MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106

DIVISION 1

GARY D. WITT, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
MARK D. PFEIFFER, JUDGE

DIVISION 2

ALOK AHUJA, PRESIDING JUDGE
KAREN KING MITCHELL, JUDGE
NEW JUDGE

DIVISION 3

JOSEPH M. ELLIS, PRESIDING JUDGE
LISA WHITE HARDWICK, JUDGE
CYNTHIA MARTIN, JUDGE

DIVISION 4

JAMES E. WELSH, CHIEF JUDGE, PRESIDING
VICTOR C. HOWARD, JUDGE
PEGGY STEVENS MCGRAW, SPECIAL JUDGE

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

DIVISION 1: THIS DIVISION WILL SIT ON OUR MID-MISSOURI DOCKET. ON APRIL 3, 2013, IT WILL SIT AT WILLIAM WOODS UNIVERSITY, FULTON, MISSOURI. DOCKET CALL IS AT 1:00 P.M. ON APRIL 4, 2013, IT WILL SIT AT THE UNIVERSITY OF MISSOURI LAW SCHOOL, COLUMBIA, MISSOURI. DOCKET CALL IS AT 9:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON APRIL 11, 2013 WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON APRIL 10 AND 17, 2013. ON APRIL 10, IT WILL SIT AT TRUMAN STATE UNIVERSITY, KIRKSVILLE, MISSOURI. DOCKET CALL WILL BE AT 9:30 A.M. ON APRIL 17, IT WILL SIT HERE AT THE COURT OF APPEALS IN KANSAS CITY, MO. DOCKET CALL IS AT 9:00 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON APRIL 16, 2013 WITH SPLIT DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:
In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as "expanded oral argument" argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant. If your case is expanded oral argument, there will be a notation next to the case.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

Original exhibits shall be deposited with the appellate court on or before the day the reply brief is due or when the court so directs, whichever is earlier. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

DIVISION 3

JOSEPH M. ELLIS, PRESIDING JUDGE

LISA WHITE HARDWICK, JUDGE

CYNTHIA MARTIN, JUDGE

APRIL, 2013

IMPORTANT NOTE

THIS DIVISION WILL SIT ON APRIL 10 AND 17, 2013. ON APRIL 10, IT WILL SIT AT TRUMAN STATE UNIVERSITY, KIRKSVILLE, MISSOURI. DOCKET CALL WILL BE AT 9:30 A.M. ON APRIL 17, IT WILL SIT HERE AT THE COURT OF APPEALS IN KANSAS CITY, MO. DOCKET CALL IS AT 9:00 A.M.

PLEASE NOTE THE DATE AND TIME OF YOUR ARGUMENT. THIS INFORMATION IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE IS LISTED.

MEMO

TO: All Attorneys with cases on April 10, 2013 District docket at Truman State University, Kirksville, Missouri

