MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DANA MILLER,	)	
Appellant,	)	
v.	)	**WD87809**
THE MISSOURI HOUSE OF REPRESENTATIVES, ET AL.,	)	**Filed: October 21, 2025**
Respondent.	)	

APPEAL FROM THE CIRCUIT COURT OF COLE COUNTY
THE HONORABLE BRIAN K. STUMPE, JUDGE

BEFORE DIVISION FOUR: ANTHONY REX GABBERT, CHIEF JUDGE PRESIDING, LISA WHITE HARDWICK, JUDGE, AND THOMAS N. CHAPMAN, JUDGE

Dana Miller appeals the circuit court's judgment dismissing her petition for damages against the Missouri House of Representatives ("House"). She asserts the court erred in dismissing her whistleblower claim because she alleged facts showing: disciplinary actions were taken against her by a supervisor or appointing authority; she made disclosures of alleged prohibited activities to state employees that were new or not previously known; and the House was not entitled to sovereign immunity. For reasons explained herein, we affirm the circuit court's judgment.

Factual and Procedural History

In reviewing a judgment dismissing a petition with prejudice, "we assume all facts alleged in the petition are true and liberally construe all reasonable inferences in favor of the plaintiff." *Taylor v. Curators of Univ. of Mo.*, 602 S.W.3d 851, 853 n.2 (Mo. App. 2020) (citation omitted). The pertinent facts alleged in the petition are as follows:

In 2001, Miller began working for the House in various positions before she was promoted to Assistant Chief Clerk in 2013. In October 2018, Miller was appointed acting Chief Clerk and Administrator of the House ("Chief Clerk") and was officially confirmed on January 9, 2019, by a unanimous vote of the elected representatives. She was unanimously reconfirmed as the Chief Clerk on January 6, 2021, and January 4, 2023.

The Chief Clerk is a constitutional officer, serving as the custodian of legislative records for the House, certifying the membership of elected representatives, and submitting enrolled bills to the governor. The Chief Clerk is also an officer of the House, overseeing day-to-day House operations, including the management of eight non-partisan administrative staff divisions and over 100 full-time staff, all of whom report to the Chief Clerk. As an officer of the House, the Chief Clerk serves for a two-year term unless removed or reelected by a majority of the 163-member House. Additionally, the Chief Clerk is a liaison to the Administration and Accounts Committee, which oversees the financial and business affairs of the House. The Chief Clerk advises and at times takes direction from this committee in the administration of House policy and the $22 million annual House operating budget.

On January 4, 2023, Dean Plocher was elected Speaker of the House ("Speaker"). Like the Chief Clerk, the Speaker is a constitutional officer and an officer of the House. Plocher had announced he would be running for Lieutenant Governor in the 2024 election.

Miller's Activities Regarding Fireside Software

On May 17, 2023, Miller received a call from Representative D.W., who chaired the Administration and Accounts Committee. Rep. D.W. asked Miller to attend a sales presentation for the commercial software package Fireside, which is used for constituent management services. Rep. D.W. wanted Miller to provide feedback as to whether Fireside would be beneficial for official state use.

On May 30, 2023, Plocher and his Chief of Staff K.R. met with Miller. Plocher was pursuing the Fireside software, claiming the House's current software was "outmoded." Plocher told Miller his assistant had been working directly with a lobbyist who represented FiscalNote, the parent company of Fireside. Miller advised Plocher that the existing software was developed by House staff, maintained internally using registered voter data obtained from the Secretary of State, and was recently updated in late 2022. Plocher dismissed Miller's remarks, stating, "We need to get this program [Fireside] up and going before the next campaign cycle kicks in." Miller reminded Plocher that programs purchased with state funds and data maintained for official use could not be used for campaign purposes, which would likely be a violation of both state and federal campaign laws. Miller alleged that, after this meeting, Rep. D.W. told her he thought Plocher's interest in buying Fireside was directly related to the prospect of

Plocher's receiving "a large campaign donation." Rep. D.W. asked Miller to attend the Fireside presentation as a courtesy but not to make a commitment.

