MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD88179

SOUSAN LOGHMANI AND GOLNAZ IMAN,
Respondents,

v.

NADER AFZALI,
Appellant.

Opinion Filed: November 17, 2026

Appeal from the Circuit Court of Jackson County, Missouri
The Honorable Jessica Agnelly, Judge

Before Division One: Alok Ahuja, Presiding Judge,
Thomas N. Chapman, Judge, and Janet Sutton, Judge

Nader Afzali ("Afzali") appeals *pro se* from a judgment of the Circuit Court of Jackson County following a bench trial at which Afzali failed to appear. The trial court's judgment found in favor of Plaintiffs Sousan Loghmani ("Loghmani") and Golnaz Iman ("Iman" and, together with Loghmani, "Plaintiffs") on one count of fraud, one count of abuse of process, and one count of injurious falsehood. Afzali raises seven points on appeal, arguing that the trial court erred (1) by exercising personal jurisdiction over him, (2) by entering judgment while motions remained unresolved, (3) by denying dismissal

under the doctrine of *forum non conveniens*, (4) by admitting evidence, (5) in the damages awarded, (6) by entering judgment on a record tainted by fraud, and (7) by entering judgment based on the inaccurate premise that he had not objected to jurisdiction. The judgment is affirmed.

Background

On February 3, 2023, Plaintiffs[1] filed a ten-count petition for damages against Afzali and three other defendants. As relevant to this appeal, Plaintiffs' claims eventually resulted in a judgment against Afzali on one count of fraud, one count of abuse of process, and one count of injurious falsehood.[2]

[1] A third plaintiff had joined the initial petition but voluntarily dismissed his claims prior to trial.

[2] By the time of trial, the claims against the other three defendants had been dismissed. The trial court also dismissed a number of claims against Afzali in its judgment; however, the judgment was silent regarding an additional count under the theory of civil conspiracy, which sought to establish joint and several liability for the conduct underlying other claims. However, the civil conspiracy claim did not assert a distinct theory of liability against Afzali but only sought to recover the same remedies on the basis of the same conduct Afzali was alleged to have committed in other counts. Additionally, Missouri courts have indicated that a civil conspiracy claim is not a separate and distinct action such that a civil conspiracy claim against only one defendant cannot survive. *See Backer v. Backer*, 705 S.W.3d 632, 648-49 (Mo. App. W.D. 2024) (citations omitted). In this matter, the trial court's failure to expressly address the count of civil conspiracy did not prevent the judgment from becoming a final judgment in light of the trial court's resolution of all remaining claims in the case – all of which the trial court either addressed on the merits or dismissed. *See CoMo Premium Constr. LLC v. Pulster*, 724 S.W.3d 823, 828 (Mo. App. W.D. 2025) ("Under the doctrine of implicit finality, if a judgment, by implication, necessarily carries with it a finding upon other counts, the judgment will be sustained as final even though the count is not specifically mentioned.") (internal quotations, citation, and bracket omitted); *see also First Cmty. Credit Union v. Levison*, 395 S.W.3d 571, 577 (Mo. App. E.D. 2013) ("The doctrine of implicit finality is a corollary to the general rule of finality which allows characterization of a judgment as

On March 22, 2023, Afzali filed a pre-answer motion to dismiss, which argued that the claims against him should be dismissed on the grounds of lack of subject matter jurisdiction, collateral estoppel, *forum non conveniens*, and failure to state a claim upon which relief may be granted. Afzali's motion requested that the trial court dismiss the petition with prejudice and award Afzali attorneys' fees.

On April 14, 2023, the trial court denied Afzali's motion to dismiss.

On April 24, 2023, Afzali filed an answer and asserted three counterclaims.[3]

Following two years of litigation, a trial was held on April 21, 2025. Plaintiffs Loghmani and Iman both testified and numerous exhibits were admitted. Afzali did not appear or present evidence at trial.[4]

On June 4, 2025, the trial court entered its "Findings of Fact, Conclusions of Law and Judgment Against Defendant Nader Afzali." The trial court found that Afzali engaged in actions that were designed to extract money through false pretenses from his relatives living in both the United States and Iran. The trial court found that Afzali filed a lawsuit in Iran falsely claiming that he had paid Plaintiffs $45,487 worth of expenses while sponsoring Plaintiffs' "green card" applications in the United States. To support

---

final where the decision on one claim implicitly disposes of the other claims.") (internal citation and quotations omitted).

