MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD88344

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 a judgment of the Circuit Court of Jackson County, which granted a motion for attorney's fees filed by Plaintiffs Sousan Loghmani ("Loghmani") and Golnaz Iman ("Iman" and, together with Loghmani, "Plaintiffs"). Afzali raises six points relied on challenging the award of fees. The judgment is affirmed.

Background

Following a bench trial, the trial court entered judgment in favor of Plaintiffs on their petition for damages. The trial court found that Afzali had engaged in conduct constituting fraud, abuse of process, and injurious falsehood.

Following judgment in the underlying case, Plaintiffs timely initiated an independent action pursuant to Rule 74.16 by filing a motion for attorney's fees.[1] Regarding the trial court's authority to grant fees, Plaintiffs cited a number of cases and argued that trial courts may award attorney's fees in special circumstances where a party engages in intentional misconduct that is spiteful, fraudulent, or groundless, or where a party's conduct was frivolous, without substantial grounds, reckless, or punitive. Plaintiffs pointed to findings from the trial court's judgment in which the trial court had found that Afzali had engaged in purposeful harassment of Plaintiffs and had engaged in conduct that was "frivolous, abusive, and spiteful." Plaintiffs also argued that Afzali had actively litigated the case for more than two years right up until trial, but then failed to appear at the trial. Plaintiffs requested attorney's fees in the amount of $114,662.00, and indicated that an Exhibit A was attached providing an itemized list of time entries that were the result of pursuing the action against Afzali.[2]

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[1] Rule 74.16(b)(3) provides that, except for purposes of Rule 51.05(a), a motion for attorney's fees filed under Rule 74.16 is an independent action.

[2] Exhibit A has not been included in the record on appeal. A document labeled Exhibit A appears to be contained in the appendix to Afzali's appellate brief. However, the inclusion of documents in an appendix to a brief does not make them part of the legal file

On July 21, 2025, the trial court issued an order indicating that it was granting Plaintiffs' motion for attorney's fees.

On August 14, 2025, Plaintiffs filed a "Motion for Entry of Judgment for Attorney Fees." Plaintiffs motion requested that the trial court denominate the order granting attorney's fees a "judgment" or "decree" in order to satisfy Rule 74.01(a)'s requirements.

On August 19, 2025, the trial court entered judgment granting Plaintiffs' motion for attorney's fees in the amount of $114,662.00.

Afzali now appeals to this Court.

Standard of Review

"Appellate courts review the trial court's award of attorney fees for an abuse of discretion." *Caldwell v. UniFirst Corp.*, 733 S.W.3d 576, 584 (Mo. App. E.D. 2026) (citing *Gray v. Mo. Dep't of Corrs.*, 635 S.W.3d 99, 105 (Mo. App. W.D. 2021)). "We deem the trial court an expert on fees in a given case due to the court's familiarity with all issues in the case and the character of the legal services rendered." *Id.* (citation and brackets omitted). "We presume the award of attorney fees is correct, and the burden is on the complaining party to prove otherwise." *Id.* "We will only reverse if it is shown that the award of attorney fees was against the logic of the circumstances and so arbitrary and unreasonable as to shock one's sense of justice." *Id.*

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or the record on appeal. *Crawford v. Peterson*, 698 S.W.3d 172, 176 (Mo. App. W.D. 2024); *Matter of A.R.H.*, 711 S.W.3d 887, 889 (Mo. App. S.D. 2025).

Analysis

Afzali raises six points on appeal. In his first two points, he argues that the trial court erred in awarding attorney's fees without identifying its authority for doing so or issuing findings regarding the award of fees. In his third point, he argues there was insufficient evidence to support the award. In his fourth point, he argues that the trial court erred because the billing records provided were redacted and did not permit meaningful review. In his fifth point, he argues that the trial court erred by not segregating the fees or allocating them among multiple defendants and claims based on the evidence and the litigation history. In his sixth point, he argues that the trial court erred in awarding attorney's fees on a record that reflected litigation misconduct that undermined the integrity of the judicial process. For ease of analysis, we address Afzali's first and second points together, then address his third, fourth, and fifth points together, then address his sixth point.

Points One & Two

In his first two points on appeal, Afzali argues that the trial court erred in awarding attorney's fees without identifying the legal authority for doing so and without making findings identifying the basis for doing so. However, both of these points attempt to assert error regarding the form or language of the judgment and are not preserved for appeal.[3]

[3] Afzali's first and second points do not acknowledge or attempt to challenge the grounds for the award of attorney's fees cited by Plaintiffs in their motion for attorney's fees.

Rule 78.07(c) provides: "In all cases, allegations of error relating to the form or language of the judgment, including the failure to make statutorily required findings, must be raised in a motion to amend the judgment in order to be preserved for appellate review."

In this case, Afzali fails to identify where he raised these issues in a motion to amend the judgment. Afzali's preservation statement asserts that he preserved the issue in a 185-page filing titled "Defendant Nader Afzali's Motion to Set Aside the August 19, 2025 Attorney-Fee Judgment."[4] This motion indicated that it was an attempt to set aside the judgment pursuant to Rule 74.06(b). Although the date of filing of the motion is not reflected in the docket sheets set forth in Afzali's legal file, and does not contain a file stamp on the document, Afzali's motion itself indicated that it was filed on September 26, 2025.

Instead, Afzali's first and second points on appeal assert error based on the contents of the judgment such that these points must be understood as arguments regarding the "form or language of the judgment." *See* Rule 78.07(c).

