

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**UNIFUND CCR PARTNERS,  
APPELLANT**

**vs.**

**PATRICIA A. RODGERS,  
RESPONDENT**

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DOCKET NUMBER WD69660

DATE: MARCH 31, 2009

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Appeal from:

Jackson County Circuit Court  
The Honorable Robert Beard, Judge

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Appellate Judges:

Division Two: Lisa White Hardwick, P.J., Harold L. Lowenstein and Victor C. Howard,  
JJ.

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Attorneys:

Richard Anthony Mixson, for Appellant

Thomas Raymond Davis, for Respondent

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# MISSOURI APPELLATE COURT OPINION SUMMARY

## MISSOURI COURT OF APPEALS WESTERN DISTRICT

**UNIFUND CCR PARTNERS, APPELLANT**

**v.**

**PATRICIA A. RODGERS, RESPONDENT**

WD69660

Jackson County, Missouri

Before Division Two Judges: Lisa White Hardwick, P.J., Harold L. Lowenstein and Victor C. Howard, JJ.

Unifund CCR Partners appeals the trial court's decree setting aside the default judgment entered against Patricia Rodgers. It contends that Ms. Rodgers failed to show good cause. The decree of the trial court is affirmed.

**AFFIRMED.**

### **Division Two holds:**

Where associate circuit court continued case but failed to notify Ms. Rodgers of new hearing date, Ms. Rodgers's failure to appear at the hearing was not conduct intentionally or recklessly designed to impede the judicial process. Ms. Rodgers, therefore, established good cause, and the trial court did not abuse its discretion in setting aside the default judgment.

**Opinion by: Victor C. Howard, Judge**

**March 31, 2009**

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