

**IN THE CIRCUIT COURT OF MILLER COUNTY, MISSOURI**

**FILED**

**DEC 18 2013**

**GENISE BUECHTER  
CIRCUIT CLERK  
MILLER COUNTY, MO**

**LAKE OZARK-OSAGE BEACH JOINT )  
SEWER BOARD, ET AL. )**

**Petitioners, )**

**v. )**

**Case No. 08ML-CC00106**

**MISSOURI DEPARTMENT OF NATURAL )  
RESOURCES, LAND RECLAMATION )  
COMMISSION and MAGRUDER )  
LIMESTONE CO, INC., )**

**Respondents. )**

**STATE RESPONDENTS' SUGGESTIONS IN OPPOSITION TO  
MOTION FOR LEAVE TO AMEND PETITION**

The Missouri Land Reclamation Commission and the Department of Natural Resources oppose the motion filed by Petitioners for leave to amend the petition filed in this case because this Court entered final judgment on the merits in 2009.<sup>1</sup> The time limits under Supreme Court Rules 75.01 and 81.05 for extending this Court's control of the judgment are long expired. In addition, the Court of Appeals assumed jurisdiction to review the judgment

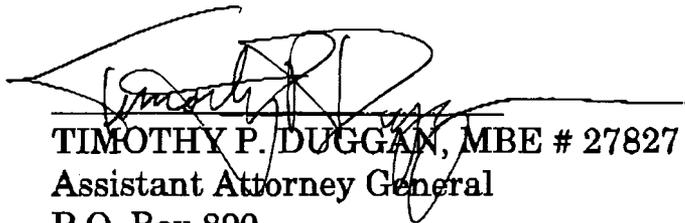
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<sup>1</sup> The Court entered judgment on April 3, 2009. Post judgment motions to amend or vacate the judgment were filed on May 1 and May 4, 2009, extending the Court's control over the judgment for ninety days. On July 20, 2009, the Court denied the motions. A notice of appeal was filed on July 30, 2009. The Court may take judicial notice of its own records to confirm these events.

and issued its own opinion and mandate on the merits in 2010.<sup>2</sup> Therefore, this Court has no authority to amend its long final judgment.<sup>3</sup> It follows that this Court has no authority to allow amendment of the pleadings that were the subject of that judgment.

Wherefore, the motion must be denied.

Respectfully submitted,  
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### CERTIFICATE OF SERVICE

I certify that I caused the foregoing to be placed in the U.S. mail, postage prepaid, for delivery to counsel and non-represented parties indicated below at the addresses shown, this December 18, 2013:

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<sup>2</sup> *Lake Ozark / Osage Beach Joint Sewer Bd. v. Missouri Dept. of Nat. Resources*, 326 S.W.3d 38 (Mo. App. W.D. 2010).

<sup>3</sup> *City of Greenwood v. Martin Marietta Materials, Inc.*, 311 S.W.3d 258, 266-267 (Mo. App. W.D. 2010).

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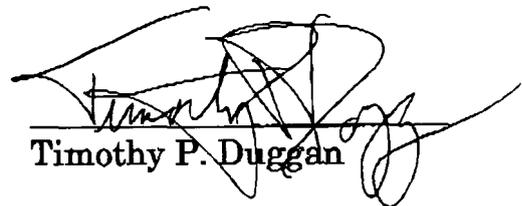
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