Miller attended the Fireside demonstration on June 5, 2023, which was presented by a FiscalNote representative. At the meeting, Miller expressed concerns that the software was cloud based, which raised security issues. A salesperson for Fireside said "the speaker and [House] leadership would 'own' all of the data," and they have access to run "reports." The Speaker currently is not given access to "all" of the data in the existing in-house constituent management program. Rather, the registered voter data for each district is maintained separately and access is district specific, granted only to the state representative and their legislator assistant. Miller was alarmed by the excessive cost of the software, which was $388,000 annually, with a minimum two-year term and an automatic renewal clause. Miller did not believe the expenditure was in the House budget.

On June 9, 2023, Miller told Plocher in a telephone conversation her opinion that the Fireside software was too expensive, a waste of taxpayer funds, and unnecessary. Plocher responded, "Ok" and abruptly ended the call. On June 12, 2023, Miller responded to a request from Rep. D.W. for a comparison of Fireside and the existing constituent management program. She detailed her concerns about Fireside in a 12-page memo she emailed to him.

Throughout the summer of 2023, the pressure to enter into a contract with FiscalNote to purchase the Fireside program continued. For example, in a July 10, 2023 voicemail, Rep. D.W. told Miller that Plocher "is really pushing forward with this [constituent management] program," and "[Plocher] says you work for him and you will do what he says." In another phone conversation, Rep. D.W. told Miller that Plocher was "furious" that she was not agreeing to purchase Fireside. On July 11, 2023, Miller emailed Plocher and restated her concerns about Fireside, calling the software "cost prohibitive, redundant, and an unnecessary expense." Later that month, Miller called members of the Administration and Accounts Committee to report her concerns about Fireside.

On July 26, 2023, Miller learned that a FiscalNote employee had emailed both Plocher and Rep. D.W. a proposed contract for Fireside, with an effective date of August 31, 2023, and Plocher listed as the principal contact. In response, Miller directed the House General Counsel to inform the FiscalNote employee that House procurement policies prohibit the Speaker from signing off on contracts of this magnitude. The same day, Miller emailed the nine members of the Administration and Accounts Committee her concerns about Fireside and attached her June 12, 2023 memo to Rep. D.W., along with other supporting documents.

Miller continued to receive comments from other representatives stating that Fireside was lobbying them individually to purchase the software. In response to this pressure, on August 8, 2023, Miller emailed all House members and their staff, stating her objections to the software. She attached her June 12, 2023 memo to Rep. D.W., a copy of the House Policy Handbook containing procurement policies, the House financial control plan, and the fiscal year 2024 House budget request.

Despite Miller's efforts, lobbyists and representatives of FiscalNote continued to aggressively push Fireside. On August 18, 2023, Rep. D.W. told Miller that Plocher said he "would take it to a vote" to remove her as Chief Clerk based on her opposition to Fireside.

Miller also discussed the Fireside issue with Plocher's Chief of Staff K.R., who agreed with Miller that she should report it to the Administration and Accounts Committee, and the House Ethics Committee Chair, Rep. H.K. On September 12, 2023, the Administration and Accounts Committee held a hearing on the matter and voted to reject the Fireside software purchase.

Miller's Reports of Plocher's Violations of House Policies and Possible Campaign Finance Violations

Miller alleged in her petition that, in early July 2023, she became aware that Plocher submitted expenditures for reimbursement using public funds through his member's expense account that had already been reimbursed through one of his campaign accounts. House policies required expenditures to be reimbursed with 90 days of purchase; limited reimbursements for travel expenses from member's expense accounts to $2,000 for a single event; and provided that representatives may seek reimbursement only if they personally paid for the expenses and had not already been reimbursed.

On July 5, 2023, Plocher's assistant submitted to Miller a hotel estimate of approximately $3,500 and an airfare receipt of $1,199.60 for a July 2023 trip to Hawaii to attend the Uniform Law Commission ("ULC") annual meeting. Miller noted the airfare was purchased back in January 2023 and was, therefore, ineligible for reimbursement under House policy. Miller then informed Administration and Accounts Committee staff worker D.B. about Plocher's request to exceed the travel limit policy and his seeking expenses outside of the 90-day deadline. Miller researched the Hawaii trip expenses by reviewing Plocher's campaign finance report on file with the Missouri Ethics Commission. She confirmed Plocher's campaign had already paid for a $1,199.60 plane ticket to Hawaii on the same airline for a ULC conference.

On August 7, 2023, Plocher submitted a signed expense account form seeking reimbursement from House leadership funds for expenses relating to his trip to Hawaii. In addition to seeking $3,663.17 for hotel expenses, Plocher also submitted $1,199.60 for his plane ticket. On the morning of August 11, 2023, the House Administration Division sent an email to Plocher's assistant denying the airfare reimbursement because it violated House policy regarding the 90-day deadline. Shortly thereafter, Plocher called Miller and, in a "very contentious" conversation, demanded the House reimburse him for the airfare. Plocher resubmitted his claim, and he was ultimately reimbursed out of House leadership funds instead of his member's expense account.

In the following weeks, an internal audit and investigation showed Plocher sought reimbursement for a number of items for which he had already been reimbursed through his campaign. In addition to the airline ticket to Hawaii, seven other reimbursement requests, totaling $4,309.04, were reimbursed through the "Plocher for Missouri" campaign. Of that amount, the total amount of state funds paid to Plocher that also appeared as paid campaign expenditures was $3,529.94.

In a series of phone calls, Miller reported these facts to House Ethics Committee Chair Rep. H.K. On October 5, 2023, Miller met with Rep. H.K. Miller reported her concerns related to the Fireside issue and the "double-dipping" that had been discovered in Plocher's state expense account and his campaign. On October 17, 2023, Plocher wrote checks back to the House, ultimately reimbursing the House a total of $3,998.24 for expenses wrongly submitted for reimbursement.

Plocher's Terminations of Employees, Violation of House Disciplinary Policies, and Alleged Abuse of Authority

On October 3, 2023, Plocher's Chief of Staff K.R. told Miller that Plocher's campaign consultants hated her, K.R., and other House staff who opposed the Fireside contract. Plocher fired K.R. on October 17, 2023. Upon learning of K.R.'s termination, Miller reported to Human Resources Officer and Director of House Administration L.H. that Plocher had violated several House policies, including the policy on progressive discipline and immediate termination. Miller also expressed concerns that K.R. was a potential whistleblower.

On October 27, 2023, Miller appeared before the House Ethics Committee. In her statement to the committee, Miller stated that Plocher had violated a number of House policies in terminating Chief of Staff K.R., including the House policy on progressive discipline. That same day, Rep. C.S. filed a formal ethics complaint against Plocher. The complaint was referred to the House Ethics Committee on October 31, 2023.

On November 2, 2023, the Speaker's General Counsel J.B. emailed her resignation to Miller, the Human Resources Director, and Plocher. Miller expressed to

Plocher's prospective new Chief of Staff Rodney Jetton that she wanted to transfer J.B. into the vacant position of House Legislative Counsel. Jetton said Plocher supported this move to avoid the negative publicity if J.B.'s resignation became public. However, after J.B. refused to rescind her resignation, Plocher withdrew his approval of J.B.'s transfer.

On November 16, 2023, Plocher officially hired Jetton as his new Chief of Staff. The next day, Miller told Jetton that J.B.'s transfer was in process, despite the Speaker's opposition. On November 20, 2023, Miller met with Jetton and told him her concerns for the retaliation that was occurring in response to the Fireside matter and that transferring J.B. was necessary in order to remove her from a hostile work environment. Plocher refused to meet with Miller to discuss these issues. On November 21, 2023, J.B. was transferred to the nonpartisan Legislative Counsel position.

That same day, Miller sent an email to House Ethics Committee Chair Rep. H.K. and Vice Chair Rep. R.S. Miller relayed her concerns regarding the personnel actions involving J.B., Jetton, and Plocher. Jetton sent an email to Human Resources Director L.H. telling her to hold off on any additional hiring of personnel because Plocher would be "reorganizing staffing." Jetton confirmed this hiring freeze extended to all positions.

On November 28, 2023, Jetton met with Miller and admitted the hiring freeze was in response to J.B.'s transfer. Miller disputed Jetton's contention that J.B.'s internal transfer required the Speaker's approval. On November 30, 2023, J.B. gave notice of her resignation from the Legislative Counsel position.

