Electronically Filed - FRANKLIN COUNTY - June 30, 2023 - 02:18 PM

CIVIL PROCEDURE FORM NO. 8-A(2)

IN THE 20th JUDICIAL CIRCUIT, Franklin COUNTY, MISSOURI

SCANNED

Judge or Division: Matthew W. Houston	**Circuit Court Case Number:** 22AB-DR00374	
Plaintiff/Petitioner: Sabrina J. Hoeper	Appellate Number: ED111640	☐ Filing as an Indigent
	Date of Judgment/Decree/Order: (ATTACH A COPY) 06/23/2023	Court Reporter:
vs.	Date Post Trial Motion Filed: N/A	☐ Sound Recording Equipment
Defendant/Respondent: James P. Hoeper	Date Ruled Upon:	The Record on Appeal will consist of: ✓ Legal File only or ___ Legal File and Transcript

FILED
JUL 12 2023
LAURA ROY
CLERK, MISSOURI COURT OF APPEALS
EASTERN DISTRICT
(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District: ☐ Western ☑ Eastern ☐ Southern

Notice is given that James P. Hoeper appeals from the judgment/decree/order entered in this action on 6/23/2023 (date).

Appellant's Name (If multiple, list all or attach additional pages) James P. Hoeper	Respondent's Name (If multiple, list all or attach additional pages) Sabrina J. Hoeper
Address 250 Wilshire Lake Forest, IL 60045	Address 2725 Fantasy Ln. Villa Ridge, MO 63090
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Laura H. Stobie, MO Bar # 62154	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) William Eckelkamp, MO Bar # 66904
Address 825 Maryville Centre Dr., Ste #300 Town and Country, MO 63017	Address 200 w. Main St. PO Box 228 Washington, MO 63090
E-mail Address lstobie@mlklaw.com	E-mail Address billy@eckelkampkuenzel.com
Telephone 314-392-5200	Telephone 636-239-7861

Brief Description of Case (May be completed on a separate page)
Respondent filed a Motion for sanctions after Petitioner filed Petition for Dissolution in the state of Missouri, despite all parties being Illinois residents under very shortly before filing. After a uniform Child Custody Jurisdiction Enforcement Act Conference, Illinois took jurisdiction over the matter; however, the motion for sanctions remained pending as an ancillary matter. The trial court continued the hearing on sanctions twice, over objection, and then ultimately granted a dismissal.

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)
Respondent intends to raise one dismissal of the Motion for Sanctions on appeal.

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Docket Fee Information

☒ The docket fee in the amount of $70.00 is being tendered with this notice of appeal.

☐ No docket fee is being tendered because:

☐ a docket fee is not required by law pursuant to _____ (cite specific statute or other authority).

☐ a motion to prosecute the appeal in forma pauperis has been or will be filed.

☐ a docket fee in the amount of $70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant	Date
/s/Laura H. Stobie	06/30/2023

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on _____ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

_____

_____

_____

_____
Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by ☐ regular mail ☐ registered mail ☐ certified mail ☐ facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

Submitted electronically to attorneys of record

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, Eastern District.

☒ Docket fee in the amount of $70.00 was received by this clerk on 6/30/2023 (date) which will be disbursed as required by statute.

☐ No docket fee was received.

July 12, 2023	Connie Ward
Date	Clerk

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Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
Sabrina Jo Hoeper	William W. Eckelkamp, Jr #66904
Address	Address
2725 Fantasy Ln	200 W. Main St., PO Box 228
City, State, Zip Code	City, State, Zip Code
Villa Ridge, MO 63089	Washington, MO 63090
	E-mail Address
	billy@eckelkampkuenzel.com
	Telephone
	636-239-7861
Party Name	Attorney Name
James Peck Hoeper	Laura H. Stobie, #62154
Address	Address
250 Wilshire Rd.	825 Maryville Centre Dr., Ste 300
City, State, Zip Code	City, State, Zip Code
Lake Forest, IL 60045	Town and Country, MO 63017
	E-mail Address
	lstobie@mlklaw.com
	Telephone
	314-392-5200
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone

Not an Official Court Document

Motion to Dismiss Respondent's Motion for Sanctions
is Granted, pursuant to Rule 67.05.

SO ORDERED,

Matthew W. Houston, Judge
6/23/2023

IN THE CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

SABRINA J. HOEPER,	)	
	)	
Petitioner,	)	Case No. 22AB-DR00374
vs.	)	
	)	Division VI
JAMES P. HOEPER,	)	
	)	
Respondent.	)	

MOTION TO DISMISS RESPONDENT'S MOTION FOR SANCTIONS

COMES NOW Petitioner, Sabrina J. Hoeper, by and through her undersign attorney and for her Motion to Dismiss Respondent's Motion for Sanctions respectfully states to the Court as follows:

1. Respondent, James P. Hoeper, has represented his Motion for Sanctions as an "Ancillary Matter" in accordance with Missouri Supreme Court Rule 67.05.

2. Missouri Supreme Court Rules 67.05 states in its entirety:

> "No dismissal, voluntary or involuntary, of a plaintiff's civil action shall operate to dismiss a previously filed counterclaim or cross-claim. No dismissal, voluntary or involuntary, of a plaintiff's civil action shall operate to discontinue any ancillary matter pending before the court. **If an ancillary matter is not ruled on within ninety days after the dismissal, it is denied.**" (emphasis added).

3. Without getting into semantics as to when the case was dismissed, all parties can agree that Petitioner filed her "Dismissal Without Prejudice" on January 27, 2023.

4. That per Missouri Supreme Court Rule 67.02, Petitioner did not require an order of the court to dismiss her action and the action was dismissed upon the filing.

5. That Respondent has not filed any counterclaims in this matter.

6. That ninety (90) days from Petitioner's Dismissal Without Prejudice expired on April 27, 2023.

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January 28 – 31 (4 days)
February 1 – 28 (28 days)
March 1 – 31 (31 days)
April 1 – 27 (27 days)
Total = 90 days

7. That since the Court has not ruled on Respondent's Motion for Sanctions within ninety (90) days following Petitioner's filing of her Dismissal Without Prejudice, the Court has lost jurisdiction to rule on the motion and it is therefore denied.

WHEREFORE Petitioner, Sabrina J. Hoeper, respectfully requests an order from this Court dismissing Respondent's Motion for Sanctions.

ECKELKAMP KUENZEL LLP

By: /s/ William W. Eckelkamp, Jr.

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(636) 239-1595 (fax)
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed electronically with the Clerk of the Franklin County Circuit Court to be served by the operation of the Court's electronic filing system upon all attorneys of record on this 1st day of May, 2023.

/s/ William W. Eckelkamp, Jr.