
SUPERIOR COURT OF NEW JERSEY
Appellate Division
DOCKET NO. A-3656-13T4

Prasad Kummarapurugu

Plaintiff / Appellant

v.

Padmini Thota

Defendant / Respondent

Civil Action

On Appeal from a Final Order of
the Superior Court of New
Jersey, Chancery Division,
Family Part, Mercer County

Sat below:

Hon. Catherine Fitzpatrick, PJFP

Appellant's Brief and Appendix

The Law Office of

David Perry Davis
Attorney ID: 047451996
112 West Franklin Ave
Pennington NJ 08534
(609) 737-2222
AppDiv@dpdlaw.com
Attorney for plaintiffs

David Perry Davis, Esq.
On the brief

Table of Contents

Cover Page i

Table of Contents ii

Table of Authorities iii

Index to Transcripts ii

Table of Contents to Appendix iv

Procedural History 1

Preliminary Statement 3

Statement of Facts 4

Legal Argument

I. THE TRIAL COURT ERRED IN CALCULATING DEFENDANT'S
CHILD SUPPORT OBLIGATION. 6

A. The Appellate Division owes no deference
to the trial court's decision, which was
based on an erroneous reading of the record
and the misapplication of the law 6

B. Plaintiff's child support obligation should be
established pursuant to the New Jersey Child
Support Guidelines 7

C. Plaintiff's corrected child support obligation
should be effective July 8, 2013 8

Conclusion 10

Table of Authorities

New Jersey Statutes

N.J.S.A. 2A:34-23.1 8
N.J.S.A. 2A:17-56.23a 9

New Jersey Court Rules

Rule 5:6A 7

New Jersey Case Law

Cesare v. Cesare, 154 N.J. 394 (1998) 6
Pascale v. Pascale, 113 N.J. 20, 33, (1988) 6
Gallo v. Gallo, 66 N.J. Super. 1, 5, (App.Div.1961) 7
Gordon v. Rozenwald, 380 N.J. Super. 55, 76-77 (App. Div. 2005) . 6
Gotlib v. Gotlib, 399 N.J. Super. 295, 309 (App. Div. 2008) . . . 7
Manalapan Realty v. Twp. of Manalapan, 140 N.J. 366 (1995) . . . 7
Ordukaya v. Brown, 357 N.J. Super. 231 (App.Div. 2003) 8
Rova Farms Resort, Inc. v. Investors Ins. Co., 65 N.J. 474 (1974) 7

Index to Transcripts

Transcript 1 [1T] - Oral Argument, 8/8/2013 Pa 239-270
Transcript 2 [2T] - Decision, 10/31/2013 Pa 271-274

Table of Contents to Appendix

Order on motion 2/12/2014 (Order under appeal)	1-4
Order 10/31/2013	5-8
Consent order 10/14/2010	9-10
Order 12/01/2010	11-18
Plaintiff's motion 7/08/2013	19-58
Defendant's cross-motion 7/23/2013	59-72
Plaintiff's reply to cross-motion 7/31/2013	73-140
Correspondence to Court 11/14/2013	141-162
Correspondence to Court 1/13/2014	163-178
Correspondence to Court 02/27/2014	179-218
Correspondence to Court 03/13/2014	219-224
Correspondence to Court 03/20/2014	225-234
Correspondence to Court 04/01/2014	235-237
Transcript 1 [1T] - Oral Argument 8/8/2013	239-270
Transcript 2 [2T] - Decision, 10/31/2013	271-274

Procedural History

Plaintiff, proceeding *pro se*, filed a motion seeking a review of child support on July 8, 2013 (Pa 19-58).¹ Defendant, also self-represented, filed a cross motion on July 23, 2013 (Pa 59-72). Plaintiff filed a reply certification on July 31, 2013 (Pa 73-114). The Court conducted oral argument on August 8, 2013 (1T). No written order was issued.

Three months later, on October 31, 2013, an order was entered setting forth a specific list of additional information the Court required (Pa 5-8) so as to recalculate child support. Without the parties present, the trial court placed a decision on the record outlining the reason the information was required (2T 5-3 to 5-11).

The parties supplied the requested information (Pa 141-162).

Six weeks later, on January 13, 2014, plaintiff inquired as to the status of receiving an order recalculating support (Pa 163-178).

An order was issued on February 12, 2014 (Pa 1-4).

On February 27, 2014, plaintiff wrote the Court, addressing errors contained in the Court's order (Pa 179-218). No response was received to the letter.

Plaintiff retained counsel on March 13, 2014. Counsel

¹ The application also sought a review of parenting time, however plaintiff withdrew these aspects of his application, which are not part of the appeal.

immediately wrote to the Court, pointing out the errors in the Court's reading of the information supplied by the parties and its resulting misapplication of the guidelines (Pa 219-224). A week later, counsel again wrote the Court (Pa 225-234). No response was received. On April 1, with the deadline for an appeal looming, counsel again wrote the trial court in an attempt to address the issue without the expense and delay of an appellate proceeding (235-237). No response was received.

This appeal followed.