[4] In arguing that his challenge is preserved, Afzali cites to 185 pages of the legal file rather than identifying a single place where he made an argument or identifying a single place where he requested that the trial court amend its judgment to include the findings that he asserts on appeal were required. Thus, even if the motion had been filed prior to the judgment becoming final (which it was not), and even if it was a motion to amend the judgment rather than a motion to set aside the judgment, Afzali's preservation statement fails to indicate where he attempted to raise the arguments he now makes on appeal.

Rule 81.05 governs when a judgment becomes final. "A judgment becomes final in a civil matter at the expiration of 30 days after its entry if no timely authorized after-trial motion is filed." Rule 81.05(a)(1).

In this matter, judgment was entered on August 19, 2025. There were no timely authorized after-trial motions filed prior to the expiration of thirty days after the entry of judgment.[5] Thus, the judgment from which Afzali appeals became final prior to the filing of the motion to set aside filed by Afzali.[6]

Because Afzali's first and second points on appeal seek to challenge the form or language of the judgment, he was required to raise such issues in a timely filed motion to amend the judgment in order to preserve these issues for appellate review. *See* Rule 78.07(c). He did not do so.

Points one and two are denied.

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[5] On August 21, 2025, Afzali filed a document titled "Defendant's Response and Objection to Plaintiffs' Motion for Entry of Judgment." This filing requested that the trial court deny Plaintiffs' "Motion for Entry of Judgment for Attorney Fees," which had requested that the trial court denominate its prior order awarding attorney's fees a "judgment" so that the order could become a final judgment. Afzali's August 21, 2025 filing indicated that it had been served on opposing counsel on August 17, 2025 (prior to entry of judgment), and the document itself indicates that it was a request that the trial court decline to enter a judgment denominating its prior order a judgment rather than as a filing intending to seek relief in response to the judgment. In short, Afzali's August 21, 2025 filing was not a timely authorized after-trial motion as can affect the finality of a judgment under Rule 81.05(a).

[6] Although trial courts may entertain Rule 74.06(b) motions after judgments become final, a motion under Rule 74.06(b) "does not affect the finality of a judgment or suspend its operation." *See* Rule 74.06(c).

Points Three, Four, & Five

In his third point on appeal, Afzali asserts that award of fees was not supported by competent and substantial evidence. In his fourth point on appeal, he argues that the billing records offered in support of the attorney's fees award were redacted and did not permit meaningful review. In his fifth point, he argues that the trial court erred in not segregating or allocating the fee award to only the fees resulting from work attributable to him such that there was an insufficient basis for the trial court's award of fees.[7]

In each of these points, Afzali takes issue with the trial court's award of fees in light of the evidentiary basis presented in support of the award. However, Afzali failed to provide a sufficient record on appeal.

In this matter, billing records were attached to Plaintiffs' motion for attorney's fees as Exhibit A. However, Exhibit A is not contained in our record on appeal.[8]

Rule 81.12(a) provides: "The record on appeal shall contain all of the record, proceedings and evidence necessary to the determination of all questions to be presented,

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[7] This Court is not entirely clear what type of challenge Afzali is making in his fifth point on appeal. The argument section following his fifth point relied on indicates that he is either challenging the award of fees in light of evidentiary basis or the lack of specific findings regarding the award of fees. To the extent that Afzali's fifth point asserts error regarding the trial court's lack of findings, any argument asserting error based on the form or language of the judgment is not preserved for appeal as it was not raised in a motion to amend the judgment. *See* Rule 78.07(c).

[8] The inclusion of documents in an appendix to a brief does not make them part of the legal file or the record on appeal. *Crawford v. Peterson*, 698 S.W.3d 172, 176 (Mo. App. W.D. 2024); *Matter of A.R.H.*, 711 S.W.3d 887, 889 (Mo. App. S.D. 2025).

by either appellant or respondent, to the appellate court for decision. It is divided into two components: the legal file and the transcript." It is the appellant's duty to provide a record on appeal sufficient to allow the appellate court to determine the questions presented. *Wheeles v. Wheeles*, 577 S.W.3d 839, 841 (Mo. App. E.D. 2019); Rule 81.12(a)-(c). "In the absence of a sufficient record, there is nothing for this court to review, and the point on appeal must be dismissed." *Kull v. Farahat*, 732 S.W.3d 177, 187 (Mo. App. E.D. 2026) (citation and brackets omitted).

In this matter, Afzali has failed to provide a record on appeal sufficient to allow this Court to determine the questions presented in his third, fourth, and fifth points.

Points three, four, and five are denied.

Point Six

In his sixth point on appeal, Afzali argues that the trial court erred in awarding attorney's fees because the overall record in the case showed conduct that undermined the integrity of the judicial process. Afzali argues that the evidence in the underlying case was unreliable and inadmissible. Essentially, Afzali argues that the underlying judgment against him was in error such that the award of attorney's fees in the independent action regarding attorney's fees was also improper.

However, Afzali failed to establish error in his appeal of the underlying judgment.[9] His appeal of the independent action awarding attorney's fees is not an additional

[9] Afzali failed to appear at the underlying trial and made no objections at trial regarding the admissibility of any of the evidence in the case.

opportunity to attempt to relitigate issues regarding the separate judgment in the separate action in the underlying case.

Point six is denied.

Conclusion

The judgment is affirmed.



Thomas N. Chapman, Judge

All concur.