that necessitated the delayed filing of the motion for continuance.

GENERAL INFORMATION

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, unless permitted by the Court for good cause shown.

ARGUMENT TIMES: Counsel will be allowed a maximum of 10 minutes per side with an additional three minutes 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 court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. 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.

Kimberly K. Boeding
Clerk of Court
Missouri Court of Appeals, Western District

MEMORANDUM

TO: All attorneys with cases on the March 13, 2024 docket at William Woods University, Fulton, MO

FROM: Kimberly Boeding, Clerk of the Court

RE: Directions to your argument

On March 13, 2024, a panel of judges consisting of Chief Judge Gary Witt, (presiding), Judge Alok Ahuja, and Judge Edward R. Ardini, Jr., will hold its mid-Missouri docket at William Woods University, Fulton, Missouri. Your case appears on that docket. The docket call will be at 9:30 a.m.

The arguments will take place in the Weitzman Courtroom, which is located in the back of the Burton Business and Economics Building. Please refer to this link for directions to the campus and location of arguments. A campus map link appears to the right of the directions.

https://www.williamwoods.edu/about/visitor_information/driving_directions.html

If you have any questions, please feel free to contact me at (816) 889-3600.

DIVISION 4

GARY D. WITT, CHIEF JUDGE, PRESIDING

ALOK AHUJA, JUDGE

EDWARD R. ARDINI, JR., JUDGE

MARCH 13, 2024

IMPORTANT NOTE

THIS DIVISION WILL SIT ON OUR MID-MISSOURI DOCKET ON MARCH 13, 2024. ORAL ARGUMENT WILL TAKE PLACE AT WILLIAM WOODS UNIVERSITY, FULTON, MISSOURI, AT 9:30 A.M.

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

13-Mar-2024	09:30	DIVISION 4	William Woods University

1. WD86083 JACKSON COUNTY CIRCUIT COURT

LEONARD R MIMS #1202373 (24.035), RESPONDENT,
vs
STATE OF MISSOURI, APPELLANT.

STATE OF MISSOURI, Appellant
SHANDEE BETH PORTER
RICHARD ANTHONY STARNES
LEONARD MIMS, Respondent
MATTHEW TRAVERS MERRYMAN

2. WD85886 COLE COUNTY CIRCUIT COURT

RACHEL LYNN SANNING, APPELLANT,
vs
DIRECTOR OF REVENUE, STATE OF MISSOURI, RESPONDENT.

RACHEL LYNN SANNING, Appellant
CARL MATTHEW WARD
JEFFREY SCOTT EASTMAN
DIRECTOR OF REVENUE, STATE OF MISSOURI, Respondent
ALEX BEEZLEY

13-Mar-2024 **09:30** **DIVISION 4** **William Woods University**

3. WD86214 COLE COUNTY CIRCUIT COURT

STATE EX REL. MATTHEW STONE, APPELLANT,
vs
MISSOURI COMMISSION ON HUMAN RIGHTS, ET AL., RESPONDENTS.

MATTHEW STONE, Appellant
JONATHAN CHARLES BERNS
ALISA WARREN, Respondent
DAVID LEE MCCAIN JR
MISSOURI COMMISSION ON HUMAN RIGHTS, Respondent
DAVID LEE MCCAIN JR

4. WD86409 VERNON COUNTY CIRCUIT COURT

IN THE INTEREST OF: S.D.J.C, JUVENILE; JUVENILE OFFICER, RESPONDENT,
vs
S.E.C., APPELLANT; J.O.C. AND JOHN DOE, DEFENDANTS

Appellant
JOLEENE VICTORIA SIMMONS

JUDY R ULLMANN
Respondent
KYLA MOORHOUSE