

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JAMES DYE, DDS, ET AL.**

**APPELLANTS,**

**v.**

**MISSOURI DEPARTMENT OF SOCIAL  
SERVICES, MISSOURI MEDICAID AUDIT  
AND COMPLIANCE UNIT**

**RESPONDENT.**

---

DOCKET NUMBER WD78352

DATE: December 8, 2015

---

Appeal From:

Cole County Circuit Court  
The Honorable Jon E. Beetem, Judge

---

Appellate Judges:

Division One: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

---

Attorneys:

James H. Arneson, Springfield, MO, for appellant.

Brian P. Weisel, Jefferson City, MO, for respondent.

---

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JAMES DYE, DDS, ET AL.,**

**APPELLANTS,**

**v.**

**MISSOURI DEPARTMENT OF SOCIAL  
SERVICES, MISSOURI MEDICAID AUDIT  
AND COMPLIANCE UNIT,**

**RESPONDENT.**

No. WD78352

Cole County

Before Division One: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

James Dye, DDS and Brenda Herrman, DDS appeal a judgment in favor of the Missouri Medicaid Audit and Compliance Unit. Dye and Herrman argue that the trial court lacked jurisdiction to enter the judgment because they filed a motion to voluntarily dismiss their case before the judgment was entered, rendering the judgment a nullity.

**Appeal Dismissed.**

**Division One holds:**

The trial court did not err when it entered the judgment because it retained jurisdiction over the case. Dye and Herrman were not entitled to voluntarily dismiss the case pursuant to Rule 67.02(a) because their motion to dismiss was not filed prior to the introduction of evidence at trial.

Opinion by Cynthia L. Martin, Judge

December 8, 2015

\*\*\*\*\*

**This summary is UNOFFICIAL and should not be quoted or cited.**