

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ERIC G. MONNAT,	§
	§ No. 532, 2006
Respondent Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for Kent County
PATRICIA E. SPARKS,	§ File No. CK04-03658
	§ Petition No. 05-40104
Petitioner Below-	§
Appellee.	§

Submitted: February 16, 2007

Decided: March 28, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 28th day of March 2007, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The respondent-appellant, Eric G. Monnat, filed an appeal from the Family Court's September 6, 2006 order clarifying its previous order dated August 9, 2006, which directed Monnat to pay alimony and court costs to petitioner-appellee, Patricia E. Sparks. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) The record reflects that Monnat and Sparks were divorced on April 28, 2006. On that same date, the Family Court commissioner entered an order retaining jurisdiction on the ancillary matters of alimony and court

costs. The order required both parties to submit a Rule 16(c) Financial Report. The order further required Sparks to submit her portion of the report within 30 days of the entry of the divorce and required Monnat to submit his portion of the report within 30 days of the date of Sparks' submission. The order, finally, stated that the parties would receive no further notice concerning the deadlines for their respective portions of the report.

(3) Sparks' portion of the report was submitted on May 22, 2006, several days prior to the deadline. Monnat's portion of the report was due 30 days later. As of July 25, 2006, however, the Family Court still had not received Monnat's portion of the report. On that date, the Family Court wrote a letter to the parties directing Sparks to submit a proposed form of order on alimony and court costs consistent with the proposed findings of fact and conclusions of law contained in her portion of the report. Presumably after receiving his copy of the Family Court's directive, Monnat submitted his portion of the report, which was received in the Family Court on August 7, 2006. On that same date, Sparks submitted a proposed form of order requiring Monnat to pay \$300 a month in alimony, plus her court costs.

(4) On August 9, 2006, the Family Court judge signed Sparks' proposed form of order. At the bottom of the order, the judge stated, "Mr.

Monnat failed to file his portion of the Rule 16(c) Financial Report as required. The existing court order was entered on July 25, 2006 prior to his filing . . . his portion on August 7, 2006 which was due June 22, 2006.” On August 21, 2006, Monnat filed a motion for clarification in the Family Court. In the motion, Monnat conceded that he did not file his portion of the report within the required deadline. However, he stated, “I did not receive any paperwork stating that there was a deadline to file this Rule. Respondent [Sparks] is healthy and capable of employment.” On September 6, 2006, the Family Court judge entered an order on Monnat’s motion for clarification requiring Monnat to pay \$300 per month in alimony for 27 months, a period representing one-half the length of the marriage.

(5) In this appeal, Monnat claims that Sparks “failed to provide accurate facts concerning her current financial status.” He concedes that “[w]e were both mailed financial reports to fill out and turn back into the court,” but he also states that, “[t]here was no deadline set as to when these reports were due.”

(6) Monnat concedes that he received a copy of the Rule 16(c) Financial Report, which he was obligated to fill out and return to the Family Court. He further concedes that he failed to fill out the form and return it to the Family Court within the required deadline. The record reflects that

Monnat received Sparks' portion of the report on or about May 22, 2006.¹ In neither his motion for clarification in the Family Court nor his opening brief on appeal in this Court does Monnat claim that he did not receive the blank Rule 16(c) Financial Report from the Family Court or Sparks' portion of the Rule 16(c) Financial Report in time to properly fill out and timely submit his portion. While Monnat contends that he did not receive notice of the time deadline for submission of the form, the form itself clearly sets forth the time deadline. Thus, Monnat has failed to demonstrate any error or abuse of discretion on the part of the Family Court in entering Sparks' proposed order and denying his motion for clarification.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ Monnat submitted his portion of the report to the Family Court on August 7, 2006. His portion of the report appears to have been added to Sparks' portion of the report, which was dated May 22, 2006.