



In the Missouri Court of Appeals Eastern District

DANNY ROBERSON,

Appellant,

v.

RACHEL HOMOLAK, ET AL.,

Respondents/Cross-
Appellants.

No. ED113921, ED114145, and
ED114167

ORDER

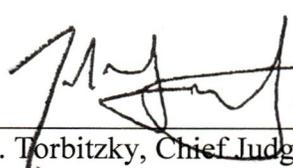
Appellant has filed two notices of appeal from orders entered by the trial court on September 3 and 4, 2025. One of these appeals was consolidated with a cross appeal and is currently consolidated into appeal No. ED113921. On December 22, 2025, Appellant filed another appeal from the orders of September 3 and 4, contending the orders had been denominated “judgment” at some interim point by the judge, but the date of that judgment was unknown. This appeal is appeal No. ED114145. Cross-Appellants filed yet another appeal on December 31, 2025, which was given appeal no. ED114167.

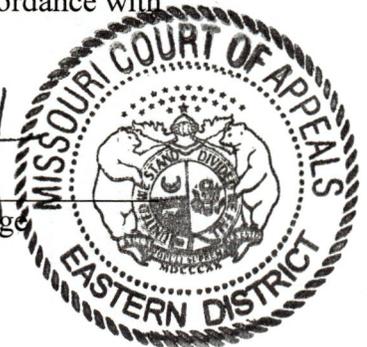
Appellant has filed a “contingent” motion for a late notice of appeal, in case his notice of appeal is untimely. Because the orders of September 3 and 4 were not denominated judgment, the notices of appeal filed back in October were premature. Under Rule 81.05(b), a premature notice of appeal is considered timely filed immediately after the judgment becomes final. Appellant’s contingent motion for late notice of appeal is denied.

Appeal nos. ED114145 and ED114167 are ordered consolidated into ED113921. All future filings should be in no. ED113921. The record on appeal remains due February 2, 2026. Appellant plaintiff shall file the first brief and all other briefs shall be filed in accordance with Rule 84.04(i).

SO ORDERED.

DATED: 1/07/2026


John P. Torbitzky, Chief Judge



ecc: Nico Stillwell
Mary Johnson
Alexis Pearson
Katherine Graves
Michael Scott
Robert Tyler
Robert Wulff
Mary Anne Lindsey
Daniel Rhoads
Fred Vilbig
John Reeves