

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**TIMOTHY CHRISTIANSON,  
RESPONDENT**

**vs.**

**RON GOUCHER d/b/a GOUCHER TRUCKING,  
APPELLANT**

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DOCKET NUMBER WD75791

DATE: OCTOBER 1, 2013

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Appeal from:

The Circuit Court of Jackson County, Missouri  
The Honorable Michael W. Manners, Judge

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Appellate Judges:

Division One: Victor C. Howard, Presiding Judge, Joseph M. Ellis, Judge and Anthony Rex Gabbert, Judge

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Attorneys:

Tom Hershewe, for Respondent

Theresa S. Hall, for Appellant

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**TIMOTHY CHRISTIANSON, RESPONDENT**

**v.**

**RON GOUCHER d/b/a GOUCHER TRUCKING, APPELLANT**

WD75791

Jackson County, Missouri

Before Division I: Victor C. Howard, Presiding Judge, Joseph M. Ellis Judge and Anthony Rex Gabbert, Judge

Ron Goucher d/b/a Goucher Trucking appeals from the judgment of the trial court denying his Rule 74.06 motion to quash service and/or set aside a default judgment entered in favor of Timothy Christianson. He claims that the default judgment was void for lack of personal jurisdiction and for violating his procedural and/or substantive due process rights. The judgment is affirmed.

**AFFIRMED.**

**Division One Holds:**

(1) Where there was never a defect in service, but, at most, a defect in the original return of service and where Christianson amended the defective return to include the required affidavit of the special process server, the trial court did not err in denying Goucher's motion to set aside the default judgment under Rule 74.06 based on lack of personal jurisdiction.

(2) Where Goucher was served with notice of the petition and failed to answer or appear, where Christianson presented substantial evidence of non-economic damages, and where Missouri Supreme Court precedent and rules did not require that Goucher receive notice of the amount of damages claimed or that a default judgment had been entered against him, the trial court did not err in denying Goucher's motion to set aside the default judgment based on a violation of due process.

**Opinion by: Victor C. Howard, Judge**

Date: October 1, 2013

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