

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

DIVISION 1

**LISA WHITE HARDWICK, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
GARY D. WITT, JUDGE**

DIVISION 2

**VICTOR C. HOWARD, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
KAREN KING MITCHELL, JUDGE**

DIVISION 3

**GARY D. WITT, PRESIDING JUDGE
JAMES E. WELSH, JUDGE
ANTHONY REX GABBERT, JUDGE**

DIVISION 4

**ALOK AHUJA, CHIEF JUDGE, PRESIDING
MARK D. PFEIFFER, JUDGE
DALE YOUNGS, SPECIAL JUDGE**

ORAL ARGUMENT DOCKET - MAY, 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 ON MAY 19 AND 24, 2016 WITH ONE DOCKET CALL AT 9:00 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON MAY 5 AND 31, 2016 WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON MAY 4 AND 25, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON MAY 18, 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 2

VICTOR C. HOWARD, PRESIDING JUDGE

THOMAS H. NEWTON, JUDGE

KAREN KING MITCHELL, JUDGE

MAY, 2016

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON MAY 5 AND 31, WITH DOCKET
CALLS WILL BE AT 9:00 AND 10:30 A.M.**

**PLEASE NOTE LOCATION, 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**

Docket

5-May-2016 09:00

DIVISION 2

Western District Ct of Appeals

1. WD78915

CLINTON COUNTY CIRCUIT COURT

**PROGRESSIVE PREFERRED INS. CO., RESPONDENT,
vs
RUSSANNE REECE AND JEFF L REECE, APPELLANTS.**

JEFF L REECE, Appellant
DALE ROBERT FUNK
RUSSANNE REECE, Appellant
DALE ROBERT FUNK
PROGRESSIVE PREFERRED INSURANCE COMPANY, Respondent
JOHN LAVELLE MULLEN
SUZANNE RENE BRUSS

2. WD78172

CLAY COUNTY CIRCUIT COURT

**PATRICIA MILLS, APPELLANT,
vs
CERNER CORPORATION, RESPONDENT.**

PATRICIA MILLS, Appellant
RUSSELL MARK NASTEFF
CERNER CORPORATION, Respondent
LORI RENEE SCHULTZ
KATHERINE RUTH SINATRA
MICHAEL BRADLEY BARNETT

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

5-May-2016 09:00

DIVISION 2

Western District Ct of Appeals

**3. WD78651
WD79074**

JACKSON COUNTY CIRCUIT COURT

**IN THE INTEREST OF: S.R.R., D.J.R. AND T.L.R, PLAINTIFFS; JUVENILE OFFICER,
RESPONDENT,**

vs

T.R. (FATHER), APPELLANT; M.R. (MOTHER), DEFENDANT.

Appellant

JAMES R. JARROW
SUZANNE ELIZABETH BILLAM

Defendant

NANCY J. ALEMIFAR

Respondent

MARY SHEMANE MANN
DARREN EUGENE KORTE
DANIEL GEORGE BARRY
MARY SHEMANE MANN

**MARY SHEMANE MANN DID NOT
FILE BRIEF AND THUS WAIVES
ARGUMENT.**

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

5-May-2016 10:30

DIVISION 2

Western District Ct of Appeals

1. WD78607

RANDOLPH COUNTY CIRCUIT COURT

**ALAN LEONARD, APPELLANT,
vs
ED RICHARDSON, RESPONDENT.**

ALAN LEONARD, Appellant
MARK C. ABBOTT
ED RICHARDSON, Respondent
TODD TYLER SMITH

