

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

BIG TEX TRAILER MANUFACTURING, INC.,

Appellant

v.

DUFF MOTOR COMPANY, INC D/B/A DUFF MOTORS AND KEVIN DUFF.

Respondents

DOCKET NUMBER WD69504

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: February 3, 2009

Appeal From:

Circuit Court of Jackson County, MO
The Honorable William Stephen Nixon, Judge

Appellate Judges:

Division Four: Thomas H. Newton, C.J., James M. Smart, Jr., and James Edward Welsh, JJ.

Attorneys:

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**BIG TEX TRAILER MANUFACTURING, INC., Appellant, v.
DUFF MOTOR COMPANY, INC D/B/A DUFF MOTORS AND
KEVIN DUFF, Respondents**

WD69504

Jackson County

Before Division Four Judges: Newton, C.J., Smart, Jr., and Welsh, JJ.

Big Tex Trailer Manufacturing, Inc. (Big Tex) appeals the circuit court's judgment denying its petition for registration of foreign judgment as to Kevin Duff. Big Tex contends that the circuit court erred in denying the registration of the foreign judgment against Duff because: (1) it was entitled to full faith and credit, and (2) the circuit court no longer had jurisdiction over the matter because it had previously denied the motion to quash as to Duff. Big Tex appeals.

REVERSED AND REMANDED.

Division Four holds:

Missouri courts give full faith and credit to judgments of sister states except where it can be shown that there was no jurisdiction over the subject matter or over the person or where the judgment was obtained by fraud. It is clear from the Texas court's judgment that it considered and ruled on the question of its personal jurisdiction of Duff. Pursuant to Missouri law, it is entitled to full faith and credit. Once Duff's motion was denied, he could have appealed that decision to a higher Texas court, but Duff did not do so.

Opinion by James Edward Welsh, J.

February 3, 2009

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