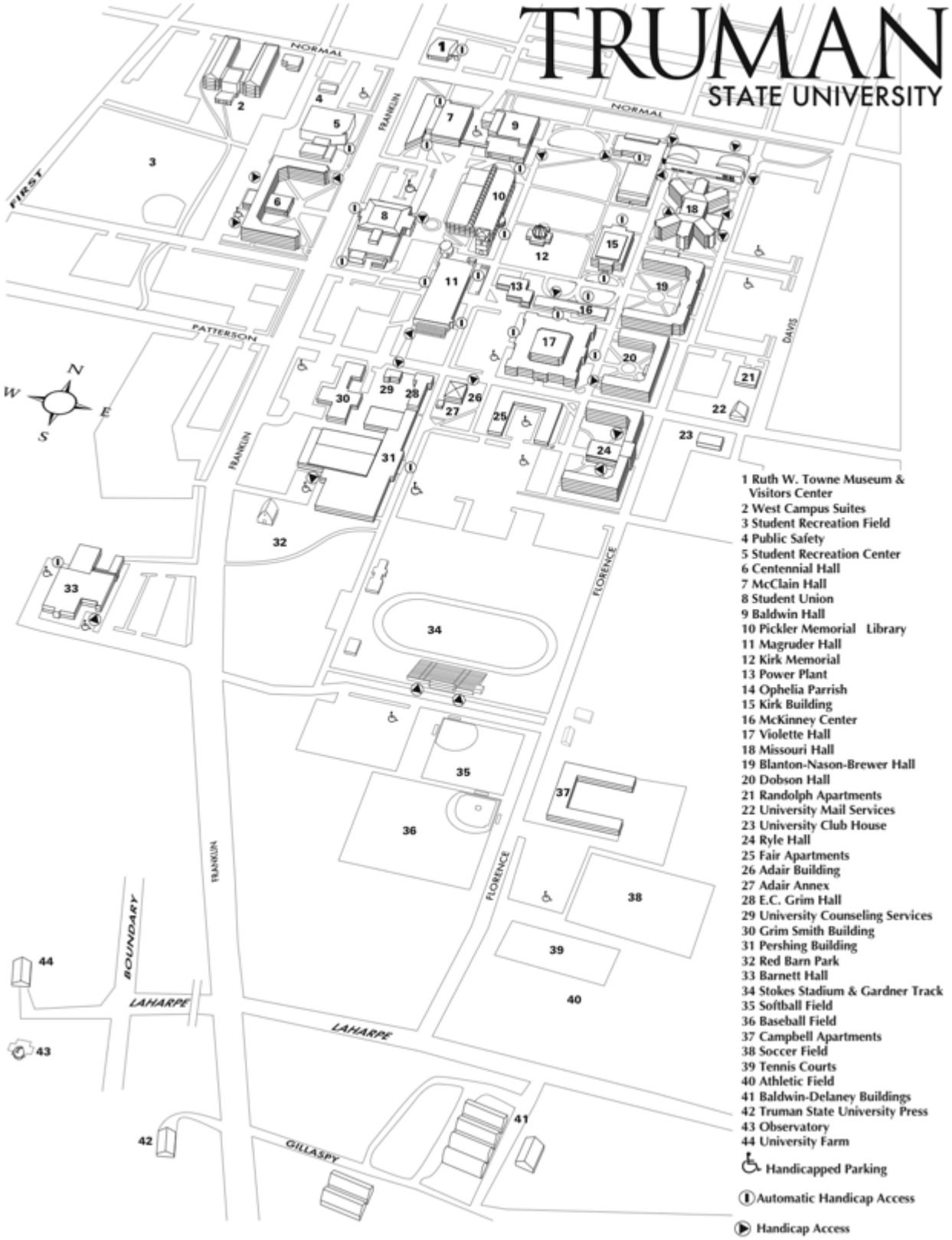
FROM: Terence G. Lord, Clerk

DATE: February 28, 2013

Your case is scheduled for oral argument on April 10, 2013 at Truman State University. Docket call will be at 9:30 a.m. The arguments will take place in the Activities Room in the Student Union Building. The Activities Room is the big room on the south (right) side of the stairs on the top floor. Directions to the Student Union Building are as follows: If you're coming from the south on Highway 63, turn left at the first light in Kirksville (Business 63), go straight at the next four-way stop (you should be on Franklin), and the student union entrance is at the next lighted crosswalk. If you're coming in from Highway 6 from the west, turn south on 63 and go to the light at Normal Street. Turn right (Kentucky Fried Chicken is on the left). Go to the next stop light (Franklin) and turn left. The student union building would be on your left at the lighted crosswalk.

Here are parking directions for visitors at Truman State University:

Attorneys can stop by the Department of Public Safety office on Normal and Franklin and pick up a visitor pass that will allow them to park in any lot on campus. The Department of Public Safety (DPS) office is located at the corner of Franklin and Normal. Attached is a map and a phone number to assist you in finding their office. If you have any questions, please feel free to call me at 816-889-3600.


TRUMAN
STATE UNIVERSITY
NORMAL
FRANKLIN
FIRST
PATTERSON
DAVIS
FLORENCE
BOUNDARY
LAHARPE
GILLASPY
N
W
E
S
1 Ruth W. Towne Museum & Visitors Center
2 West Campus Suites
3 Student Recreation Field
4 Public Safety
5 Student Recreation Center
6 Centennial Hall
7 McClain Hall
8 Student Union
9 Baldwin Hall
10 Pickler Memorial Library
11 Magruder Hall
12 Kirk Memorial
13 Power Plant
14 Ophelia Parrish
15 Kirk Building
16 McKinney Center
17 Violette Hall
18 Missouri Hall
19 Blanton-Nason-Brewer Hall
20 Dobson Hall
21 Randolph Apartments
22 University Mail Services
23 University Club House
24 Ryle Hall
25 Fair Apartments
26 Adair Building
27 Adair Annex
28 E.C. Grim Hall
29 University Counseling Services
30 Grim Smith Building
31 Pershing Building
32 Red Barn Park
33 Barnett Hall
34 Stokes Stadium & Gardner Track
35 Softball Field
36 Baseball Field
37 Campbell Apartments
38 Soccer Field
39 Tennis Courts
40 Athletic Field
41 Baldwin-Delaney Buildings
42 Truman State University Press
43 Observatory
44 University Farm
Handicapped Parking
Automatic Handicap Access
Handicap Access

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

10-Apr-2013 09:30 **DIVISION 3** **Truman State University**

1. WD75423 SALINE COUNTY CIRCUIT COURT

EMILY BAKER, RESPONDENT
vs
DEPARTMENT OF MENTAL HEALTH FOR THE STATE OF MISSOURI, APPELLANT

DEPARTMENT OF MENTAL HEALTH, Appellant
DARYL RYAN TAYLOR
EMILY BAKER, Respondent
JONATHAN DAVID MCQUILKIN

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2. WD75593 RANDOLPH COUNTY CIRCUIT COURT

GRAVES M SANDFORD, ET AL., APPELLANTS
vs
PROVIDENCE BANK, RESPONDENT

GRAVES M SANDFORD, Appellant
DANIEAL HOWARD MILLER
ZANDRA SANDFORD, Appellant
DANIEAL HOWARD MILLER
PROVIDENCE BANK, Respondent
JONATHAN C BROWNING

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3. WD75236 SALINE COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT
vs
RYAN A WHITES, APPELLANT

