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, JUDG

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 2

THOMAS H. NEWTON, PRESIDING JUDGE

KAREN KING MITCHELL, JUDGE

GARY D. WITT, JUDGE

AUGUST, 2013

IMPORTANT NOTE

THIS DIVISION WILL SIT ON AUGUST 8 AND 21, 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

8-Aug-2013 **09:00** **DIVISION 2** **Western District Ct of Appeals**

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1. WD75762 JACKSON COUNTY CIRCUIT COURT

IN THE INTEREST OF: J.I.S., APPELLANT
vs
JUVENILE OFFICER, RESPONDENT

Appellant
PATRICIA ANN HARRISON
Respondent
MICHAEL REID FOGAL

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2. WD75943 JACKSON COUNTY CIRCUIT COURT

STANLEY FANNING, RESPONDENT,
vs
PROGRESSIVE NORTHWESTERN INSURANCE COMPANY, APPELLANT.

PROGRESSIVE NORTHWESTERN INSURANCE COMPANY, Appellant
NIKKI CANNEZZARO
STANLEY FANNING, Respondent
WALTER R SIMPSON

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3. WD75901 JACKSON COUNTY CIRCUIT COURT
WD75902

STANLEY BRAND AND BRADLEY L FREILICH, M.D., APPELLANTS,
vs
KANSAS CITY GASTROENTEROLOGY & HEPATOLOGY, LLC, APPELLANT, AND TRAVERLERS INDEMNITY COMPANY OF AMERICA, RESPONDENT.

KANSAS CITY GASTROENTEROLOGY AND HEPATOLOGY, LLC, Appellant
ARTHUR A BENSON II
BRADLEY FREILICH, Appellant
KIRK ROWAN PRESLEY
STANLEY BRAND, Appellant
KIRK ROWAN PRESLEY
TRAVELERS INDEMNITY COMPANY OF AMERICA, Respondent
WILLIAM CLAYTON CRAWFORD
ABBIGALE ALYCE GENTLE

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

8-Aug-2013 **10:30** **DIVISION 2** **Western District Ct of Appeals**

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1. WD75535 PETTIS COUNTY CIRCUIT COURT

MELODY ANN OLLISON, APPELLANT
vs
JAMES DALE OLLISON, RESPONDENT

MELODY ANN OLLISON, Appellant
JOHN HENRY EDMISTON
JAMES DALE OLLISON, Respondent
CHARLES MICHAEL FITZGERALD

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2. WD75621 NODAWAY COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT
vs
RANDALL G EVANS, APPELLANT

RANDALL G EVANS, Appellant
JANET WAKE LARISON
STATE OF MISSOURI, Respondent
JESSICA PAIGE MEREDITH

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MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

8-Aug-2013 **10:30** **DIVISION 2** **Western District Ct of Appeals**

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3. WD75364 LIVINGSTON COUNTY CIRCUIT COURT

WD75366,WD75367,WD75484,WD75485

SALLY BOLAND, APPELLANT; SHERRI LYNN HARPER, APPELLANT; DAVID C GANN, APPELLANT; JENNIRAE LITTRELL, NATURAL DAUGHTER OF DECEDENT CLARENCE BAILEY WARNER, APPELLANT; HELEN PITTMAN, NATURAL SISTER OF DECEDENT, SHIRELY R ELLER, APPELLANT,

vs

SAINT LUKE'S HEALTH SYSTEM, INC, AND SAINT LUKES HOSPITAL OF CHILLICOTHE F/K/A THE GRAND RIVER HEALTH SYSTEM CORPORATION D/B/A HEDRICK MEDICAL CENTER AND COMMUNITY HEALTH GROUP, RESPONDENTS

SALLY BOLAND, Appellant
- JAMES KENT EMISON
  - BRETT ASHLEY EMISON

DAVID C GANN, Appellant
- JAMES KENT EMISON
  - JESSICA MARIE AGNELLY
  - BRETT ASHLEY EMISON

SHERRY LYNN HARPER, Appellant
- JAMES KENT EMISON
  - STEVEN J STREEN
  - LAREA ANNETTE GRIGGS
  - DAVID LEE MCCOLLUM
  - JESSICA MARIE AGNELLY