[3] Afzali's counterclaims were dismissed prior to trial.

[4] Where a defendant fails to appear at trial after filing an answer, "a subsequent judgment is not a default judgment, but a judgment on the merits." *Vang v. Barney*, 480 S.W.3d 473, 475 (Mo. App. E.D. 2016) (quoting *Edwards v. Black Twig Mktg. and Commc'ns LLC*, 418 S.W.3d 512, 517 (Mo. App. E.D. 2013)).

this lawsuit, Afzali fabricated documents from a fictitious accounting firm located in a fictitious city,[5] then took these documents to the Lee's Summit Chamber of Commerce in Jackson County, Missouri (where his wife operated a dental practice), to obtain a signature from a chamber representative so that he could use these documents in Iranian court. The use of these fabricated documents resulted in a judgment against Plaintiff Loghmani and resulted in the inventory of her and her husband's property for seizure if the judgment was not paid. The trial court found that Afzali purposefully harassed Plaintiffs for several years with imaginary claims causing Plaintiffs considerable damages as a result of Afzali's fabricated claims based on fabricated documents.

The trial court found Afzali's actions constituted fraud, abuse of process, and injurious falsehood. The trial court awarded damages in the amounts of $93,844.15 to Plaintiff Loghmani and $46,972.07 to Plaintiff Iman, along with post-judgment interest and costs.

Afzali now appeals to this Court.

Standard of Review

An appellate court will affirm the trial court's judgment in a court-tried civil case "unless there is no substantial evidence to support it, unless it is against the weight of the evidence, unless it erroneously declares the law, or unless it erroneously applies the law." *Brown v. Brown*, 423 S.W.3d 784, 787 (Mo. banc 2014) (quoting *Murphy v. Carron*, 536 S.W.2d 30, 32 (Mo. banc 1976)).

[5] In his deposition testimony, which was admitted at trial, Afzali acknowledged that the information on these documents was fictitious.

Analysis

Afzali raises seven points on appeal. Afzali argues that the trial court erred (1) in exercising personal jurisdiction over him, (2) in entering judgment while motions remained unresolved, (3) in denying dismissal under the doctrine of *forum non conveniens*, (4) in admitting evidence, (5) in awarding damages, (6) in entering judgment on a record tainted by fraud, and (7) entering judgment based on the inaccurate premise that he had not objected to jurisdiction. We address these points in turn.

Point One

In his first point, Afzali argues that the trial court lacked personal jurisdiction over him due to insufficient service. However, Afzali waived this defense.

In general, a defendant may consent to the court's exercise of personal jurisdiction over the defendant. *State ex rel. Norfolk Southern Railway Co. v. Dolan*, 512 S.W.3d 41, 46 (Mo. banc 2017) (citing *State ex rel. Heartland Title Servs., Inc. v. Harrell*, 500 S.W.3d 239, 241 (Mo. banc 2016)). When a defendant comes before the court but fails to properly raise the defense of personal jurisdiction, the defendant waives the defense. *Interest of A.R.B.*, 586 S.W.3d 846, 859 (Mo. App. W.D. 2019).

Rule 55.27 governs the presentation of defenses in civil cases. Rule 55.27(a) provides that defenses in law or fact must be asserted in a responsive pleading (if a responsive pleading is required), but also provides that certain defenses may, at the option of the pleader, be made by motion. When a party elects to file a pre-answer motion asserting defenses under Rule 55.27, certain defenses are waived if not included in the pre-answer motion. *See* Rule 55.27(f)-(g). The defenses of lack of jurisdiction over the

person and insufficiency of service of process are two defenses that are waived if a defendant files a pre-answer motion asserting defenses under Rule 55.27, but does not include these defenses in that pre-answer motion. *See* Rule 55.27(f)-(g).

In this matter, Afzali filed a pre-answer motion to dismiss asserting numerous defenses. Afzali's pre-answer motion to dismiss did not assert the defense of lack of jurisdiction over the person or the defense of insufficiency of service of process. Thus, Afzali waived these defenses.

Point denied.

Point Two

In his second point, Afzali argues that the trial court erred by entering judgment while "threshold" motions and evidentiary motions remained pending and unresolved. Afzali argues that the trial court failed to resolve his "jurisdictional objections and evidentiary challenges, including challenges to *forum non conveniens* and the admissibility" of evidence prior to addressing the merits of Plaintiffs' claims.

