

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

DIVISION 1

VICTOR C. HOWARD, PRESIDING JUDGE
JOSEPH M. ELLIS, JUDGE
ANTHONY REX GABBERT, JUDGE

DIVISION 2

THOMAS H. NEWTON, PRESIDING JUDGE
KAREN KING MITCHELL, JUDGE
GARY D. WITT, JUDGE

DIVISION 3

LISA WHITE HARDWICK, PRESIDING JUDGE
MARK D. PFEIFFER, JUDGE
CYNTHIA MARTIN, JUDGE

DIVISION 4

JAMES E. WELSH, CHIEF JUDGE, PRESIDING
ALOK AHUJA, JUDGE
EDITH L. MESSINA, SPECIAL JUDGE

AUGUST, 2013

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 AUGUST 6 AND 29, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON AUGUST 8 AND 21, 2013, WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON AUGUST 14 AND 28, 2013 WITH SPLIT DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON AUGUST 7, 2013 WITH A SPLIT DOCKET AT 9:00 AND 10:30.

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" preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

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

THOMAS H. NEWTON, PRESIDING JUDGE

KAREN KING MITCHELL, JUDGE

GARY D. WITT, JUDGE

AUGUST, 2013

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON AUGUST 8 AND 21, 2013 WITH
SPLIT DOCKET CALLS AT 9:00 AND 10:30 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.***



**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

8-Aug-2013 09:00

DIVISION 2

Western District Ct of Appeals

1. **WD75762** JACKSON COUNTY CIRCUIT COURT

**IN THE INTEREST OF: J.I.S., APPELLANT
vs
JUVENILE OFFICER, RESPONDENT**

Appellant
PATRICIA ANN HARRISON
Respondent
MICHAEL REID FOGAL

2. **WD75943** JACKSON COUNTY CIRCUIT COURT

**STANLEY FANNING, RESPONDENT,
vs
PROGRESSIVE NORTHWESTERN INSURANCE COMPANY, APPELLANT.**

PROGRESSIVE NORTHWESTERN INSURANCE COMPANY, Appellant
NIKKI CANNEZZARO
STANLEY FANNING, Respondent
WALTER R SIMPSON

3. **WD75901** JACKSON COUNTY CIRCUIT COURT
WD75902

**STANLEY BRAND AND BRADLEY L FREILICH, M.D., APPELLANTS,
vs
KANSAS CITY GASTROENTEROLOGY & HEPATOLOGY, LLC, APPELLANT, AND TRAVELERS
INDEMNITY COMPANY OF AMERICA, RESPONDENT.**

KANSAS CITY GASTROENTEROLOGY AND HEPATOLOGY, LLC, Appellant
ARTHUR A BENSON II
BRADLEY FREILICH, Appellant
KIRK ROWAN PRESLEY
STANLEY BRAND, Appellant
KIRK ROWAN PRESLEY
TRAVELERS INDEMNITY COMPANY OF AMERICA, Respondent
WILLIAM CLAYTON CRAWFORD
ABBIGALE ALYCE GENTLE

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

8-Aug-2013 10:30

DIVISION 2

Western District Ct of Appeals

1. WD75535

PETTIS COUNTY CIRCUIT COURT

**MELODY ANN OLLISON, APPELLANT
vs
JAMES DALE OLLISON, RESPONDENT**

MELODY ANN OLLISON, Appellant
JOHN HENRY EDMISTON
JAMES DALE OLLISON, Respondent
CHARLES MICHAEL FITZGERALD

2. WD75621

NODAWAY COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT
vs
RANDALL G EVANS, APPELLANT**

RANDALL G EVANS, Appellant
JANET WAKE LARISON
STATE OF MISSOURI, Respondent
JESSICA PAIGE MEREDITH

CONTINUED ON NEXT PAGE-->

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

8-Aug-2013 10:30

DIVISION 2

Western District Ct of Appeals

3. **WD75364** LIVINGSTON COUNTY CIRCUIT COURT
WD75366,WD75367,WD75484,WD75485

**SALLY BOLAND, APPELLANT; SHERRI LYNN HARPER, APPELLANT; DAVID C GANN,
APPELLANT; JENNIRAE LITRELL, NATURAL DAUGHTER OF DECEDENT CLARENCE BAILEY
WARNER, APPELLANT; HELEN PITTMAN, NATURAL SISTER OF DECEDENT, SHIRELY R ELLER,
APPELLANT,**

vs

**SAINT LUKE'S HEALTH SYSTEM, INC, AND SAINT LUKES HOSPITAL OF CHILLICOTHE F/K/A
THE GRAND RIVER HEALTH SYSTEM CORPORATION D/B/A HEDRICK MEDICAL CENTER AND
COMMUNITY HEALTH GROUP, RESPONDENTS**

