

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

RONALD MARTS, et al.,)	
)	
Petitioners,)	
)	
v.)	Case No. 1016-CV39473
)	Division 6
STATE BOARD OF EMBALMERS)	
AND FUNERAL DIRECTORS,)	
)	
Respondent.)	

ORDER

On January 7, 2011, the above matter came on for hearing on petitioners' Motion for Stay Order filed December 30, 2010, and the temporary order entered by the Honorable W. Brent Powell that same date. Petitioners appeared by Salvatore Mirabile. Respondent appeared by Sharon Euler. In addition to their written submissions, the parties introduced evidence, and the Court heard arguments regarding the motion. Being duly advised in the premises, the Court enters the following orders:

1. The temporary stay entered by Judge Powell on December 30, 2010 is hereby extended to 5:00 p.m. Friday, January 14, 2011. Judge Powell's Order is modified as follows:
 - a. The last sentence of the Order is hereby modified to read, "Until further order of the Court, Petitioners shall not enter into any preneed contracts or preneed arrangements with any consumer seeking funeral services."
 - b. Petitioners shall comply in all respects with the requirements of Missouri statutes and regulations governing their licenses and the conduct of their business.

c. Notwithstanding any statute or regulation providing otherwise, investigators and other personnel acting on behalf of respondent shall be provided full and complete access to petitioners' premises and business records, during regular business hours, and without notice. Petitioners shall cooperate fully with such investigators and personnel.

2. Respondent is directed to file the record of the administrative proceedings under review by or before January 14, 2011. Petitioners' brief and any proposed findings of fact and conclusions of law shall be filed within 30 days following the filing of the record. Respondent shall file its brief and any proposed findings of fact and conclusions of law within 30 days thereafter. Any reply briefs shall be filed by petitioners within 15 days thereafter.

3. The parties shall report to the Court by noon, January 14, 2011 whether they are able to agree on an interim arrangement regarding the conduct of petitioners' business during the pendency of these proceedings and, if so, the proposed terms and conditions of such an arrangement. Any such proposal shall be subject to the approval of the Court. If the parties are not able to reach an agreement and/or the Court determines the proposal must be rejected, the Court will rule on the pending motion for stay at 5:00 p.m. on January 14, 2011.

IT IS SO ORDERED.

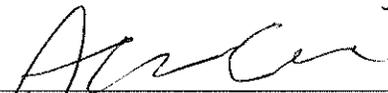
1/10/2011
Date



J. DALE YOUNGS, Circuit Judge

Copies faxed/mailed/e-mailed this 11th day of January, 2011 to:

Salvatore Mirabile
Sharon Euler



Adam Caine, Law Clerk, Division 6