

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

GREGORY B. HARLOW, Appellant,) No. ED92135
))
vs.) Appeal from the Circuit Court of
) St. Charles County
SUSAN K. HARLOW, Respondent.))
) Filed: November 17, 2009

OPINION SUMMARY

Gregory Harlow (Father) appeals from the trial court's judgment dismissing his motion to modify the child custody provisions of his decree of dissolution of his marriage to Susan Harlow (Mother). Mother asserts that the trial court's dismissal, designated as without prejudice, is not final and therefore not appealable.

DISMISSED.

Division Two Holds: The trial court's judgment of dismissal without prejudice is not final and appealable as the judgment did not reach the merits and the dismissal did not have the practical effect of terminating the litigation in the form cast.

Opinion by: Patricia L. Cohen, J. Sherri B. Sullivan, P.J., and Robert G. Dowd, Jr., J., concur.

Attorneys for Appellant: Jeffery T. McPherson, Deanna Modde and Justin C. Cordonnier

Attorneys for Respondent: Robert S. Adler, Benicia Baker-Livorsi and Pamela Ciskowski

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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