The argument section that follows Afzali's point relied on is not clear regarding the argument that Afzali is making. As best as this Court can ascertain from the argument section that follows Afzali's second point on appeal, Afzali acknowledges that the trial court issued a judgment resolving all issues in the case and acknowledges that the judgment became final, but Afzali takes issue with the trial court's authority to rule on the merits of the case after the bench trial at which Afzali did not appear due to filings made by Afzali after the trial.

"An argument must explain why, in the context of the case, the law supports the claim of reversible error. It should advise the appellate court how principles of law and the facts of the case interact." *In re Marriage of Fritz*, 243 S.W.3d 484, 487 (Mo. App. E.D. 2007) (citation omitted). "If a party fails to support a contention with argument beyond conclusions, the point is considered abandoned." *Id.* (citation and ellipsis omitted). Further, an appellant must cite relevant legal authority to support an argument raised in a point relied on or else explain the absence of citations if none are available. *Id.* at 488. If an appellant fails to do so, the appellant's argument preserves nothing for review. *Id.*

Here, Afzali fails to make clear what he is arguing or to provide any legal authority indicating that the trial court committed reversible error based on the timing of its rulings. Afzali does not include any citations providing legal support for his argument that the trial court acted without authority when it rendered judgment following the bench trial in the case. *See* Rule 73.01(c).[6] Although Afzali cites to a number of Missouri Supreme Court Rules, he appears to do so at random and without any indication how the cited rules might support his arguments.

Point denied.

---

[6] Afzali's second point does not argue that the trial court did not address his arguments. We note that the trial court addressed Afzali's arguments regarding dismissal multiple times during the litigation beginning with the trial court's denial of Afzali's pre-answer motion to dismiss. We also note that Afzali failed to appear at trial to raise any objections to the admissibility of evidence. *See Cottonaro v. Express Med. Transp., Inc.*, 688 S.W.3d 751, 756 (Mo. App. W.D. 2024) (recognizing that pretrial rulings on the admissibility of evidence are interlocutory and subject to change such that objections at trial are necessary to preserve issues regarding the admission of evidence).

Point Three

In his third point, Afzali argues that the trial court erred in denying his motion to dismiss on grounds of *forum non conveniens*.

Generally, plaintiffs may file a cause of action in any forum in which there is proper jurisdiction and venue. *State ex rel. Wyeth v. Grady*, 262 S.W.3d 216, 219-220 (Mo. banc 2008). However, "the doctrine of *forum non conveniens* was developed to prevent a plaintiff from taking advantage of liberal venue statutes to 'vex, oppress, or harass' a defendant by bringing suit in a forum that had no connection to the parties or the cause of action." *Id.* at 220. "The doctrine allows, and in some circumstances requires, the trial court to dismiss a suit if it is filed in a 'manifestly inconvenient' forum." *Id.* Missouri courts have indicated that trial courts should apply the doctrine with caution, only for "weighty reasons," and only when the relevant factors balance strongly in favor of the defendant. *Crawford v. Family Tree, Inc.*, 670 S.W.3d 55, 60 (Mo. App. W.D. 2023) (citations omitted).

The trial court has broad discretion regarding whether to dismiss a case under the doctrine of *forum non conveniens*. *Wyeth*, 262 S.W.3d at 219. "The trial court abuses its discretion when its ruling is clearly against the logic of the circumstances and is so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration." *Id.*

Missouri courts have recognized that a trial court should consider and weigh "six important, but non-exclusive, factors in determining whether a suit should be dismissed

on the grounds of an inconvenient forum." *Crawford*, 670 S.W.3d at 60 (citations omitted). These factors are:

> (1) the place where the cause of action accrued; (2) the location of witnesses; (3) the residence of the parties; (4) any nexus with the place of suit; (5) the public factor of the convenience to and burden on the court; and (6) the availability to the plaintiff of another court with jurisdiction over the cause of action that affords the plaintiff a forum for his or her remedy.

Id. (citing *State ex rel. Chicago, R.I. & P. R. Co. v. Riederer*, 454 S.W.2d 36, 39 (Mo. banc 1970)). The weight to be given to these factors and the additional factors that may be considered are dependent on the circumstances of the case. *Id.*

In this matter, Afzali argues that Plaintiffs' claims were based in part on events that occurred in Iran and that the evidence included "foreign records" that are difficult to test in a Missouri courtroom. Afzali does not acknowledge or address the factors considered important by Missouri Courts. Instead, his three-paragraph argument presents the conclusory assertions that private and public interest factors weighed in favor of dismissal. Afzali makes no attempt to address the trial court's finding that he committed a tort in Jackson County, Missouri, where the trial was located. Further, Afzali does not include a single citation to the record for the factual propositions asserted in his argument section as is required by Rule 84.04(e). Afzali's argument is insufficient to establish that the trial court's ruling on his motion to dismiss based on the doctrine of *forum non conveniens* was "clearly against the logic of the circumstances and [] so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration." *See Wyeth*, 262 S.W.3d at 219.