Preliminary Statement

The trial court erred in its determination of plaintiff's child support obligation. Although purporting to apply the child support guidelines, the court's order resulted in an obligation that is \$5,772 per year more than the guidelines require. Aside from paying child support for his son, plaintiff is attempting to support himself, his wife, and his son from his second marriage. There was certainly no basis to deviate from the guidelines without explanation and to dramatically increase his support obligation.

While a court has the authority to depart from the guidelines when justice demands it, the court must put forth a reason for deviating. In this matter, there is no indication that the court intended to deviate from the guidelines. The record demonstrates that the trial court simply misread the record and misapplied the guidelines.

The trial court also, without explanation, made plaintiff's revised obligation effective as of the date of its order rather than as of the filing of his motion seven months earlier.

As there are no factual issues, plaintiff asks this court to remand for the entry of an order correcting his child support obligation, effective as of the filing of his motion.

Statement of Facts

The parties to this postjudgment matrimonial matter were married in 1999 and divorced in 2006 (Pa 35). Both are professionals, working in the Information Technology field. They are the parents of one child, Abhiram, who is now nine years old (DOB 5/24/2005) (Pa 35). Both parties are currently remarried and have children with their current spouses (Pa 35).

On July 8, 2013, plaintiff, proceeding *pro se*, filed a motion seeking, among other things, a review of his child support obligation as the result of his current wife having given birth to a child a year earlier (Pa 20).

There were no factual disputes before the trial court relevant to the recalculation of child support. Neither party requested that the court deviate from the guidelines, nor was there any evidence in the record that such deviation would be appropriate.

The parties share custody of Abhiram, with plaintiff enjoying 104 overnights per year (Pa 12). This schedule had been consented to by the parties in their property settlement agreement (Pa 203) and affirmed by a subsequent consent order entered October 14, 2010 (Pa 9, Pa 15).

Without explanation (or a request by either party to do so), the trial court credited plaintiff with only 52 overnights when calculating child support obligation (Pa 3).

Defendant has a child with her current husband and the parties agreed that there was no additional cost to her to

provide medical insurance for Abhiram. They specifically agreed that no credit would therefore be given on the child support guidelines worksheet for this (Pa 218 at ¶6).

Without explanation (or a request by either party to do so), the trial court nonetheless disregarded this agreement and assessed plaintiff a portion of the cost of medical insurance (Pa 3 at line 10) although defendant does incur any cost to include coverage for Abhiram.

Defendant's gross weekly income is \$2,019 per week (Pa 67). This was confirmed by the submission of her paystub and was never questioned by either party nor by the Court (1T, 2T).

Without explanation, the trial court listed defendant's income as \$1,549 per week (Pa 67 CSG at line 10), \$470 per week less than she actually earns.

Child support has always been calculated on the Shared Parenting Guidelines in this matter (Pa 203). Upon an earlier recalculation in 2010, it was also calculated on the Shared Parenting worksheet (Pa 15). There had never been an objection to doing so, and the requirements for application of the shared parenting guidelines were all present.

Without explanation (or a request by either party to do so), the trial court calculated support on the sole parenting worksheet (Pa 3-4).

The end result of these errors was a child support obligation of \$273 per week (Pa 1-4) (\$1,183 per month) where the

guidelines required an obligation of \$162 per week (\$702 per month) (Pa 222-223), a difference of \$111 per week (or an excess \$481 per month).

Plaintiff, both *pro se* and then through counsel, reached out to the trial court and made several attempts to avoid the necessity of an appeal (Pa 219-224, Pa 225-234, Pa 235-237). Beyond making a verbal request on March 19 that counsel file a substitution of attorney, the trial court did not respond to any of these requests.

This appeal followed.

LEGAL ARGUMENT

I. THE TRIAL COURT ERRED IN CALCULATING DEFENDANT'S CHILD SUPPORT OBLIGATION.

A. The Appellate Division owes no deference to the trial court's decision, which was based on an erroneous reading of the record and the misapplication of the law

Findings of a trial Court are binding on appeal when supported by adequate, substantial and credible evidence. Cesare v. Cesare, 154 N.J. 394 (1998), Pascale v. Pascale, 113 N.J. 20, 33, (1988) (quoting Gallo v. Gallo, 66 N.J. Super. 1, 5, (App.Div.1961)), Rova Farms Resort, Inc. v. Investors Ins. Co., 65 N.J. 474, 484 (1974). "A trial court's rulings in such matters are discretionary and not overturned unless the Court abused its discretion, failed to consider controlling legal principles or made findings inconsistent with or unsupported by

competent evidence." Gordon v. Rozenwald, 380 N.J. Super. 55, 76-77 (App. Div. 2005).

However, no deference is owed to a trial judge's "interpretation of the law and the legal consequences that flow from established facts[.]" Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995). If a trial court ignores applicable standards or fails to apply the law, the Appellate Division should not hesitate to reverse. Gotlib v. Gotlib, 399 N.J. Super. 295, 309 (App. Div. 2008).

The Appellate Division should extend no deference to the trial court's decision in this matter, which was a simple misreading of the record and misapplication of the child support guidelines.

B. Plaintiff's child support obligation should be established pursuant to the New Jersey Child Support Guidelines.

Absent a basis to deviate from their application, child support is generally established pursuant to the New Jersey child support guidelines. Rule 5:6A provides:

The guidelines set forth in Appendix IX of these Rules shall be applied when an application to establish or modify child support is considered by the court. The guidelines may be modified or disregarded by the court only where good cause is shown. Good cause shall consist of a) the considerations set forth in Appendix IX-A, or the presence of other

relevant factors which may make the guidelines inapplicable or subject to modification, and b) the fact that injustice would result from the application of the guidelines. In all cases, the determination of good cause shall be within the sound discretion of the court. Pressler, 2014 Rules Governing the Courts of the State of New Jersey, Appendix IX-A. See also, N.J.S.A. 2A:34-23.1.

In Ordukaya v. Brown, 357 N.J.Super. 231 (App.Div. 2003), the Appellate Division reaffirmed the mandate of the New Jersey Court Rules that a child support order must be either based on the Child Support Guidelines, must contain a knowing waiver of the guidelines by the parties, or a court may deviate if there is "good cause" to do so.

In the matter before this court, there was no application made to deviate from the guidelines, nor were there grounds to do so. There were no facts in dispute. The trial court simply misread the uncontested facts in the record.

C. Plaintiff's corrected child support obligation should be effective July 8, 2013.

New Jersey Statute Annotated 2A:17-56.23a prohibits the retroactive modification of child support. Although plaintiff's son from his current marriage had been born over a year before he filed his motion, he was therefore precluded from having his support obligation adjusted to the date of his son's birth.

While N.J.S.A. 2A:17-56.23a does not mandate that a modification to child support be made effective as of the filing of a motion, this is the general practice in the courts.

In this matter, plaintiff promptly complied with every deadline set down by the court. He filed his application to modify support on July 8, 2013 (Pa 19-58). It took three months to receive an order on that motion (Pa 5-8), and the order still did not address the merits, but required the parties to submit additional documentation. Plaintiff promptly complied and submitted the required information (Pa 141-162). It took the trial court another four months to issue an order (Pa 1-4). It is grossly unfair to plaintiff to have overpaid support for over seven months from the time he applied to have it adjusted.

Conclusion

For the foregoing reasons, this court should remand for the entry of an order correcting plaintiff's child support obligation to the \$162 per week required by the guidelines, effective as of the July 8, 2013 filing of his motion.

Respectfully submitted,



David Perry Davis, Esq.

True Copy
Den...

REPAIRED BY THE COURT

FEB 12 2014

SUE REGAN
Deputy Clerk of Superior Court

Prasad Kummarapurugu,
Plaintiff,

Sue Regan
SUE REGAN
DEPUTY CLERK OF SUPERIOR COURT

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION -
FAMILY PART
MERCER COUNTY

v.

DOCKET NO. FM-11-213-06 K
CS42755093A

Padmini Thota,

CIVIL ACTION

Defendant.

ORDER

THIS MATTER being opened by the Court, sua sponte, on February 12, 2014 for a recalculation of child support after having received additional financial documentation, pursuant to the Court's October 31, 2013 order, from the plaintiff, Prasad Kummarapurugu, a self-represented litigant and the defendant, Padmini Thota; and for good cause shown;

IT IS on this 12th day of February, 2014:

- 1) ORDERED that the plaintiff's child support obligation shall be modified to \$272 per week, effective February 12, 2014.

Catherine Fitzpatrick
CATHERINE FITZPATRICK, P.J.F.P.

Pursuant to R. 1:6-2(f), the Court provides the following Statement of Facts and Conclusions of Law:

On October 31, 2013 the Court granted in part plaintiff's application for an order modifying his child support obligation, considering his parenting time and his other

defendant son. The Court ordered that support would be recalculated, but only upon receipt of additional documentation from each party. Specifically the plaintiff was ordered to provide the Court, with a copies of (1) his W-2 forms for 2012, 2011 and 2010, (2) documentation indicating whether his pension contributions are mandatory, (3) proof of his current wife's most recent income, and a (4) copy of his bonus check for 2012 and 2013 if received.

The defendant was also ordered to submit documentation. Specifically the defendant was ordered to provide copies of (1) her 2012 W-2 form and (2) proof of the cost of medical coverage for the parties' child.

After receiving the parties' submissions the Court ran a sole parenting worksheet based on the documentation provided. The Court averaged the plaintiff's bonuses and calculated his income at \$2,750.00 per week, or \$143,000 per year. The Court calculated defendant's income at \$1,549.00 per week or \$80,000 per year. The Court calculated plaintiff's overnights at 52 per year, included defendant's contribution for medical insurance, and plaintiff's other dependent deduction. Based on all those factors, the plaintiff's child support obligation shall be modified to \$272 per week, effective February 12, 2014. The child support guideline is attached thereto and made apart hereof as schedule A.

