

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

TANYA S. MUHM, Appellant,	)	No. ED98668
	)	Appeal from the Circuit Court
vs.	)	of St. Charles County
	)	Honorable Thomas J. Frawley
MATTHEW L. MYERS, Respondent.	)	Filed: May 28, 2013

The mother, Tanya S. Muhm, appeals the judgment of the Circuit Court of St. Charles County. The trial court granted in part and denied in part the mother's motion to modify legal custody and motion for contempt filed against the father, Matthew L. Myers. The trial court also granted in part and denied in part the father's motion to modify legal custody and motion for contempt filed against the mother.

AFFIRMED.

DIVISION FOUR HOLDS: Because Rule 51.05 does not entitle a party to a motion to modify a change of judge when the judge has ruled on the previous independent action, the trial court properly denied the mother's application for change of judge. We affirm the trial court's modification judgment.

Opinion by: Lawrence E. Mooney, P.J. Patricia L. Cohen, J. and Kurt S. Odenwald, J. concur.

Attorney for Appellant: Benicia Baker-Livorsi

Attorney for Respondent: Frank A. Conard

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