

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

In re the Marriage of Kim E. Gardner and Claire Gardner)	Nos. ED94126 & ED94164
)	Appeal from the Circuit Court
)	of St. Louis County
KIM E. GARDNER, Petitioner/Appellant,)	Honorable Douglas R. Beach
v.)	Date: September 14, 2010
CLAIRE GARDNER, Respondent/Respondent.)	

Husband appeals from that part of the trial court's judgment *pendente lite* awarding wife attorney's fees and litigation costs on account in a dissolution case.

AFFIRMED.

Division Two Holds:

1. Because of the nature of an award "on account," and because of the substantial deference we give to temporary awards, we do not require that these awards be supported by the same level of evidence as awards of attorney's fees and costs in a final judgment.
2. The trial court did not abuse its discretion in awarding wife attorney's fees and litigation costs on account in a judgment *pendente lite*.

Opinion by: Kathianne Knaup Crane, J.
Glenn A. Norton, P.J. and George W. Draper III, J., concur.

Attorneys for Appellant: Susan K. Roach, Chris D. Elster, and W. Edwin Roussin

Attorneys for Respondent: Susan M. Hais and J. Robert Dennis

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.