CHILD SUPPORT GUIDELINES - SOLE PARENTING WORKSHEET - PAGE 2

<i>All amounts must be weekly</i>	CUSTODIAL	NON-CUSTODIAL	COMBINED
<i>If neither parent is requesting the other-dependent deduction, go to line 25.</i>			
22. Child Support Order WITH Other-Dependent Deduction		\$ 243.00	
23. Child Support Order WITHOUT Other-Dependent Deduction		\$ 301.00	
24. Adjusted Child Support Order $((L22 + L23) / 2)$		\$ 272.00	
25. Self-Support Reserve Test (L6 - L21 or L24 for NCP; L6 - L14 for CP). If L25 for NCP is greater than 105% of the federal poverty guideline for one person (pg) or L25 for CP is less than pg, enter L21 or L24 amount on L27. If L25 for NCP is less than the pg and L25 for CP income is greater than the pg, go to L26. (The pg for Tax Year 2013 is 232)	\$ 947.00	\$ 1,350.00	
26. Obligor Parent's Maximum Child Support Obligation (L6 NCP income - 105% of federal poverty guideline for one person). Enter result here and on Line 27.		\$ 0.00	
27. Child Support Order		\$ 272.00	
COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS			
1. The child support order for this case <input checked="" type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (line 27), enter amount ordered: \$ 0.00			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
4. The following court approved extraordinary expenses were added to the basic support obligation on Line 19:			
5. Taxes	IX-H	CircE	Other
CP:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Other
NCP:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Other
			Allow's
			# Allowances :3
			# Allowances :3
			Marital Status
			<input type="checkbox"/> Single
			<input type="checkbox"/> Married
			<input checked="" type="checkbox"/> HoH
			<input type="checkbox"/> Single
			<input checked="" type="checkbox"/> Married
			<input type="checkbox"/> HoH
Prepared By:	Title:	Date:	
ALEXANDRA PRICE	JUDICIARY LAW CLERK	02/04/2014	

Pa 4

REPAIRED BY THE COURT

A True Copy
Sue Regan

CLERK OF SUPERIOR COURT
SUPERIOR COURT OF N.J.
MERCER COUNTY
RECEIVED AND FILED

Prasad Kummarapurugu,

Plaintiff,

v.

Padmini Thota,

Defendant.

SUE REGAN
Deputy Clerk of Superior Court

OCT 31 2013
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION -
FAMILY PART
MERCER COUNTY
DOCKET NO. FM-11-213-06 K
CS42755093A
CIVIL ACTION
ORDER

THIS MATTER having come before the Court on August 8, 2013, the Honorable Catherine Fitzpatrick, P.J.F.P., presiding, on the application of the plaintiff, Prasad Kummarapurugu, a self-represented litigant, seeking an order granting relief as stated in the notice of motion; and the defendant, Padmini Thota, a self-represented litigant, having been properly served and having filed written opposition; and the Court having considered the parties' submissions; and the Court having heard oral argument and for the reasons stated on the record on August 8, 2013 as well as reasons stated on the record on October 31, 2013 ; and for good cause shown;

IT IS on this 31st day of October, 2013:

- 1) **ORDERED** that the plaintiff's application for an order requiring the defendant to comply with the Protective Order, dated June 3, 2013, regarding parenting time with the parties' child, Abriham Kummarapurugu (d.o.b. May 24, 2004), is **denied**. Until such time as the custody hearing is held, the parties are to follow the current parenting plan; and it is

Pa 5¹

- 2) **FURTHER ORDERED** that the plaintiff shall notify the court within two (2) weeks of the date of this order as to the name of his custody expert and he shall be solely responsible for the cost of same; and it is
- 3) **FURTHER ORDERED** that in the interim, pending the plenary hearing regarding parenting time, the Court appoints Dr. Alan S. Gordon, (196 Princeton-Hightstown Road, Building 1, 2nd Floor, Princeton, Junction, NJ 08550, (609) 799-3866) , to act as Parent Coordinator for a period of six (6) months commencing November 15, 2013 and terminating on May 15, 2104 unless further ordered by the Court; and it is
- 4) **FURTHER ORDERED** that the parties shall equally in the costs and fees incurred as a result of the appointment of said Parent Coordinator¹; and it is
- 5) **FURTHER ORDERED** that the Parent Coordinator shall have the authority to determine issues and make recommendations pertaining to parenting time and other matters. Such recommendations and determinations will be binding on the parties at the time they are made. Should either party question the recommendations of the Parent Coordinator, he or she shall notify the other party that they are filing a motion for the Court's consideration on the recommendation. In this case, the Parent Coordinator's recommendation shall serve as an immediate interim plan that the parties will abide by until it is further enforce by the Court in a Court order or otherwise modified by the Court; and it is

¹ Dr. Gordon requires an initial retainer of \$1,500.00 that must be replenished when exhausted. He charges \$150.00 per session and his retainer will contain additional information as to charges for phone calls, et.