On December 6, 2023, Administration and Accounts Committee staff worker D.B. informed Miller that Rep. D.W. and Jetton met to discuss "the Chief Clerk's authority."

In a December 21, 2023 meeting, Jetton said Miller had “disobeyed a direct order” by transferring J.B.; Plocher “had lost all confidence in her”; and Plocher would henceforth begin “micromanaging” Miller. Jetton further stated that Rep. D.W. would begin making employment decisions for all House staff. D.B. stated that Plocher and Jetton both spoke at length about ways to “restrict” Miller’s authority, and that Plocher said Miller had “extremely abused her authority.” D.B. stated that Jetton told her they needed to “choke” the Chief Clerk’s authority. On December 21, 2023, after meeting with Miller, D.B. sent an email to Human Resources staff, outlining Jetton’s directive to remove the Chief Clerk’s authority to approve hiring decisions.

Consistent with this, Jetton told Human Resources Officer and Director of House Administration L.H. that Miller might be excluded from the interview process for the Legislative Counsel position, even though the position reported jointly to the Chief Clerk. On January 5, 2024, Miller met with L.H., who was distraught and sobbing. L.H. told Miller that Jetton had said “terrible things” that she could not share with Miller, even though Miller was L.H.’s direct supervisor. Miller met with Rep. J.P. on January 8, 2024, and requested his help “to stop the retaliatory threats and bullying” by Plocher and Jetton against House administrative staff.

On January 9, 2024, Administration and Accounts Committee Vice Chair Rep. P.M. received a copy of a proposed new House policy, prepared by Rep. D.W.’s office, that would remove Miller’s authority to discipline or terminate staff. On January 10, 2024, Miller reported Jetton’s statement about “choking” the Chief Clerk’s authority to Human Resources Officer and Director of House Administration L.H. On January 29, 2024, Miller received a call from Representative S.C., a member of the Administration and Accounts Committee, who stated that Jetton had asked for his support to remove the Chief Clerk's authority. Rep. S.C. told Miller that Jetton was "all in to take you [Miller] out."

Miller's Opposition to Hiring of Legislative Counsel

On February 9, 2024, Jetton informed Human Resources Officer and Director of House Administration L.H. by email that Plocher and Rep. D.W. had decided to hire D.L. as Legislative Counsel. On February 12, 2024, Miller responded to the email by stating she did not feel comfortable hiring D.L. because she had been excluded from the interview process. Jetton went to L.H.'s office, who called General Counsel B.S. to join them. In a contentious meeting, Jetton referred to "the Rule of 82," which Miller understood was an implied threat to take a House vote to remove her as Chief Clerk.

Plocher subsequently wrote a letter addressed to Miller containing complaints and accusations against her. The letter criticized Miller for opposing the hiring of D.L. for the Legislative Counsel position, which was supposed to be a nonpartisan position. Plocher shared this letter with representatives but did not give the letter to Miller; instead, a representative who received a copy of the letter provided it to her. On March 1, 2024, Miller learned Jetton was circulating the letter to lay out a case against her regarding her opposition to D.L.'s hiring. Miller believed the letter was being used to garner support to violate House rules or to seek to remove her as Chief Clerk.

On March 4, 2024, the House Ethics Committee met. After deliberations, the committee issued a report, which Miller received. It stated, in part, that Rep. D.W. told a number of witnesses that Plocher "hates Dana Miller and is going to go after her however he can." The report further stated that "it would not be difficult for her to establish her status as a whistleblower." The report recommended further investigation into the Fireside matter and Plocher's misuse of his expense account.

On March 5, 2024, Human Resources Officer and Director of House Administration L.H. sent a complaint to House Ethics Committee Chair Rep. H.K. stating her concerns of retaliation against herself and numerous other employees. L.H. further stated she had told Jetton that it was clear that Plocher "couldn't fire [Miller] because he would have to take a vote on the floor and that they didn't have the votes so the only way to get back at her was to start firing non-partisan staff that reported to her."

