

MIA MOORE SEALS
84 Benjamin Street
Cranford, NJ 07016
(973) 769-2246
mmooreseals@hotmail.com

Clarence Seals Jr.,
Plaintiff-Respondent,

v.

Mia Moore Seals,
Defendant-Appellant.

Clarence Seals Jr.
201 Albert Way
Apartment 2221
Princeton, NJ 08540
646-640-6764
clarence.seals@gmail.com

APPELLATE DIVISION –
SUPERIOR COURT OF NEW JERSEY

DOCKET NO.: A-000103-25

CIVIL ACTION

**LEGAL BRIEF TO SUPPORT APPEAL OF
SUSPENSION OF ALIMONY PAYMENTS
TO ACCELERATE REPAYMENT OF
RETROACTIVE EMANCIPATION RULING
UNDER APPEAL IN A-268-24**

Filed on Behalf of Mia Moore Seals
Filed on November 21, 2025

Sat Below:

Judge Marcella Matos Wilson, J.S.C.
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
FAMILY PART
COUNTY OF ESSEX

Trial Docket No. FM-07-1981-12

RECEIVED
APPELLATE DIVISION

NOV 21 2025

SUPERIOR COURT
OF NEW JERSEY

TABLE OF CONTENTS

TABLE OF JUDGMENTS, ORDERS AND DECISIONS ON APPEAL iii

TABLE OF CITATIONS AND AUTHORITIES iv

PRELIMINARY STATEMENT 1

PROCEDURAL HISTORY 4

STATEMENT OF FACTS 6

LEGAL ARGUMENTS 11

POINT 1.A.
THE COURT ERRED BY SUSPENDING ALIMONY TO REPAY CHILD
SUPPORT AND COLLEGE TUITION 11
(No hearing conducted to raise point)

POINT 1.B.
ALIMONY REDUCTION VIOLATED DEFENDANT'S PROCEDURAL DUE PROCESS
RIGHTS 13
(No hearing conducted to raise point)

POINT 2
RETROACTIVE EMANCIPATION DOES NOT AUTHORIZE ALIMONY
MODIFICATION 14
(No hearing conducted to raise point)

POINT 3
THE COURT FAILED TO CONDUCT REQUIRED LEPIS ANALYSIS 16
(No hearing conducted to raise point)

POINT 4
THE COURT MADE AN UNAUTHORIZED MODIFICATION OF THE
AMENDED JUDGMENT OF DIVORCE 19
(No hearing conducted to raise point)

POINT 5
THE COURT VIOLATED PUBLIC POLICY 20
(No hearing conducted to raise point)

TABLE OF CONTENTS (Continued)

CONCLUSION 23

CERTIFICATION OF SERVICE

CERTIFICATION ON CONFIDENTIAL INFORMATION

No hearing was held and therefore no transcripts are available.
One confidential appendix is attached with this brief.

TABLE OF JUDGMENTS, ORDERS, RULINGS AND DECISION(S) ON APPEAL

Confidential Appendix

Document Name	Date	Page Number
Order Suspending Alimony from Bonus in Amended JOD	July 18, 2025	C-Pa9
Order Staying Alimony Payment to Defendant	May 23, 2025	C-Pa42
Amended Judgment of Divorce	July 13, 2018	C-Pa77
Order Denying R.2:9-1	May 19, 2025	C-Pa75
Order Denying Consolidation of Appeals under R.4:38-1	August 14, 2025	C-Pa87
Retroactive Emancipation Order	August 9, 2024	C-Pa81
Amended Retroactive Emancipation Order	September 16, 2024	C-Pa83
Second Amended Retroactive Emancipation Order	September 19, 2024	C-Pa32
Order Denying Change of Venue	April 30, 2021	C-Pa37

