

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**  
**SOUTHERN DIVISION**

PAUL L. PASTERNAK	)	No. ED102319
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Francois County
vs.	)	
	)	Honorable Shawn R. McCarver
DENISE M. PASTERNAK,	)	
	)	
Respondent.	)	Filed: November 24, 2015

Paul Pasternak (Father) appeals the trial court's judgment awarding Denise Pasternak (Mother) \$12,500 in attorney's fees. In two points on appeal, Father claims that the trial court erred in ordering Father to pay Mother's attorney's fees because (1) the judgment was prohibited by § 452.377.13 RSMo 2000, which precludes the award of attorney's fees against any party who objects in good faith to the relocation of the child's principal residence, and (2) the judgment was not supported by substantial evidence.

AFFIRMED.

The Southern Division Holds:

- 1) Section 452.377.1 does not completely bar the award of attorney's fees. The trial court may segregate attorney's fees into those that cannot be awarded under § 452.377.1 and those that are within its discretion to award under § 452.355.1.
- 2) Substantial evidence supported the trial court's award.

Opinion by: Philip M. Hess, J. (author)  
Lisa S. Van Amburg, C.J., concurs.  
James M. Dowd, J., dissents in separate opinion.

Attorney for Appellant: Christina L. Kime

Attorney for Respondent: Lawrence G. Gillespie

<b>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.</b>
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