Point denied.

Point Four

In his fourth point on appeal, Afzali argues that the trial court erred in admitting and relying on numerous distinct pieces of evidence.

A point on appeal is multifarious when it "groups together multiple, independent claims rather than a single claim of error." *Macke v. Patton*, 591 S.W.3d 865, 869 (Mo. banc 2019) (citation omitted). "Multifarious points relied on are noncompliant with Rule 84.04(d) and preserve nothing for review." *Id.* (citation omitted).

By asserting that the trial court erred in admitting multiple distinct exhibits, Afzali's point on appeal challenges multiple trial court actions rather than a single action of the trial court. Afzali's fourth point on appeal is therefore multifarious in violation of Rule 84.04 and preserves nothing for review.

Moreover, Afzali did not appear at trial and did not raise a single evidentiary objection at trial. Thus, Afzali failed to preserve any issues regarding the admission of evidence. *See Cottonaro v. Express Med. Transp., Inc.*, 688 S.W.3d 751, 756 (Mo. App. W.D. 2024) (recognizing that objections at trial are necessary to preserve issues regarding the admission of evidence).

Point four is denied.

Point Five

In his fifth point on appeal, Afzali argues that the trial court erred in awarding damages because certain types of damages were not pleaded, because the amounts

awarded were not reasonably certain, because there were inconsistencies regarding the amount of damages, and because the damages were not supported by the record.

Afzali's fifth point relied on is multifarious in violation of Rule 84.04 in that it raises multiple distinct allegations of error by asserting distinct theories that challenge different awards of damages, including the distinct challenges that certain kinds of damages were not pleaded, that other kinds of damages were speculative, and that such damages were not supported by evidence. *See Macke*, 591 S.W.3d at 869 (citation omitted). This multifarious point preserves nothing for review. *Id.*

Moreover, Afzali's arguments are not clear and developed beyond conclusory assertions and fail to set forth legal authority and the relevant legal standards under which to gauge his assertions of reversible error regarding the damages awarded. *See Marriage of Fritz*, 243 S.W.3d at 487. Further, Afzali's arguments include citations that do not relate to or support the arguments raised.[7]

We decline review of Afzali's multifarious fifth point on appeal.

Point Six

In his sixth point on appeal, Afzali argues that the trial court erred in entering judgment on a record tainted by fraud and evidence lacking proper foundation. In this

[7] For example, Afzali asserts that only damages pleaded or tried by consent may be awarded. However, in support of this proposition, Afzali cites to a child support modification case that does not address damages at any point. This citation reflected a pattern in Afzali's briefing, which included multiple citations that did not support or even relate to the propositions of law for which the cases were cited.

point, Afzali takes issue with the trial court's reliance on the evidence admitted at trial, which Afzali asserts is unreliable.

However, by failing to appear and object to the admission of any of the evidence at trial, Afzali failed to preserve any such evidentiary challenges for appeal. *See Cottonaro*, 688 S.W.3d at 756 (recognizing that objections at trial are necessary to preserve issues regarding the admission of evidence).

Point six is denied.

Point Seven

In his seventh point on appeal, Afzali argues that the trial court erred in entering judgment on the premise that he had raised no objection to jurisdiction.

As indicated in our analysis of Afzali's first point relied on, Afzali waived the defense of lack of jurisdiction over the person.

On appeal, Afzali makes no argument that the trial court lacked subject matter jurisdiction. Although defects in subject matter jurisdiction cannot be waived, this Court has not independently identified any theory under which the trial court lacked subject matter jurisdiction. *See* Mo. Const. art. V, § 14; *see also J.C.W. ex rel. Webb v. Wyciskalla*, 275 S.W.3d 249, 253-54 (Mo. banc 2009); *McCracken v. Wal-Mart Stores East, LP*, 298 S.W.3d 473, 476-77 (Mo. banc 2009).

Point denied.

Conclusion

The judgment is affirmed.



Thomas N. Chapman, Judge

All concur.