

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

WRIT DIVISION I

STATE BOARD OF REGISTRATION)	No. ED92408
FOR THE HEALING ARTS, Relator,)	Case No.: 08SL-CC03657
)	
vs.)	Writ of Prohibition
)	
HONORABLE JUDY P. DRAPER,)	
ASSOCIATE CIRCUIT JUDGE, 21 st JUDICIAL)	
CIRCUIT, ST. LOUIS COUNTY, MISSOURI,)	Filed: February 24, 2009
Respondent,)	

The State Board of Registration for the Healing Arts (Relator) filed a Petition for Writ of Prohibition with this Court, seeking to prohibit the Honorable Judy P. Draper (Respondent) from taking any further action in the underlying case of Mark R. Rosenberg, M.D. v. State Board of Registration for the Healing Arts, filed in the Circuit Court of St. Louis County, Missouri, Cause Number 08SL-CC03657. Relator contends that the trial court lacks jurisdiction to act on the Petition for Judicial Review (Petition) filed by Mark R. Rosenberg, M.D. (Petitioner), because Petitioner failed to timely file the Petition within the statutory time limit.

GRANTED.

Division One Holds: The trial court lacked authority to take any action other than to dismiss the Petition. The Preliminary Order in Prohibition is made absolute.

Opinion by: Kurt S. Odenwald, J. Mary K. Hoff, J., and Sherri B. Sullivan, J., Concur.

Attorney for Relator: Chris Koster and Thais Ann Folta

Attorneys for Respondent: Dennis K. Hoffert

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.