

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI, EX REL. JEREMIAH W. NIXON,  
MISSOURI ATTORNEY GENERAL,

Respondent

v.

JAMES RUES.

Appellant

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DOCKET NUMBER WD70590

DATE: December 15, 2009

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Appeal From:

Circuit Court of Cole County, MO  
The Honorable Jon Edward Beetem, Judge

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Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Victor C. Howard, and James Edward Welsh, JJ.

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Attorneys:

James P. Rues, Cameron, MO

Appellant Acting Pro Se,

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Attorneys:

Laura E. Elsbury, Jefferson City, MO

Counsel for Respondent

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

**STATE OF MISSOURI, EX REL. JEREMIAH W. NIXON,  
MISSOURI ATTORNEY GENERAL, Respondent, v.  
JAMES RUES, Appellant**

WD70590

Cole County

Before Division Two Judges: Ellis, P.J., Howard, and Welsh, JJ.

James Rues appeals from the circuit court's denial of his motion to set aside the default judgment entered in the State's action against him for incarceration reimbursement. In particular, Rues contends that the circuit court lacked subject matter jurisdiction over this matter and did not acquire personal jurisdiction over him or the non-resident parties and entities involved in this case. He also asserts that he was entitled to relief as a matter of law pursuant to Rules 55.09 and 55.27(g)(3).

**AFFIRMED.**

**Division Two holds:**

(1) To set aside a default judgment, a motion must state facts constituting a meritorious defense and good cause for the default. Rues claimed a meritorious defense, but he did not offer any good cause reason for his failure to respond to the petition.

(2) The circuit court had subject matter jurisdiction of the underlying action seeking reimbursement under the Missouri Incarceration Reimbursement Act, and the circuit court had personal jurisdiction over Rues.

(3) Rues is not entitled to relief pursuant to Rule 55.09. The facts that Rues asserted in his motion to set aside the default judgment are not deemed admitted, because no responsive pleading was required to the motion.

(4) Rule 55.27(g)(3) did not require the circuit court to dismiss the case for lack of subject matter jurisdiction.

**Opinion by: James Edward Welsh, Judge**

December 15, 2009

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**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**