TABLE OF CITATIONS AND AUTHORITIES

<u>Cases</u>	<u>Page(s)</u>
<i>Cohen v. Cohen</i> , 309 N.J. Super. 45, 56 (App. Div. 1998)	18
<i>Colca v. Anson</i> , 413 N.J. 405, 414 (App. Div. 2004)	12, 15
<i>Gac v. Gac</i> , 186 N.J. 535 (2006)	23
<i>Larbig v. Larbig</i> , 387 N.J. Super, 17 (App. Div. 2006)	13, 18
<i>Lepis v. Lepis</i> , 83 N.J. 139 (1980)	8, 12, 13, 14, 16,17, 18, 19, 21, 22
<i>Martinetti v. Hickman</i> , 261 N.J. Super. 508 (1993) 619 A.2d 599	13,15
<i>Pascale v. Pascale</i> , 140 N.J. 583, 1995	11, 23
<i>Tretola v. Tretola</i> , 389 N.J. Super. 15, (Ch. Div. 2006)	15
<i>Zaza v. Zaza</i> , 364 N.J. Super. 223 (App. Div. 2003)	14, 20, 21, 22

Swcondary Sources

<i>Pressler & Verniero</i> , Current N.J. Court Rules (Commentary on R. 4:50-1)	19, 21
--	--------

New Jersey Statutes

N.J.S.A. 2A:34-23 -	General Alimony authority
N.J.S.A. 2A:17-56 -	Child support obligations

PRELIMINARY STATEMENT

While the retroactive emancipation of Owen is under appeal in A-268-24, a July 18, 2025 order suspended defendant's alimony from plaintiff's bonus -- eliminating a 20% share ordered in the Amended Judgment of Divorce July 13, 2018 (Amended JOD). That order is being appealed in this pleading. It orders \$6,949.17 for 2024 diverted to plaintiff to accelerate repayment of the \$49,387.37 awarded him in the retroactive emancipation order of August 9, 2024. With no hearing, no discovery, no citation of law or statute, the court ended this alimony, intensifying severe harm the court inflicts on this family.

The court did not acknowledge Owen's retroactive emancipation is under appeal, though the first 1.5 pages of its Statement of Reasons inaccurately summarizes the retroactive emancipation proceedings -- detailing hearing dates, wrong motion dates (plaintiff's motion was filed October 12, 2020) and three error-filled orders later "amended" to correct errors (August 9, 2024, September 16, 2024 and September 19, 2024).

Plaintiff's fraudulent misrepresentation of the 20% bonus for defendant being *net of taxes* is accepted, the trial court following whatever plaintiff writes in pleadings. The Amended JOD is not read or considered by this court. It is ignored and overturned without legal basis or concern for the financial devastation inflicted. The language of the Amended JOD orders

plaintiff to pay 20% of "any bonus received." ***The Amended JOD does not mention deducting taxes or net of taxes.***

The record establishes plaintiff withholds excessive taxes, makes large 401(k) contributions and deducts general purpose loan payments from his bonus to reduce defendant's payout. Plaintiff has reduced his bonus by about 50% before calculating defendant's 20% share. The Court was asked to review and enforce the language of the Amended JOD but ignored defendant's relief claims, a cruel due process violation. Defendant has no rights and receives no relief consideration in this court.

For 2025, plaintiff will be paid \$23,293.67 (\$6,949.19 from the bonus share + \$1,362.04 x 12 reduced monthly alimony). This represents 47.2% of the \$49,387.37 retroactive emancipation awarded plaintiff ($\$23,293.67/\$49,387.37$).

Plaintiff misstates the reduction in defendant's monthly alimony in his reply certification's self-created spreadsheet. He could have provided correct deductions from the Probation Department, the New Jersey entity that handles payments, but did not. Plaintiff's spreadsheet was accepted and used by the court to make more inaccurate calculations.

Plaintiff is receiving an average monthly sum of \$1,941.14 from defendant ($\$23,293.67/12$) while she receives \$1,637.96. This is an affront to law, fairness and equity. His pleadings advocate for punishing defendant for his estrangement from his

sons, consumed with vengeance about relationships he fractured, which the court supports, ruling for plaintiff's vindictiveness.