- 6) **FURTHER ORDERED** that the Parent Coordinator's responsibilities shall also include determining whether or not an issue under discussion is a day-to-day matter and/or to break a deadlocked dispute on a routine matter; and it is
- 7) **FURTHER ORDERED** that such determinations and recommendations may be made by the Parent Coordinator of his own accord or in response to a request made by either party; and it is
- 8) **FURTHER ORDERED** that such determinations and recommendations as to parenting time and other matters are effective as court orders when made and will continue in effect unless modified or set aside by the Court; and it is
- 9) **FURTHER ORDERED** that such determinations and recommendations shall be effective when made by the Parent Coordinator;
- 10) **FURTHER ORDERED** that the plaintiff's application for an order reevaluating the plaintiff's child support obligation, considering parenting time and the plaintiff's other dependent son, is **granted in part**. The Court will recalculate the plaintiff's child support obligation upon receipt of additional documentation from the parties' as outlined below; and it is
- 11) **FURTHER ORDERED** that the plaintiff shall provide the Court, with a copies provided to the defendant, (1) his W-2 forms for 2012, 2011 and 2010, (2) documentation indicating whether his pension contributions are mandatory, (3) proof of his current wife's most recent income (4) copy of his bonus check for 2012 and 2013 if received. Same shall be submitted within 14 days of the date of this Order; and it is

12) **FURTHER ORDERED** that the defendant shall provide the Court, with copies provided to the plaintiff, (1) her 2012 W-2 form and (2) proof of the cost of medical coverage for the parties' child. Same shall be submitted within 14 days of the date of this Order.



CATHERINE FITZPATRICK, P.J.F.P.

Pa 8

A True Copy

Sue Regan

CLERK OF SUPERIOR COURT
SUPERIOR COURT OF N.J.
MERCER COUNTY
RECEIVED AND FILED

Ronald S. Garzio, Esquire
LAW OFFICE OF RONALD S. GARZIO
2273 Route 33, Suite 207
Trenton, New Jersey 08690
(609) 890-3335
Attorney for Defendant

SUE REGAN
Deputy Clerk of Superior Court

OCT 14 2010

Sue Regan

SUE REGAN
CLERK OF SUPERIOR COURT

PRASAD N. KUMMARAPURUGU,

Plaintiff,

v.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
FAMILY PART
MERCER COUNTY

PADMINI THOTA,

Defendant.

DOCKET NO: FM-11-213-06 *k*

Civil Action

CONSENT ORDER

THIS MATTER having been opened to the Court on application of Ronald S. Garzio, Esquire, attorney for defendant, Padmini Thota, and Supti Bhattacharya, Esquire, of the law office of Skey & Bhattacharya, attorneys for Plaintiff, Prasad Kummarapurugu, and the parties having conferred and reached agreement pertaining to parenting time for the unemancipated child of the marriage, and good cause having been shown;

IT IS on this 14th day of October, 2010, **ORDERED** as follows:

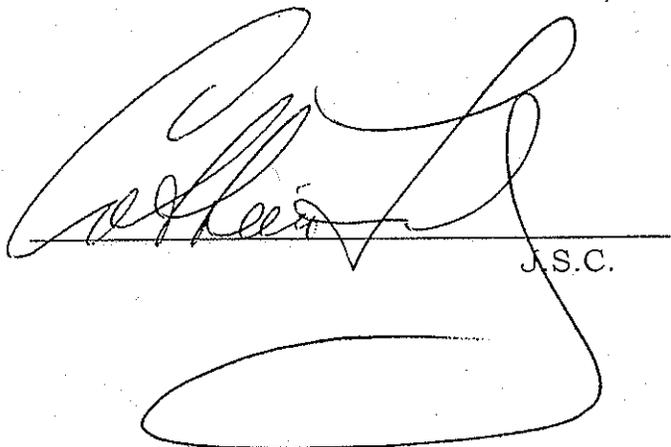
1. The parties agree that the minor child, Abhiram Kummarapurugu, born May 24, 2005, shall have parenting time with Plaintiff-Father, as follows:
 - A. Every other weekend beginning on Friday with pick-up by Father after school and then return Abhiram to school on Monday morning.
 - B. Every other Thursday preceding Mother's weekend, Father shall

Pa 9

pick-up Abhiram after school and drop-off Friday morning at school.

2. The parties agree to participate in a telephone conference with Sue DeAngelo, Mercer County Mediation Unit, on Wednesday, December 15, 2010, to discuss the parenting time schedule. In the event the parties can not agree to continue with the parenting time schedule, either may file an application for determination by the Court and acknowledge that until such determination the schedule will continue.

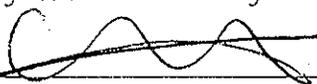
3. The parties further agree that each of them shall be entitled to three (3) consecutive or non-consecutive weeks of vacation parenting time, international or domestic, with the child each year. Both parties agree that exercise of any vacation parenting time shall not interfere with the child's school schedule.



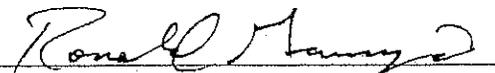
J.S.C.

We hereby consent to the form and entry of this Order

Skey & Bhattacharya



Supti Bhattacharya, Esquire
Attorneys for Plaintiff



Ronald S. Garzio, Esquire
Attorney for Defendant

Pa 10

RECEIVED

DEC 01 2010

PREPARED BY THE COURT

Prasad N. Kummarapurugu,

Plaintiff,

v.

