

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION FOUR**

FALLON R. NESTLE,	)	No. ED100902
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Washington County
vs.	)	13WA-CC00416
	)	
BRANDON E. JOHNS,	)	Honorable Troy K. Hyde
	)	
Appellant.	)	Filed: January 20, 2015

Brandon E. Johns (“Father”) appeals the denial of his motion to set aside default judgment registering the foreign judgment of Fallon R. Nestle (“Mother”) from the state of New York concerning the custody of their child (“Child”). At the hearing on the motion to set aside, Father relied on a custody judgment from the Circuit Court of St. Louis County and Mother relied on a custody judgment from Family Court of the State of New York, County of Montgomery. Both judgments govern the same subject matter, the custody of Child, but the competing judgments arrive at opposite conclusions.

AFFIRMED.

Division Four holds: The trial court did not abuse its discretion in denying Father’s motion to set aside the default judgment because Father did not state a meritorious claim. Under the circumstances of this case, Mother’s collateral attack on the custody judgment from the Circuit Court of St. Louis County was appropriate.

Opinion by: Robert M. Clayton III, J.  
Patricia L. Cohen, P.J. and Roy L. Richter, J., concur.

Attorney for Appellant: Daniel E. James

Attorneys for Respondent: Michael Patrick Kelly

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**