The court did not "suspend" defendant's 20% bonus in its August 9, 2024, September 16, 2024, or September 19, 2024 orders. But when plaintiff "pitched" the idea a few months later in his March 10, 2025 motion, the court embraced it. No laws, no public policy and no interest of justice are cited or served.

The last discovery was from December 2021. Plaintiff had several hundred thousand in assets and earns \$300k per year in salary, detailed in A-268-24. Paystubs show he saves thousands each month in 401(k). Plaintiff paid no child support or college expenses for Evan and almost none for Owen, who is ruled to have "waived" his right to support in protracted and disgraceful proceedings (e.g. court interrupted defendant 300 times compared to 18 for plaintiff and taunted defendant 11 times to appeal to zero (0) appeal taunts to plaintiff. Much more is in A-268-24).

Defendant sought to change venue because the court's decisions are lawless and cruel. The court only mentions law or rules in its July 18, 2025 order in noting defendant didn't adhere to R.1:6-2, my fifth futile attempt to get free from Essex County. My procedurally perfect motions for venue change are denied, as the court did with defendant's April 2021 motion. The court keeps this case to inflict harm and enrich plaintiff.

PROCEDURAL HISTORY

Plaintiff filed a motion to "Suspend Payment of Defendant's Bonus Share" on March 10, 2025 with the trial court. He did not pay defendant, violating the Amended JOD and all standing orders issued in the retroactive emancipation matter. And this is how plaintiff persecutes defendant, empowered by Essex Family Court. Plaintiff willfully violates orders, files a motion seeking to change or end the violated orders (including the Amended JOD), and then plaintiff is granted whatever relief he seeks. This is exactly what happened in this matter under appeal here. **(C-Pa17, C-Pa42, C-Pa9)**

Defendant motioned to the Appellant Division on March 14, 2025 seeking to prevent another trial court ruling on the retroactive emancipation matter under appeal in A-268-24. Defendant was denied relief around April 10, 2025. **(C-Pa73)**

After consulting with an attorney, defendant motioned to the Appellate Division for the **explicit protection of R.2:9-1** on April 23, 2025. The Appellate Division denied this motion on **May 19, 2023**, without a stated reason. **(C-Pa75)**

Able to make more rulings on her retroactive emancipation of Owen under appeal, **four days later, on May 23, 2025**, the trial court issued an order that "stayed" plaintiff's obligation

to pay a 20% share of his bonus to defendant in the Amended JOD. The court provided no reason for the stay, citing no law, rule or case. The court condoned plaintiff's 2 1/2-month violation of the Amended JOD, approving his refusal to pay alimony as ordered in the Amended JOD. His violation was rewarded with a stay on May 23, 2025, empowering him to withhold thousands at will.

Plaintiff makes no plea of changed circumstances. In fact, his pleadings explicitly state his desire to punish defendant by denying her alimony payments. **See C-Pa26, fifth line, C-Pa50-51)** Plaintiff acknowledges the court's hostility towards defendant, including several excerpts from the August 9, 2024 Retroactive Emancipation Opinion in his July 7, 2025 reply certification, reminding the court of its disdain for defendant.

The court indicated it would hear the matter on July 18, 2025 but no hearing was held. **(C-Pa42, C-Pa9)**

Defendant's alimony was suspended without a hearing. Though the trial court refers to "instant motion" multiple times in her Statement of Reasons, no hearing was held on the matter. **(C-Pa11 part II, C-Pa13, third line from bottom.)**

No hearing and therefore no transcripts are available for this appeal.

Defendant attaches her June 30, 2025 response **(C-Pa43)** and the two pleadings filed by plaintiff, his March 10, 2025 motion to suspend bonus payments and a July 7, 2025 Reply Certification **(C-Pa17, C-Pa47)**

Plaintiff requested oral arguments explicitly in his March 10, 2025 motion to suspend defendant's bonus share **(C-Pa19)**. The court held no hearing but granted plaintiff everything he asked, suspending alimony payments ordered in the Amended JOD.

