**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY**
**STATE OF MISSOURI**

FILED
07/06/23
JOAN M. GILMER
CIRCUIT CLERK
ST. LOUIS COUNTY, MO

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| JUSTIN WACH | ) | |
| | ) | |
| Petitioner, | ) | |
| | ) | Cause No. 21SL-DR00305 |
| vs. | ) | |
| | ) | Division 15 |
| ALEXANDRA DEAN, | ) | |
| | ) | |
| Respondent. | ) | |

**ORDER DENYING RESPONDENT'S MOTION AND**
**AMENDED MOTION TO DISMISS FOR LACK OF JURISDICTION**

Respondent, Alexandra Dean, filed a Motion to Dismiss for Lack of Jurisdiction on June 15, 2023. Respondent filed an Amended Motion to Dismiss for Lack of Jurisdiction on June 22, 2023. Respondent alleges that this court lacked subject matter and personal jurisdiction over Respondent and the case.

Petitioner, Justin Wach, filed this original action to determine paternity, custody, and child support in St. Louis County on January 20, 2021. Respondent, Alexandra Dean, filed an answer and counterclaim on March 16, 2021. Respondent's answer did not allege a lack of jurisdiction over either the subject matter or the person, and no separate motion alleging a lack of jurisdiction over the subject matter or the person is found in the court file. *See*, Rule 55.27(a).

In *In re Marriage of Hendrix*, 183 S.W.3d 582, 588 (Mo. banc 2006) the Supreme Court of Missouri noted that subject matter jurisdiction and personal jurisdiction are subdivisions of jurisdiction. Subject matter jurisdiction is the "tribunal's statutory authority to hear a particular kind of claim." *Id*. Personal jurisdiction may be "waived because it is a personal privilege." *Id*.

Subject matter jurisdiction over a paternity action is conferred on this court by §210.829 RSMo and §210.841.3 and on the issue of custody pursuant to §452.375. Under §210.829.4, the paternity action "may be brought in the county in which the child resides, the mother resides, or the alleged father resides or is found." A defense of improper venue must be raised in the responsive

pleading or in a timely filed motion or the defense is waived. Rule 55.27(a), 55.27(g); *State ex rel. Meek v. Smith*, 974 S.W.2d 656 (Mo. App. 1998); *In re Marriage of Burns*, 903 S.W.2d 648, 650 (Mo. App. 1995). No motion to change venue was ever filed, nor was a timely objection to venue or jurisdiction over the person brought to the Court's attention. Respondent's claims of a lack of personal jurisdiction were waived and her claim is denied.

Trial of this cause was heard in August and October of 2022 while this judge, Hon. John R. Lasater, was an associate circuit judge in Division 38 of the 21st Judicial Circuit. The cause was submitted to the court after the parties were allowed to submit proposed judgments in December, 2022. On March 31, 2023, this judge was appointed by the governor to circuit judge in Division 15 of the 21st Judicial Circuit. The new appointment did not change this judge's authority to act and the case remained under submission pending the issuance of a judgment. Under Rule 73.01(c) a judge in a court-tried case is obligated to render a judgment with written findings when requested by the party and as required by §452.375. Respondent's claim that this judge and court were without authority to issue a judgment is without merit.

All other claims in Respondent's Motion are without merit and are denied.

**SO ORDERED:**

**SO ORDERED:**

Judge Division 15

July 06, 2023