

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

LISA M. RALLO, Respondent,)	No. ED101746
)	
vs.)	Appeal from the Circuit Court
)	of St. Charles County
PETE S. RALLO, Appellant.)	Hon. John P. Banas
)	Filed: June 2, 2015

This appeal arises from the judgment dissolving the marriage of Lisa Rallo (“Wife”) and Pete Rallo (“Husband”). Husband challenges the trial court’s decisions on venue, custody, division of property and attorney fees.

AFFIRMED.

Division Three holds:

Venue was proper in St. Charles County, where Wife resided at the time she filed the petition.

There was substantial evidence to support the trial court’s award of joint legal custody, with ultimate decision-making in the event of irreconcilable differences to Wife, and the award of sole physical custody to Wife.

The trial court’s division of property correctly excluded the non-existent remains of a 2011 tax refund received by Wife and correctly included Husband’s entire pension as marital property.

The trial court correctly imputed a minimum wage income to Husband after concluding that Husband failed to use his best efforts to find employment despite an ability to work.

The correct standard for determining an award of attorney fees in a dissolution case is found in section 452.355.1, and cases adding or using instead an “unusual circumstances” standard should no longer be followed. The trial court considered all of the factors under the statute and did not abuse its discretion in ordering Husband to pay half of Wife’s attorney fees.

Opinion by: Robert G. Dowd, Jr., J
Kurt S. Odenwald, P.J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: James W. Schottel, Jr.

Attorney for Respondent: Stephen R. Fleddermann

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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