

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

IMAN ELDIEB,

Respondent

v.

TARIK FIROZI.

Appellant

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DOCKET NUMBER WD70651

DATE: December 22, 2009

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Appeal From:

Circuit Court of Boone County, MO  
The Honorable Cary George Augustine, Judge

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Appellate Judges:

Division Three: Karen King Mitchell, P.J., James Edward Welsh, and Mark D. Pfeiffer, JJ.

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Attorneys:

James C. Ochs, Clayton, MO

Counsel for Appellant,

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Attorneys:

Daniel J. Pingelton, Columbia, MO

Counsel for Respondent

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

**IMAN ELDIEB, Respondent, v.  
TARIK FIROZI, Appellant**

WD70651

Boone County

Before Division Three Judges: Karen King Mitchell, P.J., James Edward Welsh, and Mark D. Pfeiffer, JJ.

Tarik Firozi (Husband) appeals the circuit court's judgment dissolving his marriage to Iman Eldieb (Wife). Husband alleges error in the court's striking his pleadings and conditioning reinstatement of them upon his paying a security deposit for costs and fees; determining that his monthly income was \$80,562; and denying as untimely filed his motion to amend the judgment or, in the alternative, for a new trial.

**AFFIRMED IN PART; REVERSED IN PART; REMANDED.**

**Division Three holds:**

Husband filed his motion to amend the judgment or, in the alternative, for a new trial thirty days after the judgment was entered. Because this case was heard by a family court commissioner, Rule 129.13(a) required any motion for new trial to be filed within fifteen days after the notice of the filing of the court's judgment was mailed. To the extent that Husband sought a new trial, his motion was untimely, and the court properly denied it on that basis.

Husband's motion to amend was governed by Rule 78.04, which requires that a motion to amend be filed within thirty days after the judgment is entered. To the extent that Husband sought to amend the judgment, his motion was timely. He was entitled to have his motion to amend reviewed on its merits, and the court erred in not doing so. Because Husband's remaining points on appeal concern issues that are raised in his motion to amend, any discussion of them would be premature, and we decline to address them.

**Opinion by: James Edward Welsh, Judge**

December 22, 2009

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