Padmini Thota,

Defendant.

Sue Regan
SUE REGAN
DEPUTY CLERK OF SUPERIOR COURT
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – FAMILY PART
MERCER COUNTY

DOCKET NO. FM-11-213-06 K
CS42755093A

CIVIL ACTION

AMENDED ORDER

THIS MATTER having been come before the Court on July 23, 2010, the Honorable Catherine Fitzpatrick, P.J.F.P. presiding; and the matter having been opened by the Plaintiff, Prasad Kummarapurugu, represented by Supti Bhattacharya, Esq., from the law firm Skey & Bhattacharya, seeking an Order for relief as stated in the Notice of Motion; and the Defendant, Padmini Thota, represented by Ronald Garzio, Esq., having opposed the Plaintiff's motion and on cross-motion requesting an Order for relief as stated in the Notice of Cross-Motion; and the Court having considered the certifications in support and in opposition thereto; and the Court having issued an Order dated July 23, 2010, directing the parties to mediation to resolve parenting time issues and requiring the Defendant to submit additional certifications; and the Court having considered these certifications; and the Court having received and signed a Consent Order submitted by the parties; and the Court having issued an Order

1
Pa 11

on October 20, 2010; and the Plaintiff's attorney having submitted a letter requesting amendment of said Order; and for good cause shown:

IT IS on this 1st day of December, 2010:

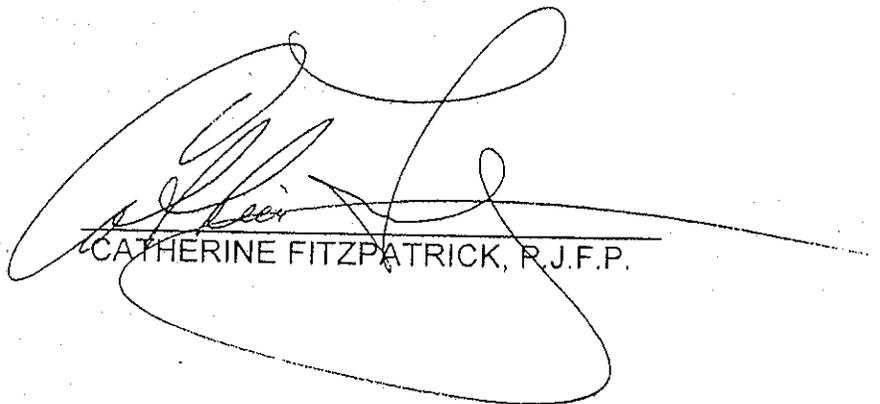
1. **ORDERED** that the Defendant's motion to modify the Plaintiff's child support obligation is **granted by consent**. The parties have agreed that the Plaintiff will have 104 parenting time overnights per year, and thus the Court has recalculated the child support obligation to be **\$195 per week, effective December 19, 2009**. A copy of the child support guidelines worksheet is attached to this order. The Probation Department is directed to modify account number CS42755093A accordingly; and it is
2. **FURTHER ORDERED** that the Plaintiff's cross-motion to modify parenting time is **granted by consent**. The Plaintiff shall now enjoy parenting time as outlined in the Consent Order dated October 14, 2010; and it is
3. **FURTHER ORDERED** that the Defendant's motion to compel the Plaintiff to contribute to the child's day care expenses is **granted by consent**. The Plaintiff shall pay his share of the day care expenses, which is **64.23%** of the day care cost, after subtracting the Defendant's employer-provided subsidy. These payments shall be made directly to the provider(s) on a timely basis within seven (7) days of the payment due date. Should the Plaintiff fail to make these payments on an ongoing, timely basis, the Defendant may file an application to have these expenses payable through the guidelines support amount and request counsel fees for that application; and it is

Pa 12

4. **FURTHER ORDERED** that the Defendant's motion to compel the Plaintiff shall pay his percentage share of the \$120.00 per month to the Kumon Center, for Abhiram's English and speech therapy directly to the care provider, is **granted by consent**; the Plaintiff shall pay the Kumon Center directly his **64.23%** share of the cost. These payments shall be made on a timely basis within seven (7) days of the payment due date. Should the Plaintiff fail to make these payments on an ongoing, timely basis, the Defendant may file an application to have these expenses payable through the guidelines support amount and request counsel fees for that application; and it is
5. **FURTHER ORDERED** that the Defendant's motion to compel the Plaintiff to pay for his percentage share of their son's gymnastics is **granted by consent**; the Plaintiff shall pay his **64.23%** share of the cost of gymnastics directly to the provider. These payments shall be made on a timely basis within seven (7) days of the payment due date. Should the Plaintiff fail to make these payments on an ongoing, timely basis, the Defendant may file an application to have these expenses payable through the guidelines support amount and request counsel fees for that application; and it is
6. **FURTHER ORDERED** that the Defendant's motion to compel the Plaintiff to pay for his percentage share of their son's lunch program is **denied**, as this cost is explicitly included in the expenses to be covered by each parent during his or her own respective parenting time in the Child Support Guidelines; and it is