On March 9, 2024, General Counsel B.S. sent a memo to Rep. H.K. and Miller stating that "retaliation to the Chief Clerk and other administrative staff due to the 'Fireside Fallout' continues, putting the House and state funds at legal risk." B.S stated to Miller that he felt "helpless" to protect his client, the House. On March 13, 2024, Miller testified before the House Ethics Committee.

Miller's Petition for Damages

On May 31, 2024, Miller filed a petition for damages against the House; Plocher, in his capacity as Speaker; and Jetton, in his capacity as Chief of Staff for Plocher as Speaker. Miller asserted a whistleblower claim under Section 105.055,[1] alleging that, after she reported what she reasonably believed were violations of the law, rules and/or

[1] All statutory references are to the Revised Statutes of Missouri 2016, as updated by the 2024 Cumulative Supplement.

regulations, and policy; mismanagement; a gross waste of funds; abuse of authority; a waste of public resources; and/or breaches of professional ethical canons, she was subjected to acts of retaliation and threats of disciplinary action directed against her by the defendants. She alleged her reporting and complaints were the motivating factor in the defendants' decision to target her for retaliation and/or discipline and to threaten her employment. Miller alleged she was damaged by the defendants' actions in that she suffered emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life.

All three defendants filed a motion to dismiss. The House asserted in its motion that Miller failed to state a whistleblower claim because she did not allege facts showing she had a supervisor or appointing authority in the House who took any disciplinary action against her after she disclosed new or previously unknown alleged prohibited activities. The House also asserted that sovereign immunity barred her claim. Miller voluntarily dismissed her claim against Jetton with prejudice. The court granted the House's and Plocher's motions and dismissed Miller's claims against them with prejudice. Miller appeals only the dismissal of her whistleblower claim against the House.

STANDARD OF REVIEW

We review the grant of a motion to dismiss de novo. *Matthews v. Harley-Davidson*, 685 S.W.3d 360, 365 (Mo. banc 2024). In determining the propriety of a dismissal, we consider only the grounds raised in the motion to dismiss and will not consider matters outside the pleadings. *City of Lake Saint Louis v. City of O'Fallon*, 324

S.W.3d 756, 759 (Mo. banc 2010). "A motion to dismiss for failure to state a claim on which relief can be granted is solely a test of the adequacy of the petition." *Matthews*, 685 S.W.3d at 366 (citation omitted). We do not weigh the factual allegations in the petition to determine if they are credible or persuasive. *Id*. Rather, we review the petition "to determine if the facts alleged meet the elements of a recognized cause of action, or of a cause that might be adopted in that case." *Id*. (citation omitted).

ANALYSIS

Because the circuit court did not specify the grounds for its dismissal, Miller's four points on appeal address each of the grounds asserted in the motion to dismiss. In her first three points, Miller asserts she pled sufficient facts to meet the elements of a whistleblower claim under Section 105.055, and in her fourth point, she argues sovereign immunity does not bar her claim.

Section 105.055.3(1)(a)-(b), the whistleblower statute, protects public employees by prohibiting any "supervisor or appointing authority of any public employer" from taking "any disciplinary action whatsoever against a public employee . . . for the disclosure of information the employee reasonably believes evidences a violation of any law, rule, or regulation" or other wrongful activity such as "mismanagement, a gross waste of funds or abuse of authority, violation of policy, [or] waste of public resources." The statute defines a "disciplinary action" as "any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee's compensation." § 105.055.1(1). "Simply put, a public employer cannot retaliate against a public employee for reporting certain types of wrongdoing." *Richest v. City of Kansas City*, 643 S.W.3d 610, 613 (Mo. App. 2022).

In Point I, Miller contends the circuit court erred in dismissing her claim because she alleged facts showing disciplinary action was taken against her by "a supervisor or appointing authority" as that term is used in Section 105.055.3. Specifically, she argues the petition alleged that Plocher, as Speaker, exercised supervision and control over her and, therefore, was a "supervisor or appointing authority."

Section 105.055 does not define the term "supervisor." "Absent statutory definition, words used in statutes are given their plain and ordinary meaning with help, as needed, from the dictionary." *R.M.A. v. Blue Springs R-IV Sch. Dist.*, 717 S.W.3d 187, 194 (Mo. banc 2025) (citation omitted). The dictionary defines "supervisor" as "one that supervises a person, group, department, organization or operations : as **a :** such a person having authority delegated by an employer to hire, transfer, suspend, recall, promote, assign, or discharge another employee or to recommend such action." *Supervisor*, WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 2296 (Unabridged ed. 2002).