RYAN A WHITES, Appellant
ALEXA IRENE PEARSON
STATE OF MISSOURI, Respondent
SHAUN MACKELPRANG

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4. WD75305 ADAIR COUNTY CIRCUIT COURT

C. DAVID ROUNER AND ALISHA HUDSON, APPELLANTS
vs
CARI RENEE WISE, INDIVIDUALLY AND AS AS CO-TRUSTEE OF THE K.R. CONKLIN LIVING TRUST, AND CARLI NICOLE CONKLIN, INDIVIDUALLY AND AS CO-TRUSTEE OF THE K.R. CONKLIN LIVING TRUST, RESPONDENTS

C DAVID ROUNER, Appellant
MARK L. WILLIAMS
JOHN JAY BENSON
ALISHA HUDSON, Appellant
MARK L. WILLIAMS
JOHN JAY BENSON
CARI RENEE WISE, Respondent
ROBERT JAMES SELSOR
CARLI NICOLE CONKLIN, Respondent
ROBERT JAMES SELSOR

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5. WD75227 JACKSON COUNTY CIRCUIT COURT

FREIGHT HOUSE LOFTS CONDO ASSOCIATION, RESPONDENT
vs
VSI METER SERVICES, INC, APPELLANT; CITY OF KANSAS CITY, MISSOURI, DEFENDANT

VSI METER SERVICES, INC, Appellant
LAWRENCE L. PRATT
PORTIA CELESTE KAYSER
CITY OF KANSAS CITY, MISSOURI, Defendant
FREIGHT HOUSE LOFTS CONDO ASSOCIATION, Respondent
JEFFREY ALAN BENOIST

MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

17-Apr-2013 09:00 **DIVISION 3** **Western District Ct of Appeals**

1. WD74550 BUCHANAN COUNTY CIRCUIT COURT

JANET WINSLOW PETERSON AND LINDA WINSLOW LAMBRIGHT, APPELLANTS,
vs
PROGRESSIVE CONTRACTORS, INC., ET AL., RESPONDENTS.

LINDA WINSLOW LAMBRIGHT, Appellant
EDWIN H SMITH
JANET WINSLOW PETERSON, Appellant
EDWIN H SMITH
PROGRESSIVE CONTRACTORS,INC, Respondent
PATRICK LOUIS MICKEY
TERESA MICHELLE YOUNG
THOMAS MICHAEL WARD
HIGHWAY TECHNOLOGIES, INC., Respondent
STEPHEN LEE BEIMDIEK
SARAH J HUGG

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2. WD75725 JACKSON COUNTY CIRCUIT COURT

REBECCA FLOYD-TUNNELL, ET AL., APPELLANTS
vs
SHELTER MUTUAL INSURANCE COMPANY, RESPONDENT

REBECCA FLOYD-TUNNELL, Appellant
JAMES EDWARD CORBETT JR
DAVID THOMAS TUNNELL
DORIS J FLOYD, Appellant
JAMES EDWARD CORBETT JR
DAVID THOMAS TUNNELL
SHELTER MUTUAL INSURANCE COMPANY, Respondent
WILLIAM CLAYTON CRAWFORD
JAMES PATRICK MALONEY

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3. WD75428 JACKSON COUNTY CIRCUIT COURT

NATHANIEL SHERER, ET AL., APPELLANT
vs
BANK OF AMERICA, N.A., ET AL., RESPONDENT

NATHANIEL SHERER, Appellant
JAMIE BARKER LANDES
MICHELLE SHERER, Appellant
JAMIE BARKER LANDES
BAC HOME LOANS SERVICING, LP, Respondent
THOMAS EDWARD NANNEY
BANK OF AMERICA, N.A., Respondent
THOMAS EDWARD NANNEY
KOZENY & MCCUBBIN, P.C., Respondent
ERIC BRYSON WETZEL

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4. WD75239 LABOR AND INDUSTRIAL RELATIONS

LYLE HERMAN, APPELLANT
vs
RMF INDUSTRIES, INC., DEFENDANT; DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

LYLE HERMAN, Appellant
JEFFREY B BERMAN
RMF INDUSTRIES, INC, Defendant
STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent
CHRISTINE KATHERINE LESICKO

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MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Docket

17-Apr-2013 **09:00** **DIVISION 3** **Western District Ct of Appeals**

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5. WD75373 CLAY COUNTY CIRCUIT COURT

JESSICA CHAVEZ, RESPONDENT
vs
CEDAR FAIR, LP, APPELLANT

CEDAR FAIR, LP, Appellant
DAVID RYAN FRYE
THOMAS H STAHL
REBECCA JEAN MCMAHON
JESSICA CHAVEZ, Respondent
HERBERT WILLIAM MCINTOSH
STEVEN L HOBSON

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6. WD74608 BATES COUNTY CIRCUIT COURT

RICHARD ALLEN ZINN, APPELLANT
vs
MARY OLENA FORD ZINN, RESPONDENT

RICHARD ALLEN ZINN, Appellant
JACK A COCHRAN
MARY OLENA FORD ZINN, Respondent
CHARLES CLIFFORD CURRY