

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

NATALIE WALKER,

Respondent

v.

MICHAEL AARON WALKER.

Appellant

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DOCKET NUMBER WD69198

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

DATE: January 13, 2009

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**Appeal From:**

Circuit Court of Jackson County, MO  
The Honorable Marco Antonio Roldan, Judge

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**Appellate Judges:**

Division Two: James M. Smart, Jr., P.J., Lisa White Hardwick and James Edward Welsh, JJ.

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**Attorneys:**

Sandra G. Hessenflow, Kansas City, MO

Counsel for Appellant,

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**Attorneys:**

Catherine Earnshaw-Hobbs, Lee's Summit, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**NATALIE WALKER, Respondent, v.  
MICHAEL AARON WALKER, Appellant**

**WD69198**

**Jackson County**

Before Division Two Judges: James M. Smart, Jr., P.J., Lisa White Hardwick and James Edward Welsh, JJ.

Husband appeals the circuit court's dismissal of his motion in which he sought the circuit court's declaration of non-paternity regarding N.M.W. and M.A.W. and sought to recover child support, health insurance, and other expenses from his ex-wife. Husband asserts that the circuit court erred in dismissing these counts because: (1) Rule 74.06(d) allows for Husband's cause of action for extrinsic paternity fraud, (2) collateral estoppel and res judicata are inapplicable to his cause of action for extrinsic fraud, (3) Husband should have been granted relief pursuant to section 210.834, (4) it is the trend to allow Husband to correct fraudulent parentage judgments, and (5) any arguments contrary to granting Husband relief are substantially outweighed by the harm and damage done to Husband. Husband appeals.

**AFFIRMED.**

**Division Two holds:**

Husband fails to invoke the equitable powers of the court. Although he made the general assertion of extrinsic fraud in count three, Husband failed to allege *any* facts supporting that cause of action. He specifically alleged acts which constitute intrinsic fraud only. Husband does not allege anything that constitutes extrinsic fraud because his allegations are based solely on Wife's false averments in a divorce petition and her sworn testimony in court, which do not constitute extrinsic fraud. The circuit court did not err in dismissing counts one through three of Husband's motion.

**Opinion by: James Edward Welsh, J.**

Date: January 13, 2009

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**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**