IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE

VICTORIA L. FRAWLEY,

Respondent,

v.

MATTHEW J. FRAWLEY,

Appellant.

DOCKET NUMBER WD84025

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: May 18, 2021

APPEAL FROM

The Circuit Court of Platte County, Missouri
The Honorable W. Ann Hansbrough, Judge

JUDGES

Division Two: Pfeiffer, P.J., and Ahuja and Mitchell, JJ. CONCURRING.

ATTORNEYS

Craig D. Ritchie, Stephanie L. Schutt, and Trang T. Bui, Liberty, MO, Attorneys for Respondent.

Matthew J. Frawley, St. Charles, MO, Appellant, *pro se*.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

VICTORIA L. FRAWLEY, Respondent,
v.
MATTHEW J. FRAWLEY, Appellant.

WD84025 **Platte County**

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, and Alok Ahuja and Karen King Mitchell, Judges

Mr. Matthew J. Frawley, a licensed attorney acting *pro se*, appeals from contempt rulings entered by the Circuit Court of Platte County, Missouri ("circuit court"), finding him in contempt of court for failing to comply with the child support provisions of both the Judgment and Decree for Dissolution of Marriage dissolving his marriage to Ms. Victoria Lynn Frawley ("Dissolution Judgment") and the circuit court's subsequent judgment modifying the Dissolution Judgment ("Modification Judgment"), which contempt rulings were subsequently enforced.

AFFIRMED AND REMANDED FOR AWARD OF ATTORNEY'S FEES ON APPEAL TO MS. FRAWLEY.

Division Two holds:

1. Mr. Frawley asserts four points on appeal. The law of the case doctrine applies when a *reviewing court* has already decided an issue in a case and governs successive appeals involving substantially the same issues and facts. Under the doctrine, the appellate decision becomes the law of the case in subsequent proceedings of the same cause and precludes re-examination of issues decided in the original appeal. The law of the case, established by our prior holdings in *Frawley v. Frawley*, 597 S.W.3d 742 (Mo. App. W.D. 2020), and *Frawley v. Frawley*, 608 S.W.3d 771 (Mo. App. W.D. 2020), forecloses re-examination of Mr. Frawley's points on appeal that improperly attempt to resurrect issues that were finally resolved by our previous rulings, except for part of Point IV. In Point IV, Mr. Frawley contends that the circuit court erred in finding that he was in contempt of the circuit court's judgments because there was no substantial evidence that he willfully refused to comply with the judgment provisions related to reimbursement for the children's extracurricular and medical expenses.

2. While Mr. Frawley's first contempt proceeding is governed by the law of the case doctrine, and we do not re-examine it in the present appeal, Ms. Frawley filed a second motion for commitment order and motion to execute on judgment of contempt. The circuit court held a hearing, at which Ms. Frawley informed the circuit court that she had received no payments from Mr. Frawley other than what had been released by the circuit court. Mr. Frawley did not appear at the hearing. Based on the evidence before it, the circuit court issued a second writ of attachment and warrant of commitment, again enforcing the contempt order and making it final for purposes of appeal. Mr. Frawley had the

opportunity to present evidence to the circuit court at the hearing and to argue that his failure to purge himself of contempt pursuant to the Modification Judgment was not due to his own intentional and contumacious conduct, but he failed to do so. By failing to raise the argument in the circuit court, Father has waived the issue on appeal.

3. Rule 84.19 states, "[i]f an appellate court shall determine that an appeal is frivolous it may award damages to the respondent as the court shall deem just and proper." We conclude that Mr. Frawley's appeal is frivolous; for, there is not one argument that he has submitted on this appeal that was not barred by the law of the case doctrine or otherwise waived due to his failure to present any evidence to the circuit court below as to the willfulness of his contumacious conduct in failing to adhere to the terms of the Dissolution Judgment and the Modification Judgment. Therefore, we order Mr. Frawley to reimburse Ms. Frawley for her attorney's fees incurred in responding to this appeal. As the circuit court is better equipped to take evidence on this topic, we remand this issue to the circuit court and direct the circuit court to issue an award of attorney's fees to Ms. Frawley that it deems reasonable.

Opinion by: Mark D. Pfeiffer, Presiding Judge May 18, 2021

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