

SALIHA ISHAQ JAWAD

NO. 16-CA-44

VERSUS

FIFTH CIRCUIT

MAJID A. JAWAD

COURT OF APPEAL

STATE OF LOUISIANA

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 725-188, DIVISION "F"
HONORABLE MICHAEL P. MENTZ, JUDGE PRESIDING

May 12, 2016

COURT OF APPEAL
FIFTH CIRCUIT

FILED MAY 12 2016

MARC E. JOHNSON
JUDGE


CLERK
Cheryl Quirk Landrieu

Panel composed of Judges Jude G. Gravois,
Marc E. Johnson, and Robert A. Chaisson

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DISMISSED WITH PREJUDICE



RAC

Plaintiff/Appellant, Saliha Ishaq Jawad, appeals the child support award that granted a credit to Defendant/Appellee, Majid A. Jawad (hereinafter referred to as “Dr. Jawad”), in the amount of \$39,795 from the 24th Judicial District Court, Division “F”. For the following reasons, we dismiss the appeal with prejudice.¹

The relevant facts to this appeal are as follows. The parties were married on January 6, 1993 in Pakistan; however, they established their last matrimonial domicile in Jefferson Parish. Three children, Mustafa, Muhammad and Ahmad, were born of the marriage. On March 25, 2013, Ms. Jawad filed a petition for divorce, alleging that she and Dr. Jawad had been living separate and apart since January 15, 2013 without reconciliation. In her petition, Ms. Jawad sought joint custody of the minor children, to be named the domiciliary parent, child support for the minor children, and interim spousal support.

Dr. Jawad filed an exception of lack of jurisdiction on June 30, 2014, on the issue of child support. The parties filed a joint motion to dismiss Dr. Jawad’s

¹ This memorandum opinion is issued in compliance with Uniform Rules—Courts of Appeal, Rule 2-16.1.B.

exception on August 19, 2014, which was granted on the same date by the Domestic Commissioner. Additionally on August 19th, the trial court signed a Consent Judgment, which recognized a Pakistani judgment appointing Ms. Jawad as the guardian of the minor children and granted her permanent custody. The Pakistani judgment also stated that Dr. Jawad pronounced divorce from Ms. Jawad on October 7, 2013, while visiting Pakistan.²

The issue of child support was heard by the trial court on April 2, 2015. The trial court sent the parties to the Hearing Officer for the calculation of child support. In the calculation of Ms. Jawad's income, the Hearing Officer included \$2,750 for rental property income. The Hearing Officer recommended that the child support order be set at \$3,250.89 per month for Dr. Jawad. The trial court adopted the calculations of the Hearing Officer and continued the matters of arrearages and credits. The trial court also issued a Consent Judgment on April 2, 2015, concerning property issues. The judgment stated that it settled all of Dr. Jawad's reimbursement claims.

Subsequently, Dr. Jawad filed an exception of lack of subject matter jurisdiction on May 7, 2015. In that exception, Dr. Jawad, again, argued the trial court did not have the subject matter jurisdiction to consider the issue of child support. The exception was considered by the trial court, along with the arrearages and credits for child support, at the hearing held on June 17, 2015.

In a judgment rendered on June 18, 2015, the trial court overruled Dr. Jawad's exception of lack of subject matter jurisdiction. The trial court also ordered Dr. Jawad to pay monthly child support in the amount of \$3,250.89, retroactive to the date of judicial demand (March 25, 2013). The child support obligation was subject to a credit for all payments made since the date of judicial

² Thus, by recognizing the Pakistani judgment, the parties were considered to be divorced.

demand. The trial court found that Dr. Jawad owed child support from March 25, 2013 through June 17, 2015 in the amount of \$86,993.82. The trial court also found that Dr. Jawad was entitled to \$69,629.43 in child support credits, which left a remaining arrearage amount of \$17,364.39 owed for child support. In its reasons for judgment, the trial court stated that it allowed a credit to Dr. Jawad for the amount Ms. Jawad received for rent on property located in Pakistan in the amount of \$1,375 per month. The court then determined that Dr. Jawad was entitled to a credit of \$36,795 for the rental income received by Ms. Jawad. Both parties filed motions for new trial, which were denied on August 31, 2015. The instant appeal and Answer to the appeal followed.

Subsequent to the filing of the appeal, Dr. Jawad filed a motion to dismiss appeal or, alternatively, a request for stay on May 2, 2015. In the motion, Dr. Jawad asserted the parties executed a Consent Judgment that settled the issues raised in the appeal. Because of the settlement, the motion requested the dismissal of the appeal. On the next day, May 3rd, Ms. Jawad filed a motion to dismiss her appeal and Dr. Jawad's Answer, in accordance with Dr. Jawad's previously filed motion to dismiss appeal. Pursuant to La. C.C.P. art. 2162, an appeal can be dismissed at any time by consent of all parties. Accordingly, because both parties seek dismissal of the appeal, we grant the motions and dismiss the appeal and Answer with prejudice.

DISMISSED WITH PREJUDICE

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
ROBERT A. CHAISSON
ROBERT M. MURPHY
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **Uniform Rules - Court of Appeal, Rule 2-20** THIS DAY **MAY 12, 2016** TO THE TRIAL JUDGE, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in cursive script, appearing to read "Cheryl Q. Landrieu", written over a horizontal line.

CHERYL Q. LANDRIEU
CLERK OF COURT

16-CA-44

E-NOTIFIED

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