

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

KATHERINE J. MILLMAN, Appellant, ) No. ED91078  
)  
vs. ) Appeal from the Circuit Court  
) of the St. Louis County  
JAMES S. MILLMAN, Respondent. )  
) FILED: March 3, 2009

In this dissolution of marriage action, Katherine Millman, now known as Katherine Jordan (Wife) appeals from the trial court's Amended Family Court Judgment and Decree of Dissolution of Marriage (Amended Judgment). Wife challenges neither the dissolution nor child custody provisions of the Amended Judgment. Neither does Wife appeal from any provisions of the Amended Judgment relating to the distribution of property or other financial awards made by the trial court. Wife's appeal focuses exclusively on her contention that the trial court erred by including in the Amended Judgment the provision that "[n]either party shall provide, divulge, distribute, disseminate, discuss or otherwise disclose any confidential documents or financially related information or terms herein that can reasonably be expected to negatively impact upon the parties' minor children, the parties' or either party's personal and business interests."

DISMISSED.

Division One Holds: Generally, a litigant who voluntarily accepts the benefits of an order or judgment of a court cannot afterwards prosecute an appeal to reverse it. Reynolds v. Reynolds, 861 S.W.2d 825, 828 (Mo. App. E.D. 1993). Even though this rule is not applied strictly in marriage dissolution cases and the rule has several exceptions, Hicks v. Hicks, 859 S.W.2d 842, 845 (Mo. App. W.D. 1993), we find that the general rule is indeed appropriate and equitable here based upon the unique facts of this settlement and judgment. Because Wife has accepted substantial benefits of the Amended Judgment, we hold that she is estopped from asserting her claim of error.

Opinion by: Kurt S. Odenwald, P.J. Glenn A. Norton, J. and Patricia L. Cohen, J., Concur.

Attorney for Appellant: Katherine S. Walsh and Thomas W. McCarthy

Attorneys for Respondent: Cary J. Mogerman and Melody E. Noel

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