

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

DEVLIN P. MOYERS,	)	No. ED91121
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Thomas J. Frawley
SUZANNE N. MOYERS,	)	
	)	
Respondent.	)	Filed: April 14, 2009

The father, Devlin Moyers, appeals the judgment of the Circuit Court of the City of St. Louis, dismissing with prejudice his petition for legal separation from the mother, Suzanne Moyers.

**AFFIRMED AS MODIFIED**

**DIVISION TWO HOLDS:** We affirm the judgment of dismissal because the trial court lacked jurisdiction to determine child custody and because the doctrine of *forum non conveniens* renders Massachusetts the more appropriate forum for trial of all claims asserted in the father’s petition. However, because the court lacked jurisdiction to adjudicate child custody and because the court declined to exercise jurisdiction on the other issues, we modify the judgment to a dismissal without prejudice.

Opinion by: Lawrence E. Mooney, J. Roy L. Richter, P.J., and  
George W. Draper III, J., concur.

Attorney for Appellant: Nathan S. Cohen

Attorneys for Respondent: Cary J. Mogerman and Mary E. Niemira

**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.**