In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

DEBRA WOODSON,	)	No. ED107947
	)	
Plaintiff,	)	Appeal from the Circuit Court of
	)	St. Charles County
vs.	)	Cause No. 1011-CV07534
	)	
BANK OF AMERICA, N.A. and MILLSAP & SINGER, LLC,	)	Honorable Daniel G. Pelikan
	)	
Defendants,	)	
	)	
MILLSAP & SINGER, P.C. and MILLSAP & SINGER, LLC,	)	
	)	
Respondents.	)	Filed: June 2, 2020

Gregory Leyh, the plaintiff's expert witness in the above-styled case, appeals the judgment that granted Millsap & Singer's motion to enforce settlement and imposed a monetary sanction against Leyh.

AFFIRMED IN PART, REVERSED IN PART.

DIVISION IV HOLDS: We affirm the portion of the judgment holding that on July 26, 2018, the parties reached a settlement of the pending contempt proceedings and memorialized the essential terms of that agreement in paragraphs 1 through 9 of their July 26th memorandum.

We reverse the remainder of the judgment because we find that all communications and negotiations between the parties that occurred following July 26th were merely unsuccessful attempts to modify the already-formed July 26th agreement. We also reverse the judgment to the extent it found Leyh engaged in bad faith and unethical conduct and imposed a $35,000 sanction against him.

Opinion by: James M. Dowd, P.J.

Gary M. Gaertner, Jr., J., and Robin Ransom, J., concur.

Attorney for Appellants: Kenneth B. McClain, II

Attorneys for Respondents: Richard C. Wuestling, Susan M. Dimond, and Charles S. Pullium, III

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.