

**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
CINDY MARTIN, JUDGE (SITTING AT 9:00)
GARY WITT, JUDGE (SITTING AT 10:30)

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 K-HK GD@H8C7?9H75@@G 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 2

ALOK AHUJA, PRESIDING JUDGE

KAREN KING MITCHELL, JUDGE

CYNTHIA MARTIN, JUDGE (SITTING AT 9:00 A.M.)

GARY WITT, JUDGE (SITTING AT 10:30 A.M.)

APRIL, 2013

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON APRIL 4 AND 11, 2013. EACH DAY
WILL HAVE SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.**



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



**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

11-Apr-2013 09:00

DIVISION 2

Western District Ct of Appeals

1. WD75306

PLATTE COUNTY CIRCUIT COURT

**MAHVASH A BEYGHI AND ARAMESH NAZARI, APPELLANTS
vs
SAFECO INSURANCE CO OF ILLINOIS, ET AL., RESPONDENTS**

ARAMESH NAZARI, Appellant
 JAMES EDWARD KILEY JR
 STEPHEN WAYNE NICHOLS
MAHVASH A BEYSHI, Appellant
 JAMES EDWARD KILEY JR
 STEPHEN WAYNE NICHOLS
SAFECO INSURANCE COMPANY OF ILLINOIS, Respondent
 LEONARD RANDALL FRISCHER
 DARYA VLADIMIROVNA LYESCHENKO
MICHAEL J BONDS, Respondent
 LEONARD RANDALL FRISCHER
 DARYA VLADIMIROVNA LYESCHENKO

**2. WD75536
WD75537**

JACKSON COUNTY CIRCUIT COURT

**CAROLEE NOBLE, ET AL., AND JO ANN K NILGES, ET AL, APPELLANTS
vs
SHAWNEE GUN SHOP, INC., RESPONDENT**

WAYNE NILGES, Appellant
 RANDY WAYNE JAMES
JOANN K NILGES, Appellant
 RANDY WAYNE JAMES
LEO NOBLE, Appellant
 RANDY WAYNE JAMES
CAROLEE NOBLE, Appellant
 RANDY WAYNE JAMES
SHAWNEE GUN SHOP, INC., Respondent
 KELLY ANN RICKE

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

11-Apr-2013 09:00

DIVISION 2

Western District Ct of Appeals

3. WD75041

CLAY COUNTY CIRCUIT COURT

**ELIZABETH KUBA (HUNGERFORD), APPELLANT
vs
MARK KUBA, RESPONDENT**

ELIZABETH KUBA, Appellant
MICHAEL CHESTER MCINTOSH
MARK KUBA, Respondent
JEFFREY S. ROYER

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

11-Apr-2013 10:30

DIVISION 2

Western District Ct of Appeals

1. WD74974

BATES COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT
vs
CHRISTOPHER JAMES WADEL, APPELLANT**

CHRISTOPHER JAMES WADEL, Appellant
WILLIAM J. SWIFT
STATE OF MISSOURI, Respondent
JESSICA PAIGE MEREDITH

2. WD73778

ANDREW COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT
vs
ANTONIO ONATE, APPELLANT**

ANTONIO ONATE, Appellant
PHILLIP RAY GIBSON
STATE OF MISSOURI, Respondent
RICHARD ANTHONY STARNES

WESTERN DISTRICT CT OF APPEALS

Docket

11-Apr-2013 10:30

DIVISION 2

Western District Ct. of Appeals

CASS OUNTY CIRCUIT COURT

3. **WD74429**

WD74436,WD74950

CITY OF HARRISONVILLE, APPELLANT-RESPONDENT

vs

**MCCALL SERVICE STATIONS D/B/A BIG TANK OIL, ET AL., RESPONDENT-APPELLANT; THE
MISSOURI PETROLEUM STORAGE TANK INSURANCE FUND, RESPONDENT-APPELLANT**

CITY OF HARRISONVILLE, MISSOURI, Appellant-Respondent

STEVEN E MAUER

MCCALL SERVICE STATIONS, Respondent-Appellant

GLENN EDWARD BRADFORD

NANCY LEAH SKINNER

MISSOURI PETROLEUM STORAGE TANK INSURANCE FUND, Respondent-Appellant

GLENN EDWARD BRADFORD

ROBERT GREGORY GROVES

NANCY LEAH SKINNER

MCCALL SERVICE STATIONS, Respondent-Appellant

GLENN EDWARD BRADFORD

ROBERT GREGORY GROVES

DONALD ANTHONY WILLOH JR.

FLEMING PETROLEUM OF KANSAS, Respondent-Appellant

GLENN EDWARD BRADFORD

ROBERT GREGORY GROVES

NANCY LEAH SKINNER

DONALD ANTHONY WILLOH JR.

MISSOURI PETROLEUM STORAGE TANK INSURANCE FUND, Respondent-Appellant

GLENN EDWARD BRADFORD

DONALD ANTHONY WILLOH JR.

Arg. expanded to 15 min. for Res-App; 15 min. for App-Res. & 5 min. Res-App rebuttal

CONTINUED TO MAY

4. **WD75214**

PETTIS COUNTY CIRCUIT COURT

ANTHONY DEWAYNE COLLINS, RESPONDENT

vs

DIRECTOR OF REVENUE, STATE OF MISSOURI, APPELLANT

MISSOURI DEPARTMENT OF REVENUE, Appellant

JAMES ARTELLE CHENAULT III

RACHEL M JONES

ANTHONY DEWAYNE COLLINS, Respondent

JOHN HENRY EDMISTON