

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

**DIVISION 1**

**JAMES E. WELSH, PRESIDING JUDGE  
ANTHONY REX GABBERT, JUDGE  
EDWARD R. ARDINI, JR., JUDGE**

**DIVISION 2**

**CYNTHIA MARTIN, PRESIDING JUDGE  
LISA WHITE HARDWICK, JUDGE  
ALOK AHUJA, JUDGE**

**DIVISION 3**

**KAREN KING MITCHELL, PRESIDING JUDGE  
VICTOR C. HOWARD, JUDGE  
GARY DEAN WITT, JUDGE**

**DIVISION 4**

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING  
THOMAS H. NEWTON, JUDGE  
LISA WHITE HARDWICK, JUDGE**

**ORAL ARGUMENT DOCKET – FEBRUARY, 2017**

**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 FEBRUARY 8 AND 22, 2017, WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.***

***DIVISION 2: THIS DIVISION WILL SIT AT THE COURT OF APPEALS ON FEBRUARY 7, 2017 WITH ONE DOCKET CALL AT 9:00 A.M. AND AT THE UMKC LAW SCHOOL ON FEBRUARY 21, 2017, WITH ONE DOCKET CALL AT 9:30 A.M.***

***DIVISION 3: THIS DIVISION WILL SIT ON FEBRUARY 1 AND 21, 2017, WITH ONE DOCKET CALL BOTH DAYS AT 9:00 A.M.***

***DIVISION 4: THIS DIVISION WILL SIT ON FEBRUARY 9, 2017, 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**

**JAMES E. WELSH, PRESIDING JUDGE**

**ANTHONY REX GABBERT, JUDGE**

**EDWARD R. ARDINI, JR., JUDGE**

**FEBRUARY, 2017**

**IMPORTANT NOTE**

**THIS DIVISION WILL SIT ON FEBRUARY 8 AND 22, 2017 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**

8-Feb-2017

09:00

DIVISION 1

Western District Ct of Appeals

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1. **WD79961**

COLE COUNTY CIRCUIT COURT

**THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, AMERICAN CIVIL LIBERTIES  
UNION OF MISSOURI FOUNDATION AND CHRISTOPHER S MCDANIEL, APPELLANTS,**

**vs**

**MISSOURI DEPARTMENT OF CORRECTIONS, RESPONDENT.**

M7, Amicus Curiae

TERESA DALE PUPILLO

AMERICAN CIVIL LIBERTIES UNION OF MISSOURI FOUNDATION, Appellant

ANTHONY EDWARD ROTHERT

JESSICA MARY STEFFAN

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, Appellant

ANTHONY EDWARD ROTHERT

GILLIAN R WILCOX

AMERICAN CIVIL LIBERTIES UNION OF MISSOURI FOUNDATION, Appellant

ANTHONY EDWARD ROTHERT

GILLIAN R WILCOX

CHRISTOPHER S MCDANIEL, Appellant

ANTHONY EDWARD ROTHERT

GILLIAN R WILCOX

JESSICA MARY STEFFAN

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, Appellant

ANTHONY EDWARD ROTHERT

JESSICA MARY STEFFAN

MISSOURI DEPARTMENT OF CORRECTIONS, Respondent

STEPHEN CHARLES DOERHOFF

MICHAEL JOSEPH SPILLANE

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

8-Feb-2017 09:00

DIVISION 1

Western District Ct of Appeals

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2. **WD79770**

HENRY COUNTY CIRCUIT COURT

**KENNIE VON HOLTEN, RESPONDENT,  
vs  
MELIA ESTES, NOW COLGAN, APPELLANT.**

Appellant

JOSHUA PHILIP JONES

Respondent

JAMES CHARLES JOHNS

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3. **WD79786**

JACKSON COUNTY CIRCUIT COURT

**K.C. AIR CARGO SERVICES, INC., RESPONDENT,  
vs  
THE CITY OF KANSAS CITY, MISSOURI, APPELLANT.**

CITY OF KANSAS CITY, MISSOURI, Appellant

DOROTHY LEE CAMPBELL

K.C. AIR CARGO SERVICES, INC., Respondent

CHRISTOPHER S SHANK

STEPHEN JAMES MOORE

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

8-Feb-2017 10:30

DIVISION 1

Western District Ct of Appeals

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1. **WD79528**

JACKSON COUNTY CIRCUIT COURT

**MICHAEL GARLAND, APPELLANT,  
vs  
DIRECTOR OF REVENUE, RESPONDENT.**

MICHAEL GARLAND, Appellant  
WILLIAM GARRY COWNIE  
BRUCE BRANDOM BROWN  
MISSOURI DEPARTMENT OF REVENUE, Respondent  
RACHEL M JONES

