

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI**  
**AT INDEPENDENCE**

SAMUEL K. LIPARI,

Plaintiff,

v.

Case Number 0816-CV04217

NOVATION, LLC, et al.,

Division 2

Defendants.

**ORDER**

On December 29,2008, this Court entered a Judgment which sustained the Motion of Defendant, Lathrop and Gage, L.C., for Judgment on the Pleadings. On January 5, 2009, Plaintiff filed his "Motion for Leave to Amend the Original Petition for Relief." The Motion was filed pursuant to Supreme Court Rule 67.06. On January 9, 2009, Defendant, Lathrop and Gage, L.C., filed Suggestions in Opposition to that Motion. This Court sustained Plaintiff's Motion for Leave to Amend on January 13,2009.

Unknown to the Court at the time it granted Plaintiff's Motion, on January 9, 2009, Plaintiff filed his Notice of Appeal. (The Notice of Appeal had not caught up to the Court file when this Court entered its January 13,2009 Order).

The filing of the Notice of Appeal on January 9 deprived this Court of jurisdiction to exercise any judicial function in this case and vests that jurisdiction in the appellate court, Rodman v. Schrimpf, 18 S.W. 3d 570,572 (Mo. App. 2000). It follows that this Court lost jurisdiction of this cause on January 9,2009, for which reason its Order sustaining Plaintiff's Motion for Leave to Amend was a nullity and must be VACATED.

IT IS SO ORDERED.

*Jhd*  
MICHAEL W. MANI, JR.  
JUDGE, DIVISION 2

Dated: \_\_\_\_\_, 2009

I certify a copy of the above was faxed or mailed this \_\_\_\_\_ day of January, 2009, to:

Peter F. Daniel, Attorney for Defendant  
Fax # (816) 292-2001

Samuel K. Lipari,  
Medical Supply Chain,  
3520 Akin Boulevard, # 918  
Lee's Summit, MO 64064

TRUE COPY-ATTEST  
COURT OF JACKSON COUNTY,  
ADMINISTRATOR'S OFFICE  
CLERK OF CIVIL RECORDS

Brennan B. Delaney, Law Clerk, Division 2

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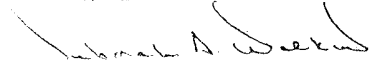
  
MICHAEL W. MANNERS  
JUDGE, DIVISION 2

Dated: Jan. 14, 2009

I certify a copy of the above was faxed or mailed this 14<sup>th</sup> day of January, 2009, to:

Peter F. Daniel, Attorney for Defendant  
Fax # (816) 292-2001

Samuel K. Lipari,  
Medical Supply Chain,  
3520 Akin Boulevard, # 918  
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CLERK OF COURT OF JACKSON COUNTY, MO  
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