



CIVIL PROCEDURE FORM NO. 8-A(2)

IN THE 7th JUDICIAL CIRCUIT, CLAY COUNTY, MISSOURI

Form with fields for Judge or Division, Circuit Court Case Number, Plaintiff/Petitioner, Appellate Number, Date of Judgment/Decree/Order, Date Post Trial Motion Filed, Date Ruled Upon, Defendant/Respondent, and The Record on Appeal will consist of.

FILED
7:55 am, Jun 26, 2024
MISSOURI COURT OF APPEALS
WESTERN DISTRICT
(Date of File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District: [X] Western [] Eastern [] Southern

Main notice form with fields for Appellant's Name, Respondent's Name, Address, Appellant's Attorney/Bar Number, Respondent's Attorney/Bar Number, and E-mail Address.

Telephone 636-798-0571 – Phone 636-798-0693 – Fax	Telephone (314) 963-9000 (telephone) (314) 963-1700 (facsimile)
Brief Description of Case (May be completed on a separate page)	
<p>Plaintiff/Counterclaim-Defendant Nicholas Financial, Inc. filed a lawsuit against Defendant/Counterclaimant Jeremiah T. Gross to recoup an alleged deficiency amount pursuant to a motor vehicle purchase. Gross filed a class action counterclaim alleging violations of the Uniform Commercial Code. The parties agreed to settle their claims and consent to Preliminary and Final Approval of the class action settlement pursuant to a Class Action Settlement Agreement. Zurich American Insurance Company (as the successor by merger to both Assurance Company of America and Maryland Casualty Company), American Zurich Insurance Company, and American Guarantee and Liability Insurance Company intervened to defend Nicholas Financial, Inc. pursuant to Mo. Rev. Stat. § 537.065. Without notice to the Intervenor or allowing the Intervenor an opportunity to be heard as to the scope of any judgment, the lower court entered a Final Judgment in which it made findings and conclusions that go beyond the scope of any issues presented by any of the pleadings or other filings in the case, including but not limited to the Class Action Settlement Agreement, Preliminary Approval Order, Final Approval Order, related motions and any other matters before the lower court, and that were unsupported by any evidence before the Court, at the time the Final Judgment was entered.</p>	
Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)	
<p>The Final Judgment entered by the trial court is erroneous because Paragraph 13 improperly injected extraneous issues into the case that had not been raised by any party and to which Intervenor were not provided an opportunity to respond to in filing their responsive pleadings upon intervention. Moreover, the Final Judgment included these findings and conclusions of law without first providing any notice to Intervenor or giving Intervenor any opportunity to be heard on these issues in violation of Intervenor constitutional rights to due process and open access to the Courts.</p>	
Docket Fee Information	
<input checked="" type="checkbox"/> The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.	
<input type="checkbox"/> No docket fee is being tendered because:	
<input type="checkbox"/> a docket fee is not required by law pursuant to _____ (cite specific statute or other authority).	
<input type="checkbox"/> a motion to prosecute the appeal in forma pauperis has been or will be filed.	
<input type="checkbox"/> a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).	
Signature of Attorney or Appellant <i>/s/ Timothy J. Wolf</i>	Date 6/24/24

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on 6/24/24 (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

All counsel of record

/s/ Timothy J. Wolf

Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by regular mail registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

SERVICE BY CERTIFIED MAIL IS NOT NECESSARY

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, WESTERN District.

Docket fee in the amount of \$70.00 was received by this clerk on 06-24-2024 (date) which will be disbursed as required by statute. **LEE BUCKSATH-CIRCUIT CLERK**

No docket fee was received.

06/26/2024

Date

Rhonda L

Clerk



Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
Nicholas Financial, Inc. (Plaintiff/Counterclaim Defendant)	Armstrong Teasdale LLP Matthew Shorey, #47861 Amy Ryan, #49047 Daniel O'Brien, #69258
Address	Address
	7700 Forsyth Blvd., Ste. 1800
City, State, Zip Code	City, State, Zip Code
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	E-mail Address
	mshorey@atllp.com aryan@atllp.com dobrien@atllp.com
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Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone