

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

KIMBERLY VONDAVID, et al.,

Plaintiff,

v.

Case Number 04CV205337-01

BLUE SPRINGS FORD SALES, INC.,

Division 2

Defendant.

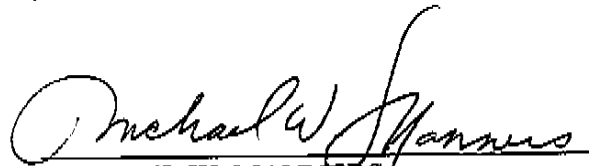
ORDER

On February 26, 2010, the Jury returned its verdict in this cause, finding for Plaintiffs. On that same day the Court entered Judgment on the verdict of the jury. Because of a typographical error, the Court on its own motion entered an Amended Judgment on March 6, 2010, and a Second Amended Judgment on the same day. None of these Judgments resolved the issue of Plaintiffs' request for attorney fees. On March 31, 2010, Plaintiffs filed their Motion to Amend the Second Amended Judgment to Include Attorneys' Fees. On the same day Defendant filed its Motion for New Trial or in the Alternative, for Remittitur.

Since Defendant filed its Motion for New Trial before the Court resolved one of the issues in the case – viz. Plaintiffs' request for attorney fees – it was premature, Stone v. Boston, 218 S.W.2d 783, 787 (Mo. App. 1949). However, under Supreme Court Rule 78.04, the Motion is deemed to be filed immediately after final judgment is entered.

On May 26, 2010, this Court entered its Third [and final] Amended Judgment in this cause, resolving the issue of attorney fees. Defendant's Motion for New Trial or in the Alternative, for Remittitur is deemed to be filed May 26, 2010. Defendant's Motion is DENIED.

IT IS SO ORDERED.


MICHAEL W. MANNERS
JUDGE, DIVISION 2

Dated: June 22, 2010

I certify a copy of the above was faxed or mailed this 22nd day of June, 2010, to:

Bernard E. Brown, Attorney for Plaintiffs
Fax # (888) 919-0123

Kevin D. Case, Attorney for Defendant
Fax # (816) 448-3779

Brennan B. Delaney, Law Clerk, Division 2