

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

DIVISION 1

**REX GABBERT, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
ALOK AHUJA, JUDGE**

DIVISION 2

**KAREN KING MITCHELL, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
GARY D. WITT, JUDGE**

DIVISION 3

**VICTOR C. HOWARD, PRESIDING JUDGE
LISA WHITE HARDWICK, JUDGE
NEW JUDGE**

DIVISION 4

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING
JAMES E. WELSH, JUDGE
NEW JUDGE**

ORAL ARGUMENT DOCKET - AUGUST, 2016

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 4TH AND 31ST, 2016 WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON AUGUST 3RD AND 17TH, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON AUGUST 2ND AND 16TH, 2016, WITH DOCKET CALLS BOTH DAYS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON AUGUST 18TH, 2016, WITH DOCKET CALLS AT 9:00 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” 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 court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. 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 1

REX GABBERT, PRESIDING JUDGE

THOMAS H. NEWTON, JUDGE

ALOK AHUJA, JUDGE

AUGUST, 2016

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON AUGUST 4TH AND 31ST, 2016 WITH
DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.**

**PLEASE NOTE THE TIME AND DATE 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**

4-Aug-2016 09:00

DIVISION 1

Western District Ct of Appeals

1. **WD79309**

JACKSON COUNTY CIRCUIT COURT

LISA WHITE-TURNEY, RESPONDENT,

vs

THE RELIABLE LIFE INSURANCE CO., ET AL., APPELLANTS.

DEREK MCINTIRE, Appellant

AMY LYNNE NIXON

ANDREW CAHILL JOHNSON

RELIABLE LIFE INSURANCE COMPANY, Appellant

AMY LYNNE NIXON

ANDREW CAHILL JOHNSON

LISA WHITE-TURNEY, Respondent

MARTIN MARK MEYERS

KEVIN ARTHUR JONES

2. **WD79217**

JACKSON COUNTY CIRCUIT COURT

STEVEN WALKER, APPELLANT,

vs

FAITH KELLEY, RESPONDENT.

STEVEN WALKER, Appellant

STEVEN CARL EFFERTZ

FAITH KELLEY, Respondent

DAVID PHILLIP MADDEN

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

4-Aug-2016 09:00

DIVISION 1

Western District Ct of Appeals

3. WD78843

JACKSON COUNTY CIRCUIT COURT

**ENTERPRISE BANK & TRUST, RESPONDENT
vs
PINACLE PROPERTIES, LLC, ET AL; PENROD HOMES, INC; CUMBERLAND PROPERTIES, INC,
APPELLANTS**

CUMBERLAND PROPERTIES, INC, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY

PENROD HOMES, INC, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY

GARY B PENROD, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY

GLEN H JONES, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY

MARY A JONES, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY

PINACLE PROPERTIES, LLC, Appellant
THEODORE C BECKETT III
JEFFREY MICHAEL HENSLEY

ENTERPRISE BANK AND TRUST, Respondent
ROBERT A KUMIN
DAVID DEAN BACKER
RANDALL JOHN BARRON

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

4-Aug-2016 10:30

DIVISION 1

Western District Ct of Appeals

1. **WD79278**

ADAIR COUNTY CIRCUIT COURT

**BRADLEY M. ROBERTSON INDIVIDUALLY AND AS NEXT FRIEND FOR OLIVIA Y. ROBERTSON,
APPELLANT,**

vs

LORNA NELSON, RESPONDENT.

RESCHEDULED TO AUG. 31

BRADLEY M ROBERTSON, Appellant

LANCE MATTHEW MCCLAMROCH

LORNA NELSON, Respondent

JEFFREY R. KAYS

2. **WD79368**

LABOR AND INDUSTRIAL RELATIONS

PROPULSION CONTROLS COMPANY, LLC, APPELLANT,

vs

REDINA BURGE AND DIVISION OF EMPLOYMENT SECURITY, RESPONDENTS.

PROPULSION CONTROLS COMPANY, LLC, Appellant

CASEY PETER MURRAY

STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent

BART ANTON MATANIC

REDINA BURGE, Respondent Acting Pro Se ...DID NOT FILE BRIEF AND THUS WAIVES ARGUMENT

3. **WD78503**

PLATTE COUNTY CIRCUIT COURT

STATE OF MISSOURI, RESPONDENT,

vs

ROBERT F SEATON, APPELLANT.

