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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0005-21**

MARTA NINA, f/k/a
MARTA MAHOSKI,

Plaintiff-Respondent,

v.

ALBERT MAHOSKI,

Defendant-Appellant.

Submitted May 26, 2022 – Decided June 8, 2022

Before Judges Haas and Mitterhoff.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Somerset County,
Docket No. FM-18-0150-10.

Albert Mahoski, appellant pro se.

Marta Nina, respondent pro se.

PER CURIAM

In this post-judgment matrimonial matter, defendant Albert Mahoski appeals pro se from a July 9, 2021 order of the Somerset County Superior Court,

Family Part denying his motion to terminate child support based on plaintiff, Marta Nina's, failure to submit a complete and timely case information statement (CIS) that reflected all of her assets, including those she shares with her current husband. We affirm, substantially for the reasons articulated in Judge Haekyoung Suh's written opinion and conclude that defendant's arguments are without sufficient merit to warrant discussion in a written opinion. See R. 2:11-3(e)(1)(E).

The parties were married in 1996 and had two children from the marriage. The marriage was terminated in March 2010 by way of a Dual Final Judgment of Divorce (FJOD) which incorporated a Matrimonial Settlement Agreement (MSA). Since their divorce, the parties have been involved in extensive post-judgment matrimonial motions practice. We incorporate by reference the prior factual and procedural history of the parties before this court¹ and add only the factual and procedural details directly relevant to this appeal.

On April 19, 2021, plaintiff moved for enforcement of litigant's rights, asking the Family Part to find defendant in violation of a November 6, 2020 order requiring him to reimburse her for child related expenses under the FJOD

¹ See Nina v. Mahoski, No. A-3328-19 (App. Div. July 7, 2021).

within fourteen days of the order. The expenses included approximately one year's worth of child support payments as well as college tuition expenses.

On April 26, 2021, defendant answered and cross-moved for change of circumstances, requesting the court to 1) deny plaintiff's request to add college expenses to his current arrears; 2) cancel or reduce all tuition payments and college expenses and child support payments due to his continued unemployment since approximately October 2018 and inability to find work; 3) emancipate his son as of May 14, 2021, his twenty-third birthday, and adjust the disputed calculation for support; and 4) order plaintiff to participate in mediation over the amount of his required contribution towards their daughter's college expenses. Defendant provided that he would retroactively file for his son's emancipation as of May 2020 when he graduated from the Pratt Institute upon the Appellate Division's resolution of his prior appeal.²

On May 14, 2021, the Family Part granted defendant's motion to emancipate his son as of April 21, 2021 and denied the rest of his requested relief. On June 25, 2021, defendant moved to dismiss the child and college

² See Nina, No. A-3328-19.

support payments due to plaintiff's failure to submit a complete CIS³ detailing all of her assets to him and the court within the required timeframe.⁴ On June 30, 2021, plaintiff submitted her case information statement to the court.

On July 7, 2021, this court issued its opinion denying defendant's February 2020 motion to alter his child support obligations due to a change in circumstances and remanded the proceedings back to the Family Part. Nina, No. A-3328-19. On July 9, 2021, the Family Part entered an order recalculating child support retroactive to the date of defendant's son's emancipation and denied defendant's motion to terminate child support based on plaintiff's failure to submit a CIS. This appeal followed.

On appeal, defendant presents the following argument:

POINT I

³ See R. 5:5-3.

⁴ Rule 5:5-2(b) provides: Time and Filing. Except as otherwise provided in R. 5:7-2, an initial case information statement or certification that no such statement is required under subparagraph (a) shall be filed by each party with the clerk in the county of venue within 20 days after the filing of an Answer or Appearance or at any other time designated by the court. The Family Case Information Statement shall be filed in the form set forth in Appendix V of these rules. The court on either its own or a party's motion may, on notice to all parties, dismiss a party's pleadings for failure to have filed a case information statement. If dismissed, said pleadings shall be subject to reinstatement upon such conditions as the court may deem just.

THE TRIAL COURT ERRED IN FAILING TO REQUIRE PLAINTIFF TO FILE A COMPLETE AND ACCURATE CASE INFORMATION STATEMENT AS REQUIRED BY LAW AND DESPITE APPELLANT'S OBJECTION TO SUCH, AWARDED RESPONDENT'S MOTION WITHOUT FAIR CONSIDERATION OF EVIDENCE.

This court's review of the Family Part's determinations involving child support is limited. Avelino-Catabran v. Catabran, 445 N.J. Super. 574, 587 (App. Div. 2016). "The general rule is that findings by the trial court are binding on appeal when supported by adequate, substantial, credible evidence." Crespo v. Crespo, 395 N.J. Super. 190, 193 (App. Div. 2007) (quoting Cesare v. Cesare, 154 N.J. 394, 411-12 (1998)). The reviewing court should "not disturb the factual findings and legal conclusions of the [motion] judge unless [it is] convinced that they are so manifestly unsupported by or inconsistent with the competent, relevant[,] and reasonably credible evidence as to offend the interests of justice." Catabran, 445 N.J. Super. at 587 (first alteration in original) (quoting Rova Farms Resort, Inc. v. Invs. Ins. Co. of Am., 65 N.J. 474, 484 (1974)).

With respect to the timeliness and completeness of plaintiff's CIS, the judge explained:

[a]s a threshold matter, defendant requests child support be terminated for plaintiff's failure to timely

file an updated case information statement, and to be reimbursed for filing fees and costs. However, plaintiff timely filed her case information statement. Due to processing issues, the court's review of plaintiff's case information statement was delayed by no fault of the parties. Upon receipt, defendant emailed the court and disputed the accuracy of plaintiff's case information statement, namely the value of several reported assets. Defendant's objections to same do not have a material effect on the court's recalculation of child support. . . .

. . . .

Plaintiff furnished her case information statement dated May 23, 2021, which includes financial information of both plaintiff and her husband, Jose Nina. Because Mr. Nina does not owe any obligation to support the parties' children, the court solely utilizes plaintiff's income for purposes of child support. Plaintiff submitted her three most recent paystubs, which indicate gross pay of \$4,369.23, \$4,269.23, and \$4,432.61 bi-weekly, or, on average, \$2,178.51 per week ($\$4,369.23 + \$4,269.23 + \$4,432.61$, divided by [three], then divided by [two]). Plaintiff's 2020 W-2 indicated annual gross income of \$128,303.66 (\$2,467.38 per week). Plaintiff reports that she earns significant bonuses, which is consonant with her W-2, and thus the court utilizes her 2020 W-2 income of \$2,467.38 per week as a more accurate depiction of her total income year-to-year.

Because the judge's findings are supported by the record and her legal conclusions are sound. We discern no error requiring reversal.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION