

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT
ORAL ARGUMENT DOCKET – JULY 2025
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 3:

Mark D. Pfeiffer, Presiding Judge
Cynthia L. Martin, Judge
Janet Sutton, Judge

Division 3 will sit on July 16, 2025. Docket call will be at 9:00 a.m. and 10:30 a.m.

Special Division:

Gary D. Witt, Presiding Judge
Thomas N. Chapman, Judge
Zel M. Fischer, Special Judge

Special Division will sit on July 24, 2025, at Bernard Edelman DWI Law & Science Seminar, Lake Ozark, Missouri. Docket call will begin at 1:50 p.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 July 24, 2025 docket at the Bernard Edelman DWI Law & Science Seminar, Lake Ozark, Missouri-Lodge of the Four Seasons

FROM: Kimberly Boeding, Clerk of the Court

RE: Location of your argument

On July 24, 2025, a panel of judges consisting of Judge Gary Witt, (presiding), Judge Thomas Chapman, and Special Judge Zel M. Fischer, will hold its Bernard Edelman DWI Law & Science Seminar docket at the Lodge of the Four Seasons in Lake Ozark, Missouri. Your case appears on that docket. Docket call will be at 1:50 p.m. in the Granada Ballroom. If you have any questions about the exact location, please contact the resort. To assist you, I am attaching the links for the event and the resort.

Please check in with the Clerk 15 minutes prior to the docket start time.

https://mobar.org/site/NewsEvents/DWI_Law_Science_Seminar/site/content/News-and-Events/DWI_Law_Science_Seminar_Save_Date.aspx

<https://4seasonsresort.com/>

Please let me know if you have any questions.

SPECIAL DIVISION

GARY D. WITT, PRESIDING JUDGE

THOMAS N. CHAPMAN, JUDGE

ZEL M. FISCHER, SPECIAL JUDGE

JULY 24, 2025

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON JULY 24, 2025, AT BERNARD EDELMAN
DWI LAW & SCIENCE SEMINAR, LAKE OZARK, MISSOURI. DOCKET
CALL WILL BEGIN AT 1:50 P.M.**

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

24-Jul-2025 13:50

SPECIAL DIVISION

Lodge of the Four Seasons

1. **WD87121**

GRUNDY COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT,
vs
SEMAJ J FOSTER, APPELLANT.

SEMAJ J FOSTER, Appellant
JUSTINE R FINNEY
STATE OF MISSOURI, Respondent
KAREN LOUISE KRAMER

2. **WD86993**

JACKSON COUNTY CIRCUIT COURT

K.D.W., APPELLANT,
vs
MISSOURI STATE HIGHWAY PATROL RECORDS REPOSITORY, ET AL., RESPONDENTS.

MISSOURI ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, Amicus Curiae
FAWZY THOMAS SIMON

. K.D.W., Appellant
SYDNEY RAGSDALE
ELLEN YANKIVER SUNI

JACKSON COUNTY CIRCUIT COURT, Defendant
MISSOURI STATE HIGHWAY PATROL CRIMINAL RECORDS REPOSITORY, Respondent
JENNIFER MARCI ADDADI

LEE'S SUMMIT POLICE DEPARTMENT, Respondent
BETH ANN MURANO

LEE'S SUMMIT PROSECUTOR'S OFFICE, Respondent
BETH ANN MURANO

LEE'S SUMMIT MUNICIPAL COURT, Respondent
BETH ANN MURANO

MISSOURI DEPARTMENT OF REVENUE, Respondent
KERRY JAMES WILLIAMS

Missouri Department of Revenue did not
file a brief thus waives argument.

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

24-Jul-2025

13:50

SPECIAL DIVISION

Lodge of the Four Seasons

3. WD87202

BOONE COUNTY CIRCUIT COURT

**CLARK PORTING, APPELLANT,
vs
DIRECTOR OF REVENUE, RESPONDENT.**

CLARK PORTING, Appellant
CARL MATTHEW WARD
DIRECTOR OF REVENUE, Respondent
MARCIE W BOWER