Pa 13³

7. **FURTHER ORDERED** that the Defendant's motion to compel the Plaintiff to pay for his percentage share of day care expenses incurred since December 2009, is **granted**. The Plaintiff is responsible for paying **64.23%** of the day care cost, after subtracting the Defendant's employer-provided subsidy, to the Plaintiff; and it is
8. **FURTHER ORDERED** that the parties and their counsel **agree by consent** to determine how to offset the credits owed to one another, specifically including (1) the Plaintiff's overpayment of alimony to the Defendant, (2) any child support arrears that the Plaintiff will owe to the Defendant after the modification of the obligation amount, (3) the reimbursement to the Defendant from the Plaintiff for already incurred day care expenses, and (4) the Plaintiff's repayment to the Defendant for a loan in the amount of \$10,000; and it is
9. **FURTHER ORDERED** that the parties shall submit a Consent Order outlining their agreement about how the credits are to be resolved (discussed in paragraph 8, above), so as to notify the Probation Department as to how to handle any overpayment or arrears and to adjust their records accordingly.


CATHERINE FITZPATRICK, R.J.F.P.

CHILD SUPPORT GUIDELINES-SHARED PARENTING WORKSHEET

Case Name : PRASAD KUMMARAPURUGU		PADMINI THOTA		County : MERCER
Plaintiff		Defendant		Docket No. : FM-11-213-06D
PPR is the [] Plaintiff [x] Defendant				Number of Children : 1
<i>All Amounts must be weekly</i>		PARENT OF PRIMARY RESIDENCE (PPR)	PARENT OF ALTERNATE RESIDENCE (PAR)	COMBINED
1. Gross Taxable Income	\$	1,573	\$	2,808
1a. Mandatory Retirement Contributions (non-taxable)	-\$	0	-\$	0
1b. Alimony Paid (Current and/or Past Relationships)	-\$	0	-\$	0
1c. Alimony Received (Current and/or Past Relationships)	+\$	0	+\$	0
2. Adjusted Gross Taxable Income ((L1-L1a-L1b)+L1c)	\$	1,573	\$	2,808
2a. Federal, State and Local Income Tax Withholding	-\$	433	-\$	761
2b. Prior Child Support Orders (Past Relationships)	-\$	0	-\$	0
2c. Mandatory Union Dues	-\$	0	-\$	0
2d. Other Dependent Deduction (from separate worksheet)	-\$	0	-\$	0
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	\$	1,140	\$	2,047
4. Non-Taxable Income (source :)	+\$	0	+\$	0
5. Net Income (L3+L4)	\$	1,140	\$	2,047
			\$	3,187
6. Percentage Share of Income (L5 Each parent /L5 Combined)		35.77%		64.23%
				100%
7. Number Of Overnights With Each Parent		261		104
				365
8. Percentage Of Overnights With Parent (L7 Parent /L7 Combined)		71.51%		28.49%
				100%
->IF PAR time is less than the equivalent of two overnights per week (28%) , use Sole Custody Worksheet<-				
9. Basic Child Support Amount (from Appendix IX-F Schedules)			\$	424
10. PAR Shared Parenting Fixed Expenses (PAR L8 x L9 x 0.38 x 2)			\$	92
11. Government Benefits For the Child			\$	0
12. Shared Parenting Basic Child Support Amount ((L9 + L10) - L11)			\$	516
13. PAR Share of SP Basic Child Support Amount (PAR L6 x L12)			\$	331
14. PAR Shared Parenting Variable Expenses (PAR L8 x L9 x 0.37)			\$	45
15. PAR Adjusted SP Basic CS Amount			\$	195
16. Net Work Related Child Care (from Appendix IX-E Worksheet)			\$	0
17. Child's Share of Health Insurance Premium			+\$	0
18. Unreimbursed health Care Expenses over \$250 per Child per year			+\$	0
19. Court-Approved Extraordinary Expenses			+\$	0
20. Total Supplemental Expenses (L16+L17+L18+L19)			\$	0