Neither the Missouri Constitution nor the House rules bestow upon the Speaker the authority to supervise or control the Chief Clerk. The Missouri Constitution empowers the House to "determine the rules of its own proceedings" and "appoint its own officers." MO. CONST. Art. III, § 18. House Rule 6 provides for the election of House officers, stating:

> The House shall elect the following officers at the commencement of the first regular session of each general assembly: its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief

> Clerk, a Sergeant-at-Arms, a Doorkeeper, and a Chaplain, who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members.

Thus, under this rule, the Speaker and the Chief Clerk are both officers of the House. Because Article III, Section 3 of the Missouri Constitution provides that the House consists of 163 members elected at each general election, it would take 82 members to vote to remove the Chief Clerk. The Speaker could not, on his own and without the majority of members, remove the Chief Clerk.

House Rules distinguish "officers" of the House from "employees" of the House. House Rule 12 gives the Speaker "general supervision and control over all employees of the House." "Employees" of the House are discussed in House Rule 20, which provides: "The House may employ, and the Speaker appoint, such employees as are necessary to perform the duties of the House." The Chief Clerk is not appointed by the Speaker but is elected by the House under House Rule 6; therefore, the Chief Clerk is not an "employee" subject to the Speaker's powers of general supervision and control of employees under House Rule 12.

House Rule 18 does give the Speaker the ability to direct certain duties of the Chief Clerk, as it states, in pertinent part:

> It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall prepare and keep the House Journal and seasonably record the proceedings of the House; keep regular files of House papers, attest all writs, warrants, and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the

> Senate messages, communications, copies, and documents of the House; keep a docket of proceedings on all bills, resolutions, and acts; and execute the commands of the House from time to time.

That the Chief Clerk is to perform the administrative duties delineated in House Rule 18 "under the direction of the Speaker" does not bestow upon the Speaker the authority to control or supervise the Chief Clerk beyond directing the performance of those specific ministerial duties. No House rule gives the Speaker the authority to take any disciplinary action, as that term is defined in Section 105.055.1(1), against the Chief Clerk.

Miller acknowledges in her brief that, under the House rules, the Chief Clerk could be removed only by a majority vote of the House and, further, that the House rules "say nothing about the Speaker's authority to take lesser disciplinary actions against [the Chief Clerk]." Nevertheless, Miller argues the facts she pled in her petition show that "Plocher *acted* as her supervisor." (Emphasis added.) She explains that, while Plocher could not directly remove her without a House vote, he attempted to do so "by drumming up the necessary support for her termination, and circulating a memorandum to House Republicans, in which he claimed that Miller had usurped his authority, violated House Rules, and ignored his directions."

Accepting the allegations in Miller's petition as true, Plocher's statements to and about Miller evinced his disagreement with her and an animus toward her. Miller alleged Plocher communicated to Miller and others that he believed Miller worked for him, that he could "choke" her authority, and that he could have her removed as Chief Clerk. Plocher's apparent belief about the scope of his authority over Miller, however, did not enlarge his authority beyond that granted in the House rules. Under House rules, Miller was an officer of the House who answered only to a majority vote of the full House. Thus, while Plocher may have expressed a desire to supervise, control, and remove Miller as Chief Clerk, he had no authority to do so. Indeed, Plocher had no more authority over Miller than any other House member had over her. The most Plocher could do was seek a full House vote to remove her as Chief Clerk, and no vote to remove Miller ever occurred.

Miller did not allege sufficient facts showing Plocher was her supervisor or appointing authority; therefore, she failed to state a whistleblower claim under Section 105.055. Point I is denied. Because the court properly dismissed Miller's claim against the House on this basis, we need not address Miller's remaining three points challenging the dismissal on the other grounds stated in the House's motion to dismiss.

CONCLUSION

The judgment is affirmed. Miller's request for an award of attorney fees on appeal is denied.

LISA WHITE HARDWICK, JUDGE

All Concur.