

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

DIVISION 1

**THOMAS H. NEWTON, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
TED ARDINI, JUDGE**

DIVISION 2

**LISA WHITE HARDWICK, PRESIDING JUDGE
KAREN KING MITCHELL, JUDGE
REX GABBERT, JUDGE**

DIVISION 3

**ALOK AHUJA, PRESIDING JUDGE
VICTOR C. HOWARD, JUDGE
JAMES E. WELSH, JUDGE**

DIVISION 4

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING
VICTOR C. HOWARD, JUDGE
GARY D. WITT, JUDGE**

ORAL ARGUMENT DOCKET - OCTOBER - 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 OCTOBER 12, 2016 AT MISSOURI WESTERN STATE UNIVERSITY, ST. JOSEPH, MISSOURI. DOCKET CALL WILL BE AT 9:30 A.M. IT WILL ALSO SIT AT THE COURT OF APPEALS ON OCTOBER 25, 2016, WITH DOCKET CALL AT 9:00 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON OCTOBER 4 AND 12, 2016 ,WITH DOCKET CALL AT 9:00 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON OCTOBER 3, 2016, AT THE SULLIVAN COUNTY COURTHOUSE, MILAN, MISSOURI. DOCKET CALL WILL BE AT 1:00 P.M. IT WILL ALSO SIT AT THE COURT OF APPEALS ON OCTOBER 26, 2016, WITH DOCKET CALL AT 9:00 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON OCTOBER 5, 2016 AT THE UNIVERSITY OF CENTRAL MISSOURI, WARRENSBURG, MISSOURI. THERE WILL BE TWO DOCKET CALLS. THE FIRST WILL BE AT 9:30 A.M. AND THE SECOND AT 1:30 P.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 3

ALOK AHUJA, PRESIDING JUDGE

VICTOR C. HOWARD, JUDGE

JAMES E. WELSH, JUDGE

OCTOBER 2016

THIS DIVISION WILL SIT ON OCTOBER 3, 2016 AT THE SULLIVAN COUNTY COURTHOUSE, MILAN, MISSOURI. DOCKET CALL WILL BE AT 1:00 P.M. IT WILL ALSO SIT AT THE COURT OF APPEALS ON OCTOBER 26, 2016, WITH DOCKET CALL AT 9:00 A.M.

IMPORTANT NOTE

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**

3-Oct-2016

13:00

DIVISION 3

Sullivan County Courthouse

1. **WD79820**

BOONE COUNTY CIRCUIT COURT

SUSAN GALL, ET AL, RESPONDENTS,

vs

RUSSELL E STEEL, APPELLANT; KRISTIE H SWAIM, RESPONDENT.

RUSSELL E STEELE, Appellant

RONALD R HOLLIGER

CHARLES W ADAMSON

JULIANNE OBANNON GERMINDER

SUSAN GALL, Respondent

ROBERT HERMAN

EDWARD STEPHEN WELLS

LINDA DECKER, Respondent

ROBERT HERMAN

EDWARD STEPHEN WELLS

KRISTIE J SWAIM, Respondent -DID NOT FILE A BRIEF AND THUS WAIVES ARGUMENT.

AUDREY LEANNE DANNER

CASE MOVED TO
OCT. 26

2. **WD78677**

RANDOLPH COUNTY CIRCUIT COURT

JERRY JAY SWARTZ, APPELLANT,

vs

DIRECTOR OF REVENUE, STATE OF MISSOURI, RESPONDENT.

JERRY J SWARTZ, Appellant

TRAVIS LAVERN NOBLE JR

MISSOURI DEPARTMENT OF REVENUE, Respondent

RACHEL M JONES

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

3-Oct-2016

13:00

DIVISION 3

Sullivan County Courthouse

3. **WD78680**

RANDOLPH COUNTY CIRCUIT COURT

**JERRY JAY SWARTZ, APPELLANT,
vs
DIRECTOR OF REVENUE, STATE OF MISSOURI, RESPONDENT.**

JERRY J SWARTZ, Appellant
TRAVIS LAVERN NOBLE JR
MISSOURI DEPARTMENT OF REVENUE, Respondent
RACHEL M JONES

CASE DISMISSED; ORAL ARGUMENT
CANCELLED.

4. **WD79039**

CHARITON COUNTY CIRCUIT COURT

**DAVID A ROBERTSON, SARAH C SURRATT, AND JOSEPH M ROBERTSON, APPELLANTS,
vs
DAVID LEE MAUZEY, CHARLES WILLIAM MAUZEY AND THE UNKNOWN HEIRS, DEVISEES,
GRANTEES, ASSIGNEES, DONEES, ALIENEES, LEGATEES, ADMINISTRATORS,
REPRESENTATIVES, GUARDIANS, CONSERVATORS, MORTGAGES, TRUSTEES, SUCCESSORS
AND ASSIGNS, OF LEOLA MAUZEY, AND ALL OTHER PERSONS, CORPORATIONS, OR
SUCCESSORS CLAIMING BY, THROUGH, OR UNDER LEOLA MAUZEY OR ANY OF THE THEM,
RESPONDENTS.**

DAVID A ROBERTSON, Appellant
WILLIAM JAMES DAILY
SARAH C SURRATT, Appellant
WILLIAM JAMES DAILY
JOSEPH M ROBERTSON, Appellant
WILLIAM JAMES DAILY
DAVID LEE MAUZEY, Respondent
LESA LOUISE BONNETT
CHARLES WILLIAM MAUZEY, Respondent
LESA LOUISE BONNETT
