

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

NATALIE ADKINS, ET AL.,

APPELLANT,

v.

JILL HONTZ,

RESPONDENT.

DOCKET NUMBER WD68998

DATE: January 30, 2009

Appeal From:
BUCHANAN COUNTY CIRCUIT COURT
THE HONORABLE WELDON CLARE JUDAH, JUDGE

Appellate Judges:
Division Two: SMART, P.J., HARDWICK and WELSH, JJ.

Attorneys:
Herbert W. McIntosh, Esq., Kansas City, MO, **for appellant.**

Kevin Weakley, Esq., Overland Park, KS, **for respondent.**

**MISSOURI APPELLATE COURT OPINION
SUMMARY**

COURT OF APPEALS -- WESTERN DISTRICT

NATALIE ADKINS, ET AL., APPELLANT,

v.

JILL HONTZ, RESPONDENT.

WD68998 Consolidated with WD68999

Buchanan County

Before Division Two Judges: SMART, P.J., HARDWICK and WELSH, J.J.

This appeal arises from the dismissal of a wrongful death and survival action in the Circuit Court of Buchanan County on the basis of *forum non conveniens*. The Appellants contend the court abused its discretion in dismissing the case because the evidence was insufficient to show that Buchanan County was a seriously or oppressively inconvenient location that lacked any nexus with the parties.

REVERSED AND REMANDED

Division Two holds: Considering all of the relevant factors, the record does not establish that Buchanan County is a seriously inconvenient forum for the trial of this matter or that a more convenient forum is available. The circuit court abused its discretion in dismissing the consolidated cases on that basis three days before trial.

Opinion by: Lisa White Hardwick, Judge

January 30, 2009

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