SALLY BOLAND, Appellant
 JAMES KENT EMISON
 BRETT ASHLEY EMISON

DAVID C GANN, Appellant
 JAMES KENT EMISON
 JESSICA MARIE AGNELLY
 BRETT ASHLEY EMISON

SHERRY LYNN HARPER, Appellant
 JAMES KENT EMISON
 STEVEN J STREEN
 LAREA ANNETTE GRIGGS
 DAVID LEE MCCOLLUM
 JESSICA MARIE AGNELLY

DAVID C GANN, Appellant
 JAMES KENT EMISON
 LAREA ANNETTE GRIGGS
 STEVEN J STREEN

SALLY BOLAND, Appellant
 JAMES KENT EMISON
 STEVEN J STREEN
 LAREA ANNETTE GRIGGS
 DAVID LEE MCCOLLUM
 JESSICA MARIE AGNELLY

SHERRY LYNN HARPER, Appellant
 JAMES KENT EMISON
 BRETT ASHLEY EMISON

HELEN PITTMAN, Appellant
 JAMES KENT EMISON
 DAVID LEE MCCOLLUM

DAVID C GANN, Appellant
 JAMES KENT EMISON
 DAVID LEE MCCOLLUM

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

8-Aug-2013 10:30

DIVISION 2

Western District Ct of Appeals

DAVID C GANN, Appellant
 JAMES KENT EMISON
 STEVEN J STREEN

JENNIRAE LITTRELL, Appellant
 JAMES KENT EMISON
 BRETT ASHLEY EMISON

HELEN PITTMAN, Appellant
 JAMES KENT EMISON
 LAREA ANNETTE GRIGGS
 DAVID LEE MCCOLLUM
 JESSICA MARIE AGNELLY
 BRETT ASHLEY EMISON

JENNIRAE LITTRELL, Appellant
 JAMES KENT EMISON
 STEVEN J STREEN
 LAREA ANNETTE GRIGGS
 DAVID LEE MCCOLLUM

COMMUNITY HEALTH GROUP, Respondent
 SCOTT MICHAEL ADAM
 SEAN THOMAS MCGREVEY

SAINT LUKE'S HOSPITAL OF CHILLICOTHE, Respondent
 THOMAS W WAGSTAFF
 ADAM S DAVIS
 CHRISTOPHER LOUIS SCHNIEDERS

ST. LUKE'S HEALTH SYSTEM, INC., Respondent
 THOMAS W WAGSTAFF
 ADAM S DAVIS
 CHRISTOPHER LOUIS SCHNIEDERS

4. **WD75800**

BATES COUNTY CIRCUIT COURT

**JOE VENTON JENKINS, RESPONDENT
vs
EVELYN SUE JENKINS, APPELLANT**

EVELYN SUE JENKINS, Appellant
 KARL HEINZ TIMMERMAN
 RONALD SALVATORE RIBAUDO

JOE VENTON JENKINS, Respondent
 EDWARD JOSEPH HOULEHAN

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

21-Aug-2013 09:00

DIVISION 2

Western District Ct of Appeals

1. **WD75800**

BATES COUNTY CIRCUIT COURT

JOE VENTON JENKINS, RESPONDENT

vs

EVELYN SUE JENKINS, APPELLANT

EVELYN SUE JENKINS, Appellant

KARL HEINZ TIMMERMAN

RONALD SALVATORE RIBAUDO

JOE VENTON JENKINS, Respondent

EDWARD JOSEPH HOULEHAN

THIS CASE HAS BEEN
MOVED TO AUGUST 8
AT 10:30 P.M. IT WILL NOT
BE ARGUED ON AUG. 21.

2. **WD75752**

JACKSON COUNTY CIRCUIT COURT

SUSANN BASHIR, RESPONDENT

vs

SOUTHWESTERN BELL TELEPHONE COMPANY, APPELLANT

SOUTHWESTERN BELL TELEPHONE COMPANY, Appellant

BRIAN N WOOLLEY

ROBERT KENT SELLERS

SUSANN BASHIR, Respondent

AMY LAREE COOPMAN

LUKE REED HERTENSTEIN

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket**

21-Aug-2013 10:30

DIVISION 2

Western District Ct of Appeals

1. **WD75457**

LINN COUNTY CIRCUIT COURT

KEVIN BEHRMAN, APPELLANT

vs

**MARCUS AMER AND MARCUS AMER, D/B/A JACK'S AUTO SALES, DEFENDANT; DONALD LEE
POSTON AND CONSUMERS INSURANCE, RESPONDENT**

KEVIN BEHRMAN, Appellant

JOSEPH MICHAEL BACKER

MARCUS AMER, Defendant

CONSUMERS INSURANCE COMPANY, Respondent

ANN P HAGAN

DONALD LEE POSTON, Respondent

ANN P HAGAN

2. **WD74841**

JACKSON COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT

vs

BRUCE SIMON #1206514, APPELLANT

BRUCE SIMON, Appellant

S. KATE WEBBER

STATE OF MISSOURI, Respondent

TIMOTHY ALLAN BLACKWELL