DAVID C GANN, Appellant
- JAMES KENT EMISON
  - LAREA ANNETTE GRIGGS
  - STEVEN J STREEN

SALLY BOLAND, Appellant
- JAMES KENT EMISON
  - STEVEN J STREEN
  - LAREA ANNETTE GRIGGS
  - DAVID LEE MCCOLLUM
  - JESSICA MARIE AGNELLY

SHERRY LYNN HARPER, Appellant
- JAMES KENT EMISON
  - BRETT ASHLEY EMISON

HELEN PITTMAN, Appellant
- JAMES KENT EMISON
  - DAVID LEE MCCOLLUM

DAVID C GANN, Appellant
- JAMES KENT EMISON
  - DAVID LEE MCCOLLUM

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

8-Aug-2013 **10:30** **DIVISION 2** **Western District Ct of Appeals**

HELEN PITTMAN, Appellant
JAMES KENT EMISON
LAREA ANNETTE GRIGGS
JESSICA MARIE AGNELLY
BRETT ASHLEY EMISON

JENNIRAE LITTRELL, Appellant
JAMES KENT EMISON
STEVEN J STREEN
LAREA ANNETTE GRIGGS
DAVID LEE MCCOLLUM
JESSICA MARIE AGNELLY
BRETT ASHLEY EMISON

HELEN PITTMAN, Appellant
JAMES KENT EMISON
STEVEN J STREEN

SAINT LUKE'S HOSPITAL OF CHILLICOTHE, Respondent
THOMAS W WAGSTAFF
ADAM S DAVIS

COMMUNITY HEALTH GROUP, Respondent
SCOTT MICHAEL ADAM
SEAN THOMAS MCGREVEY

SAINT LUKE'S HOSPITAL OF CHILLICOTHE, Respondent
THOMAS W WAGSTAFF
CHRISTOPHER LOUIS SCHNIEDERS

ST. LUKE'S HEALTH SYSTEM, INC., Respondent
THOMAS W WAGSTAFF
ADAM S DAVIS
CHRISTOPHER LOUIS SCHNIEDERS

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

21-Aug-2013 09:00 **DIVISION 2** **Western District Ct of Appeals**

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1. WD75800 BATES COUNTY CIRCUIT COURT

JOE VENTON JENKINS, RESPONDENT
vs
EVELYN SUE JENKINS, APPELLANT

EVELYN SUE JENKINS, Appellant
KARL HEINZ TIMMERMAN
RONALD SALVATORE RIBAUDO
JOE VENTON JENKINS, Respondent
EDWARD JOSEPH HOULEHAN

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2. WD75752 JACKSON COUNTY CIRCUIT COURT

SUSANN BASHIR, RESPONDENT
vs
SOUTHWESTERN BELL TELEPHONE COMPANY, APPELLANT

SOUTHWESTERN BELL TELEPHONE COMPANY, Appellant
BRIAN N WOOLLEY
ROBERT KENT SELLERS
SUSANN BASHIR, Respondent
AMY LAREE COOPMAN
LUKE REED HERTENSTEIN

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

21-Aug-2013 10:30 **DIVISION 2** **Western District Ct of Appeals**

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1. WD75457 LINN COUNTY CIRCUIT COURT

KEVIN BEHRMAN, APPELLANT
vs
MARCUS AMER AND MARCUS AMER, D/B/A JACK'S AUTO SALES, DEFENDANT; DONALD LEE POSTON AND CONSUMERS INSURANCE, RESPONDENT

KEVIN BEHRMAN, Appellant
JOSEPH MICHAEL BACKER
MARCUS AMER, Defendant
CONSUMERS INSURANCE COMPANY, Respondent
ANN P HAGAN
DONALD LEE POSTON, Respondent
ANN P HAGAN

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2. WD74841 JACKSON COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT
vs
BRUCE SIMON #1206514, APPELLANT

BRUCE SIMON, Appellant
S. KATE WEBBER
STATE OF MISSOURI, Respondent
TIMOTHY ALLAN BLACKWELL