ROBERT F SEATON, Appellant

JEANNETTE LYNN WOLPINK

STATE OF MISSOURI, Respondent

KAREN KRAMER

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

31-Aug-2016 09:00

DIVISION 1

Western District Ct of Appeals

1. **WD78727**

CASS COUNTY CIRCUIT COURT

**JO ANNE MELLINGER, INDIVIDUALLY AND JO ANNE MELLINGER, AS PERSONAL
REPRESENTATIVE FOR THE ESTATE OF LARRY LEE MELLINGER, APPELLANT,**

vs

TIMOTHY MELLINGER AND CONNIE MELLINGER, RESPONDENTS.

JO ANNE MELLINGER, Appellant

PAUL KEITH HENTZEN

LARA KRIGEL PABST

TIMOTHY MELLINGER, Respondent

JOHN P RYAN JR

MONICA ROSE TANZEY

JONATHAN STERNBERG

CONNIE MELLINGER, Respondent

JOHN P RYAN JR

MONICA ROSE TANZEY

JONATHAN STERNBERG

2. **WD78794**

JACKSON COUNTY CIRCUIT COURT

VALERIE A VANCE, APPELLANT

vs

LAREA ANNETTE GRIGGS, ET AL, RESPONDENTS

VALERIE ANN VANCE, Appellant Acting Pro Se

DAVID LEE MCCOLLUM, Respondent

STEVEN J STREEN

LAREA ANNETTE GRIGGS, Respondent

STEVEN J STREEN

MCCOLLUM & GRIGGS, LLC, Respondent

STEVEN J STREEN

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

31-Aug-2016 09:00

DIVISION 1

Western District Ct of Appeals

3. **WD79251**

BATES COUNTY CIRCUIT COURT

**COMMUNITY FIRST BANK, RESPONDENT,
vs
GREGG HANIFIN, ET AL., APPELLANTS.**

GREGG HANIFIN, Appellant
MICHAEL J WAMBOLT
CARYS HANIFIN, Appellant
MICHAEL J WAMBOLT
COMMUNITY FIRST BANK, Respondent
CHRISTINE L SCHLOMANN

4. **WD79015**

PLATTE COUNTY CIRCUIT COURT

**JAY NORCO, APPELLANT,
vs
MILES EXCAVATING INC AND UNITED FIRE & CASUALTY COMPANY, RESPONDENTS.**

JAY NORCO, Appellant
DAVID ROY BUCHANAN
DEREK HAROLD MACKAY
MILES EXCAVATING, INC., Respondent
RYAN E. KARAIM
UNITED FIRE & CASUALTY COMPANY, Respondent
MARK B. SCHAFFER
DARYA VLADIMIROVNA LYESCHENKO

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

31-Aug-2016 10:30

DIVISION 1

Western District Ct of Appeals

1. **WD79155**

COLE COUNTY CIRCUIT COURT

**RUSSELL M ZELEI, APPELLANT,
vs**

MISSOURI DEPARTMENT OF SOCIAL SERVICES, CHILDREN'S DIVISION, RESPONENT.

RUSSELL M ZELEI, Appellant

RUSSELL M ZELEI

DEPARTMENT OF SOCIAL SERVICES, CHILDRENS DIVISION, Respondent

THAIS ANN FOLTA

2. **WD79077**

COLE COUNTY CIRCUIT COURT

**ADAM W RACKERS, RESPONDENT,
vs**

JENNIFER A RACKERS, APPELLANT.

JENNIFER A RACKERS, Appellant

PAUL TREES GRAHAM

ADAM W RACKERS, Respondent

DAVID GEORGE BANDRE'

3. **WD79124**

MILLER COUNTY CIRCUIT COURT

**STATE OF MISSOURI, APPELLANT,
vs**

AARON M FISHER, RESPONDENT.

STATE OF MISSOURI, Appellant

DANIEL NEAL MCPHERSON

AARON FISHER, Respondent

JASON MICHAEL EMMONS

SAMUEL E BUFFALOE

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

31-Aug-2016 10:30

DIVISION 1

Western District Ct of Appeals

4. **WD79278**

ADAIR COUNTY CIRCUIT COURT

**BRADLEY M. ROBERTSON INDIVIDUALLY AND AS NEXT FRIEND FOR OLIVIA Y. ROBERTSON,
APPELLANT,
vs
LORNA NELSON, RESPONDENT.**

BRADLEY M ROBERTSON, Appellant
LANCE MATTHEW MCCLAMROCH
LORNA NELSON, Respondent
JEFFREY R. KAYS