-Continued on Page 2

Pa 15

CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET - PAGE 2

<i>All Amounts must be weekly</i>			
	PPR	PAR	COMBINED
20. Total Supplemental Expenses (From Reverse Side)			\$ 0
21. PAR's Share of Total Supplemental Expenses (PAR L6 x L20)		\$ 0	
22. PAR Net Work related Child care PAID		\$ 0	
23. PAR Health Ins. Premium for the child PAID		+\$ 0	
24. PAR Unreimbursed Health care Exp. PAID		+\$ 0	
25. PAR Court-Approved Extraordinary Expenses PAID		+\$ 0	
26. PAR Total Payments/Supplemental Expenses(L22+L23+L24+L25)		\$ 0	
27. PAR Net Supplemental Expenses(L21-L26)		\$ 0	
28. PAR Net Child Support Obligation		\$ 195	
29. Line 28 CS Oblig WITH Other-Dependent Deduction		\$ 195	
30. Line 28 CS Oblig WITHOUT Other-Dependent Deduction		\$ 195	
31. Adjusted PAR CS Obligation		\$ 195	
32. Self-Support Reserve Test. If PAR amount is greater than 105% of the poverty guideline for one person (pg) or the PPR L32 income is less than pg, enter L28 or L31 amount on PAR L34. If PAR L32 amount is less than the pg and PPR's L32 income is greater than the pg, go to L33. If L28 or L31 is negative, see APP. IX-B (shared parenting worksheet) for instructions. (pg for Tax Year 2009 is 219)			
	\$ 1,140	\$ 1,852	
33. Maximim CS Obligation(Obligor parent's L5 net income - 105% of the poverty guideline for one person) .Enter result here and on L34	\$	\$	
34. Child Support Order (negative L28 or L31 denotes PPR obligation)	\$	\$ 195	
<i>If the PAR is the obligor, Continue to Line 35</i>			
35. PPR Household Income Test - (L5 PPR net income from all sources + net income of other household members + L34 order). If less than the PPR household income threshold (see App.IX-A, para14(c)), the SOLE-CUSTODY WORKSHEET should be used.	\$	1,335	
Comments, Rebuttals and Justification for Deviations			
1. The child support order for this case [x] was [] was not based on the child support guidelines award.			
2. If different than the child support guidelines award (line 26), enter amount ordered: \$ 0			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
4. The following court approved extraordinary expenses were added to the basic support obligation on Line 19:			
5. Custodial Taxes: [] App.IX-H [x] Circ. E [] Other: # Allowances: 3 Marital: [] S [] M [x] H			
Non-Custodial Taxes: [] App.IX-H [x] Circ. E [] Other: # Allowances: 2 Marital: [] S [x] M [] H			
PREPARED BY Jamie Edwards	TITLE Law Clerk	DATE 10/18/2010	

OFFICIAL FORM FOR CALCULATING SHARED PARENTING AWARDS AS APPROVED BY THE SUPREME COURT OF NEW JERSEY (REV. 1/98)

Pa 16

SUPPORTING DOCUMENTATION

Parentage

<u>Number Of Children</u>	1
<u>Total Annual Overnights</u>	365
<u>Number Of Annual Overnights With NCP</u>	104 - 28.49%
<u>Number Of Annual Overnights With CP</u>	261 - 71.51%
<u>Worksheet Type</u>	<input type="checkbox"/> Sole <input checked="" type="checkbox"/> Shared

PPR Household Income Test

<u>Total Number of Persons in the PPR's Household</u>	2
<u>Net Weekly Income of Other Adults in PPR's Household</u>	\$

<u>Weekly Gross Income Information</u>	CP	NCP
<u>Compensation For Service</u>	\$ 1,573	\$ 2,808
<u>Business Income</u>	\$ 0	\$ 0
<u>Property Gains</u>	\$ 0	\$ 0
<u>Interest And Divided Income</u>	\$ 0	\$ 0
<u>Rents</u>	\$ 0	\$ 0
<u>Bonuses And Royalties</u>	\$ 0	\$ 0
<u>Annuities/Interest In Trust</u>	\$ 0	\$ 0
<u>Life Insurance/Endowment Contracts</u>	\$ 0	\$ 0
<u>Taxable Retirement Plan Distributions</u>	\$ 0	\$ 0
<u>Taxable Personal Injury/Civil Lawsuits</u>	\$ 0	\$ 0
<u>Interest In Decedents Estate/Trust</u>	\$ 0	\$ 0
<u>Taxable Disability Grants/Payments</u>	\$ 0	\$ 0
<u>Profit Sharing Plans</u>	\$ 0	\$ 0
<u>Worker's Compensation</u>	\$ 0	\$ 0
<u>Unemployment Compensation Benefits</u>	\$ 0	\$ 0
<u>Severance Pay</u>	\$ 0	\$ 0
<u>Net Gambling Winnings</u>	\$ 0	\$ 0
<u>Capital Gains/Investment Earnings</u>	\$ 0	\$ 0
<u>Income Tax Credits Or Rebates</u>	\$ 0	\$ 0
<u>Unreported Cash Payments</u>	\$ 0	\$ 0
<u>Value Of In-Kind Benefits</u>	\$ 0	\$ 0

Pa 17

<u>Imputed Income</u>	\$ 0	\$ 0
<u>Other Income :</u>	\$ 0	\$ 0
<u>Other Income :</u>	\$ 0	\$ 0
<u>Gross Taxable Income</u>	\$ 1,573	\$ 2,808
Other Income Adjustments	CP	NCP
<u>Mandatory Retirement Contributions</u>	\$ 0	\$ 0
<u>Alimony Paid</u>	\$ 0	\$ 0
<u>Alimony/Maintenance Payments Received</u>	\$ 0	\$ 0
Adjusted Gross Taxable Income	\$ 1,573	\$ 2,808

HEALTH CARE AND OTHER COSTS	CUSTODIAL	NON-CUSTODIAL
Child's Share of Health Insurance Premium	\$ 0	\$ 0
Unreimbursed Health Care	\$ 0	\$ 0
Other Extraordinary Expense	\$ 0	\$ 0
Government Benefits for the Child	\$ 0	\$ 0

Pa 18