RESCHEDULED TO MAY 31

2. WD79298

RAY COUNTY CIRCUIT COURT

**BLAINE NOLKER CONSTRUCTION LLC, RESPONDENT,
vs
ARCO CONSTRUCTION COMPANY, INC, ET AL., APPELLANTS.**

CLEAR PATH SENIOR HOLDINGS, LLC, Appellant
WILLARD DUDLEY MCCARTER
ANDREW JAMES KRIEGSHAUSER
ARCO CONSTRUCTION COMPANY, INC., Appellant
WILLARD DUDLEY MCCARTER
MARK THOMAS KEMPTON
ANDREW JAMES KRIEGSHAUSER
RICHMOND MISSOURI ASSISTED LIVING PROPERTY INVESTMENT LLC, Appellant
WILLARD DUDLEY MCCARTER
MARK THOMAS KEMPTON
CLEAR PATH SENIOR HOLDINGS, LLC, Appellant
WILLARD DUDLEY MCCARTER
MARK THOMAS KEMPTON
ENTERPRISE BANK AND TRUST, Appellant
WILLARD DUDLEY MCCARTER
MARK THOMAS KEMPTON
ANDREW JAMES KRIEGSHAUSER
CHARFORD, INC., TRUSTEE, Appellant
WILLARD DUDLEY MCCARTER
MARK THOMAS KEMPTON
ANDREW JAMES KRIEGSHAUSER
RICHMOND MISSOURI ASSISTED LIVING PROPERTY INVESTMENT LLC, Appellant
WILLARD DUDLEY MCCARTER
ANDREW JAMES KRIEGSHAUSER
BLAINE NOLKER CONSTRUCTION, LLC, Respondent
WARD KEITH BROWN

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

31-May-2016 09:00

DIVISION 2

Western District Ct of Appeals

1. **WD78826**

JACKSON COUNTY CIRCUIT COURT

**THE ESTATE OF DONALD ELMO HUTCHISON, BY AND THROUGH ITS CO-PERSONAL
REPRESENTATIVES, JOHN B AARON AND SHIRLEY D AARON, RESPONDENT,**

vs

LESTER G MASSOOD, ET AL, RESPONDENTS, AND GEORGE MASSOOD, ET AL., APPELLANTS.

GEORGE MASSOOD, Appellant

DUANE FOX

LYNN OAK COURT COMPANY, LP, Appellant

DUANE FOX

INTERSTATE SIGNS, INC., Appellant

DUANE FOX

ESTATE OF DONALD HUTCHISON, Respondent

ANTHONY LANDERY GOSSERAND DID NOT FILE BRIEF THUS WAIVING ARGUMENT.

THE DONALD E HUTCHISON TRUST DATED NOVEMBER 28, 2008, Respondent

ANTHONY LANDERY GOSSERAND DID NOT FILE BRIEF THUS WAIVING ARGUMENT.

LESTER G MASSOOD, Respondent

KENNETH C HENSLEY

ADAM JOSEPH GASPER

2. **WD78531**

LABOR AND INDUSTRIAL RELATIONS

CHERYL TAUVAR, APPELLANT,

vs

**CITY OF GLADSTONE, RESPONDENT, TREASURER OF THE STATE OF MISSOURI - CUSTODIAN
OF THE SECOND INJURY FUND, RESPONDENT.**

CHERYL TAUVAR, Appellant Acting Pro Se

CITY OF GLADSTONE, MISSOURI, Respondent

KIP ALAN KUBIN

TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND, Respondent

MAUREEN T SHINE-DID NOT FILE BRIEF AND THUS WAIVES ARGUMENT.

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

31-May-2016 09:00

DIVISION 2

Western District Ct of Appeals

3. WD78899

JACKSON COUNTY CIRCUIT COURT

**CURRY INVESTMENT COMPANY, APPELLANT,
vs**

JAMES B SANTILLI, D/B/A KANSAS CITY UPHOLSTERY, RESPONDENT.

CURRY INVESTMENT COMPANY, Appellant
NATIG R GUSEYNOV

JAMES B SANTILLI, Respondent
ROBIN STANLEY MARTINEZ

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

31-May-2016 10:30

DIVISION 2

Western District Ct of Appeals

1. WD78855

BUCHANAN COUNTY CIRCUIT COURT

**ELAINE JUSTUS, RESPONDENT,
vs
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION A/K/A MISSOURI DEPARTMENT OF
TRANSPORTATION A/K/A MHTC, APPELLANT.**

MISSOURI DEPARTMENT OF HIGHWAY AND TRANSPORTATION, Appellant
ROBERT THOMAS ADAMS
CARRIE ANN MCATEE
ELAINE JUSTUS, Respondent
J KIRK RAHM
LYNNE JABEN BRATCHER
MARIE LYNNE GOCKEL

2. WD79142

COLE COUNTY CIRCUIT COURT

**JENNIFER L JOYNER, APPELLANT,
vs
CHRISTOPHER E JOYNER, RESPONDENT.**

JENNIFER L JOYNER, Appellant
RANDALL O. BARNES
CHRISTOPHER E JOYNER, Respondent
MARY JANE BROWNING

3. WD78607

RANDOLPH COUNTY CIRCUIT COURT

**ALAN LEONARD, APPELLANT,
vs
ED RICHARDSON, RESPONDENT.**

ALAN LEONARD, Appellant
MARK C. ABBOTT
ED RICHARDSON, Respondent
TODD TYLER SMITH
