

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

DIVISION 1

**THOMAS N. CHAPMAN, PRESIDING JUDGE
MARK D. PFEIFFER, JUDGE
W. DOUGLAS THOMSON, JUDGE**

DIVISION 2

**LISA WHITE HARDWICK, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
KAREN KING MITCHELL, JUDGE**

DIVISION 3

**EDWARD R. ARDINI, JR., PRESIDING JUDGE
ALOK AHUJA, JUDGE
GARY D. WITT, JUDGE**

DIVISION 4

**CYNTHIA MARTIN, CHIEF JUDGE, PRESIDING
GARY D. WITT, JUDGE
ANTHONY REX GABBERT, JUDGE**

ORAL ARGUMENT DOCKET – OCTOBER, 2020

NOTICE TO COUNSEL

**IMPORTANT INFORMATION-EFFECTIVE IMMEDIATELY
SUBJECT TO FURTHER ORDER OF THIS COURT
DUE TO THE COVID-19 PANDEMIC**

MOTIONS FOR CONTINUANCES ARE DISCOURAGED ABSENT EXCEPTIONAL CIRCUMSTANCES. HOWEVER, IN THE EVENT A MOTION TO CONTINUE ORAL ARGUMENT IS FILED, IT SHOULD BE FILED WITHIN TEN (10) DAYS OF PUBLICATION OF THE DOCKET AND SHOULD CONTAIN, AT MINIMUM, A SPECIFIC REASON(S) FOR THE CONTINUANCE REQUEST THAT DETAILS THE ALLEGED EXCEPTIONAL CIRCUMSTANCES, CONSENT OF THE CLIENT, AND THE POSITION OF OPPOSING COUNSEL. SHOULD A MOTION FOR CONTINUANCE BE FILED AFTER TEN (10) DAYS FROM PUBLICATION OF THE DOCKET, THE MOTION MUST BE ACCOMPANIED BY THE ATTORNEY'S REPRESENTATION THAT, AFTER THE TEN (10) DAY WINDOW, CIRCUMSTANCES AROSE OUTSIDE THE CONTROL OF THE ATTORNEY NECESSITATING THE DELAYED FILING OF THE MOTION TO CONTINUE.

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 OCTOBER 7 AND 27, 2020. DOCKET CALLS WILL BE AT 9:00 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON OCTOBER 14 AND 29, 2020. DOCKET CALLS WILL BE AT 9:00 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON OCTOBER 15 AND 28, 2020 . DOCKET CALLS WILL BE AT 9:00 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON OCTOBER 13, 2020 . DOCKET CALL WILL BE AT 9:00 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.

ARGUMENT TIMES:

Counsel will be allowed a maximum of 10 minutes per side with an additional three minutes 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.

Kimberly K. Boeding, Clerk

DIVISION 4

CYNTHIA MARTIN, CHIEF JUDGE, PRESIDING

GARY D. WITT, JUDGE

ANTHONY REX GABBERT, JUDGE

OCTOBER, 2020

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON OCTOBER 13, 2020. DOCKET CALL
WILL BE AT 9:00 A.M.**

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

13-Oct-2020

09:00

DIVISION 4

Western District Ct of Appeals

1. **WD83475**

PUBLIC SERVICE COMMISSION

WD83476,WD83477

**IN THE MATTER OF THE APPLICATION OF SPIRE MISSOURI, INC. TO CHANGE ITS
INFRASTRUCTURE SYSTEM REPLACEMENT SURCHARGE IN ITS SPIRE MISSOURI EAST
SERVICE TERRITORY; IN THE MATTER OF THE APPLICATION OF SPIRE MISSOURI, INC TO
CHANGE ITS INFRASTRUCTURE SYSTEM REPLACEMENT SURCHARGE IN ITS SPIRE MISSOURI
WEST SERVICE TERRITORY, APPELLANT-RESPONDENT,**

vs

**PUBLIC SERVICE COMMISSION, RESPONDENT, OFFICE OF PUBLIC COUNSEL,
RESPONDENT-APPELLANT.**

SPIRE MISSOURI, INC., Appellant-Respondent

RICK EDWARD ZUCKER

JOHN JAMES REHMANN II

MICHAEL CHARLES PENDERGAST

CITY OF ST. JOSEPH, MISSOURI, Defendant

WILLIAM DANN STEINMEIER

PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, Respondent

JENNIFER LEIGH HEINTZ

JOHN DAVID BORGMAYER

OFFICE OF PUBLIC COUNSEL, Respondent-Appellant

MARC DOUGLAS POSTON

JOHN ANTHONY CLIZER

2. **WD83193**

JACKSON COUNTY CIRCUIT COURT

DERIK T DAVIS #1253034 (29.15), APPELLANT,

vs

STATE OF MISSOURI, RESPONDENT.

DERIK T DAVIS, Appellant

JAMES CHRISTOPHER EGAN

STATE OF MISSOURI, Respondent

DANIEL NEAL MCPHERSON

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

13-Oct-2020

09:00

DIVISION 4

Western District Ct of Appeals

3. **WD83564**

JACKSON COUNTY CIRCUIT COURT

**STEVE HOLDEMAN, ET AL., PLAINTIFFS,
vs
ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY, RESPONDENT AND PHILIP
STRATMAN, APPELLANT.**

PHILIP STRATMAN, Appellant

ANDREW JAY GELBACH

STEPHEN GILBERT SANDERS

STEVE HOLDEMAN, Plaintiff

ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY, Respondent

MICHAEL EUGENE MCCAUSLAND

THOMAS JOHN GOLSON

EMMALEE MICHELLE MILLER
