

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**ROBERT GORDON, Guardian Ad Litem on Behalf of G.J.E., I.G.E., and S.J.E.; AMY  
E. SCHRAMM f/k/a AMY E. EPPERLY,**

**Appellant,**

**v.**

**BRADLEY G. EPPERLY,**

**Respondent.**

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DOCKET NUMBER WD78959 Consolidated with WD78964

**Date: September 27, 2016**

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Appeal from:  
Jackson County Circuit Court  
The Honorable Kevin D. Harrell, Judge

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Appellate Judges:  
Victor C. Howard, Presiding Judge, Lisa White Hardwick, and Edward R. Ardini, Jr.,  
Judges

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Attorneys:  
Robert E. Gordon and Jonathan Sternberg, Kansas City for appellants.  
Gina M. Graham, Blue Springs for respondent.

**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**COURT OF APPEALS -- WESTERN DISTRICT**

**ROBERT GORDON, Guardian Ad Litem on Behalf of G.J.E., I.G.E., and S.J.E.;**  
**AMY E. SCHRAMM f/k/a AMY E. EPPERLY**

**Appellant,**

**v.**

**BRADLEY G. EPPERLY,**

**Respondent.**

WD78959 Consolidated with WD78964

Jackson County

Before Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick,  
and Edward R. Ardini, Jr., Judges

Robert Gordon, guardian ad litem ("GAL"), and Amy E. Schramm ("Mother"),  
appeal the judgment modifying custody of Mother and Bradley G. Epperly's  
("Father") three children. The GAL and Mother contend the court erred in denying  
their motions for change of judge; failing to make findings detailing the factors that  
resulted in the court's rejection of the GAL's proposed custodial arrangement; and  
granting Father joint legal and joint physical custody.

**AFFIRMED.**

Division Three holds:

(1) The circuit court did not err in denying the GAL's motion for change of  
judge without cause pursuant to Rule 51.05, because a guardian ad litem is not

listed among the classes of parties that may file a motion for change of judge under Rule 51.05(d).

(2) The circuit court did not err in denying Mother's motion for change of judge for cause on the basis that the trial judge lost his authority to hear the case because he was reassigned to hear non-domestic cases. Pursuant to local rule, once the case was assigned to this trial judge, it remained in this trial judge's division until it was tried or otherwise disposed of or transferred to another division.

(3) The circuit court did not err in summarily overruling Mother's amended motion for change of judge for cause. Mother's allegations in her motion were not substantively adequate to require a hearing, let alone disqualification, as they were largely based on adverse rulings, did not demonstrate bias or prejudice stemming from a source outside of what the judge learned from his participation in the case, and did not demonstrate an attitude of personal enmity toward Mother or in favor of Father to Mother's detriment.

(4) The circuit court did not err in failing to make findings detailing the specific relevant factors that resulted in its rejection of the GAL's proposed custodial arrangement. The court made detailed findings regarding its rejection of Mother's proposed custodial arrangement, which was virtually identical in all material respects to the GAL's proposed custodial arrangement.

(5) The circuit court's decision to modify custody to award the parties joint legal and joint physical custody was not against the weight of the evidence. The

court either rejected or accorded little weight to the evidence favorable to Mother,  
and we are bound to defer to the court's decision to do so.

Opinion by: Lisa White Hardwick, Judge

**September 27, 2016**

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**