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2. **WD79943**

BOONE COUNTY CIRCUIT COURT

**DIANA MARIE ASHTON, RESPONDENT,  
vs  
CHRISTOPHER MICHAEL ASHTON, APPELLANT.**

CHRISTOPHER MICHAEL ASHTON, Appellant  
SARA CATHERINE MICHAEL  
DIANA MARIE ASHTON, Respondent  
GARY L. STAMPER

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

22-Feb-2017 09:00

DIVISION 1

Western District Ct of Appeals

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1. **WD79702**

BOONE COUNTY CIRCUIT COURT

**KENNETH D TERRY, APPELLANT,**

**vs**

**DALE E KORN, VERONICA KORN AND SHEILA LUMLEY, RESPONDENTS.**

KENNETH D TERRY, Appellant  
STEVE SCOTT  
VERONICA KORN, Respondent  
CURT MICHAEL BRANSON  
DALE E KORN, Respondent  
CURT MICHAEL BRANSON  
SHEILA LUMLEY, Respondent  
CURT MICHAEL BRANSON

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2. **WD79793**

NODAWAY COUNTY CIRCUIT COURT

**KENNETH M SCHAUER, APPELLANT,**

**vs**

**STATE OF MISSOURI, DEPARTMENT OF SOCIAL SERVICES, FAMILY SUPPORT DIVISION: BRIAN  
KINKADE (DIRECTOR), RESPONDENT, KARIN SPRADLIN, RESPONDENT; LAW OFFICES OF  
CRAIG D RITCHIE P.C.; AND CRAIG D RITCHIE, RESPONDENTS.**

KENNETH M SCHAUER, Appellant Acting Pro Se  
MISSOURI DIVISION OF FAMILY SERVICES, Respondent  
JUSTIN DEAN METTLEN  
LAW OFFICE OF CRAIG RITCHIE, Respondent  
ROBERT MARNETT SMITH  
BYRON ATLEE BOWLES JR.  
CRAIG RITCHIE, Respondent  
ROBERT MARNETT SMITH  
BYRON ATLEE BOWLES JR.  
KARIN ANN CARLSON SPRADLIN, Respondent  
JUSTIN DEAN METTLEN

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

22-Feb-2017 09:00

DIVISION 1

Western District Ct of Appeals

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3. WD79103

PETTIS COUNTY CIRCUIT COURT

**KELLY L. WERTZ-BLACK, CHARLES H. BLACK, MICHAEL LEE WERTZ, PERSONAL  
REPRESENTATIVE OF THE ESTATE OF WALTER F. WERTZ, DECEASED, RICHARD WERTZ, TOM  
CALDER AND BILL CURRY, RESPONDENTS**

**vs**

**GUESA USA, LLC., APPELLANT.**

GUESA USA, LLC, Appellant

THOMAS BRODY KEMPTON

J ZACHARY BICKEL

SUSAN FORD ROBERTSON

MICHAEL LEE WERTZ, Respondent

JAMES T BUCKLEY

RICHARD WERTZ, Respondent

JAMES T BUCKLEY

TOM CALDER, Respondent

JAMES T BUCKLEY

BILL CURRY, Respondent

JAMES T BUCKLEY

KELLY WERTZ-BLACK, Respondent

JAMES T BUCKLEY

CHARLES H BLACK, Respondent

JAMES T BUCKLEY

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

22-Feb-2017 10:30

DIVISION 1

Western District Ct of Appeals

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1. **WD79560**

COLE COUNTY CIRCUIT COURT

**SWALLOW TAIL, LLC, APPELLANT,  
vs  
THE MISSOURI CONSERVATION HERITAGE FOUNDATION, DEFENDANT AND THE MISSOURI  
DEPARTMENT OF CONSERVATION, RESPONDENT.**

SWALLOW TAIL, LLC, Appellant  
JEFFREY RYAN KING  
MISSOURI CONSERVATION HERITAGE FOUNDATION, Defendant  
MISSOURI DEPARTMENT OF CONSERVATION, Respondent  
HEIDI DOERHOFF VOLLET  
SHELLY A KINTZEL  
DALE C DOERHOFF

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2. **WD79174**

BOONE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT,  
vs  
ANTHONY SHEGOG #1290874, APPELLANT.**

ANTHONY SHEGOG, Appellant  
ELLEN H FLOTTMAN  
STATE OF MISSOURI, Respondent  
CHRISTINE KATHERINE LESICKO

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