

**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
THOMAS H. NEWTON, JUDGE
GARY D. WITT, JUDGE**

ORAL ARGUMENT DOCKET – DECEMBER, 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 DECEMBER 1, 2016, WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON DECEMBER 14, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON DECEMBER 7, 2016, WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON DECEMBER 20, 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

LISA WHITE HARDWICK, PRESIDING JUDGE

KAREN KING MITCHELL, JUDGE

REX GABBERT, JUDGE

DECEMBER 2016

IMPORTANT NOTE

**THIS DIVISION WILL SIT ON DECEMBER 14, 2016, WITH
DOCKET CALLS AT 9:00 AND 10:30 A.M.**

**PLEASE NOTE THE TIME 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

14-Dec-2016 09:00

DIVISION 2

Western District Ct of Appeals

1. **WD79352**

BOONE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, EX INF. CHARLES J. DYKHOUSE, BOONE COUNTY COUNSELOR, IN HIS
OFFICIAL CAPACITY, RESPONDENT,**

vs

CITY OF COLUMBIA, APPELLANT.

CITY OF COLUMBIA, MISSOURI, Appellant

BRADLEY CHRISTOPHER LETTERMAN

NANCY WORLEY THOMPSON

CHARLES J DYKHOUSE, Respondent

CHARLES J. DYKHOUSE

2. **WD79573**

JACKSON COUNTY CIRCUIT COURT

DAVID WAYNE LESTER, APPELLANT,

vs

NATIONSTAR MORTGAGE, LLC, ET AL., RESPONDENTS.

DAVID WAYNE LESTER, Appellant

ALDO P. CALLER

NATIONSTAR MORTGAGE LLC, Respondent

BENJAMIN FRANKLIN MANN

CHRISTOPHER CLAIBORNE MILES

3. **WD79664**

CLAY COUNTY CIRCUIT COURT

MATHEW RYAN FOSTER, RESPONDENT,

vs

KIMBERLY ANN FOSTER, APPELLANT.

KIMBERLY ANN FOSTER, Appellant

KENNETH C HENSLEY

MATHEW RYAN FOSTER, Respondent

LAURA JEAN DUCHARDT

MICHAEL WILLIAM WALKER

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

14-Dec-2016 10:30

DIVISION 2

Western District Ct of Appeals

1. **WD79407**

LAFAYETTE COUNTY CIRCUIT COURT

JOHN C SANDERS #334329 (24.035), APPELLANT,

vs

STATE OF MISSOURI, RESPONDENT.

JOHN C SANDERS, Appellant

JEANNETTE LYNN WOLPINK

STATE OF MISSOURI, Respondent

DANIEL NEAL MCPHERSON

2. **WD79749**

COLE COUNTY CIRCUIT COURT

EUGENE W DWIGGINS, APPELLANT,

vs

MISSOURI REAL ESTATE APPRAISERS COMMISSION, RESPONDENT.

EUGENE W DWIGGINS, Appellant

DAVID FREDERICK BARRETT

MISSOURI REAL ESTATE APPRAISERS COMMISSION, Respondent

CRAIG HARRISON JACOBS

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MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS
Oral Argument Docket

14-Dec-2016 10:30

DIVISION 2

Western District Ct of Appeals

3. **WD79893**

COLE COUNTY CIRCUIT COURT

WD79894,WD79895

**JOAN BRAY, RESPONDENT; THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS,
AMERICAN CIVIL LIBERTIES UNION OF MISSOURI FOUNDATION AND CHRISTOPHER S
MCDANIEL, RESPONDENTS; GUARDIAN NEWS & MEDIA LLC, ET AL., RESPONDENTS.**

vs

**GEORGE LOMBARDI, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE MISSOURI
DEPARTMENT OF CORRECTIONS, MATT BRIESACHER, IN HIS OFFICIAL CAPACITY AS DEPUTY
COUNSEL OF THE MISSOURI DEPARTMENT OF CORRECTIONS AND MISSOURI DEPARTMENT
OF CORRECTIONS, APPELLANTS**

GEORGE A. LOMBARDI, Appellant

STEPHEN CHARLES DOERHOFF

MICHAEL JOSEPH SPILLANE

MATTHEW BRIESACHER, Appellant

STEPHEN CHARLES DOERHOFF

MICHAEL JOSEPH SPILLANE

MISSOURI DEPARTMENT OF CORRECTIONS, Appellant

STEPHEN CHARLES DOERHOFF

MICHAEL JOSEPH SPILLANE

AMERICAN CIVIL LIBERTIES UNION OF MISSOURI FOUNDATION, Respondent

ANTHONY EDWARD ROTHERT

JESSICA MARY STEFFAN

JOAN BRAY, Respondent

ELIZABETH UNGER CARLYLE

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, Respondent

ANTHONY EDWARD ROTHERT

GILLIAN R WILCOX

AMERICAN CIVIL LIBERTIES UNION OF MISSOURI FOUNDATION, Respondent

ANTHONY EDWARD ROTHERT

GILLIAN R WILCOX

CHRISTOPHER S MCDANIEL, Respondent

ANTHONY EDWARD ROTHERT

JESSICA MARY STEFFAN

GILLIAN R WILCOX

GUARDIAN NEWS & MEDIA, LLC, Respondent

BERNARD JOSEPH RHODES

ASSOCIATED PRESS, Respondent

BERNARD JOSEPH RHODES

CYPRESS MEDIA, LLC, Respondent

BERNARD JOSEPH RHODES

GANNETT SPRINGFIELD, Respondent

BERNARD JOSEPH RHODES

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

14-Dec-2016 10:30

DIVISION 2

Western District Ct of Appeals

ST. LOUIS POST DISPATCH, Respondent
BERNARD JOSEPH RHODES
REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, Respondent
ANTHONY EDWARD ROTHERT
JESSICA MARY STEFFAN