STATEMENT OF FACTS

There are few facts outside the three pleadings of the parties. No discovery and no hearings were held in connection with the July 18, 2025 order suspending defendant's bonus share ordered in the Amended JOD.

Most relevant facts are detailed in A-268-24 which is why defendant tried repeatedly to combine the appeal of the July 18, 2025 order with the A-268-24 appeal. Defendant submitted a July 21, 2025 Amended Reply Brief and requested inclusion of the July 18, 2025 order with the already pending appeal under A-268-24. Defendant was denied twice by the Appellate Division in her effort to combine the appeals for clarity, relevance, and judicial efficiency under R. 4:38-1. **(C-Pa87, C-Pa89)**.

Defendant's Civil Case Information Statement filed on August 29, 2025, states affirmatively that the July 18, 2025 order being appealed "arises from substantially the same case or controversy" already pending in the Appellate Division and "involves an issue that is substantially the same, similar or related to an issue in this appeal." **(C-Pa6)**

The most recent financial data is found in A-268-24 and an extensive, relevant record -- including eight days of transcripts from hearings cited by the trial court in its July 18, 2025 order, its August 9, 2024 final order and two September 2024 amended orders cited in the July 18, 2025 order - are part of the A-268-24 record. The record established in the retroactive emancipation is directly relevant.

The three pleadings in the July 18, 2025 ruling are:

1. Plaintiff's March 10, 2025 motion to suspend bonus ordered for defendant in the Amended JOD. **(C-Pa17)**
2. Defendant's June 30, 2025 response requesting change of venue. **(C-Pa43)**
3. Plaintiff's July 7, 2025 Reply Certification. **(C-Pa47)**

Plaintiff cites no laws, statutes or changed circumstances to support the suspension of the bonus ordered paid defendant in the Amended JOD. **(C-Pa47)**

The court cites no laws, statutes or changed circumstances to support its suspension of the bonus ordered paid defendant in the Amended JOD. The court does no fact finding or analysis in its order -- no assessment on how the suspension would affect defendant or the relative financial positions of the parties. No *Lepis* analysis was conducted. The Court is only concerned with repaying plaintiff as rapidly as possible and grants plaintiff's requests entirely and suspending defendant's rights and income provided in the Amended JOD. **(C-Pa9)**

The court accepted plaintiff's Reply Certification with false (understated) alimony withholdings though the Probation Department has readily available reports showing actual alimony withholdings. **(C-Pa54)**

Plaintiff quotes the court's hostility in his pleadings, as well as documenting his own, detailing their shared purpose to punish defendant. For example:

- In his March 10, 2025 motion to suspend defendant's bonus, plaintiff writes in point 6: "To give the Defendant access to these bonus funds would reward the defendant (*sic*) toxic behavior." **(C-Pa26, line five)**

In plaintiff's July 7, 2025 Reply Certification, he quotes liberally from the retroactive emancipation opinion of August 9, 2024, selecting excerpts showing the court's disdain for defendant:

- In paragraph 3a, "Defendant has been and continued to be influential in making sure Owen did not spend time with Plaintiff when she wanted something such as the signed QDRO." (C-Pa50)
- In 3b, "The Court also finds significant the Defendant's actions and behavior in creating this breakdown of relationship between Plaintiff and Owen and finds that the Defendant was the chief instigator in this regard." (C-Pa50)
- In 3c, "It is clear to the Court that Defendant has had a heavy influence to the point of manipulation of Owen." (C-Pa50)
- in 3d, "It is clear to this Court that while the Plaintiff and Owen's relation was not perfect, it is through the Defendant's bad faith that whatever relationship that had was destroyed." (C-Pa50)
- In 3e, "Her (defendant) actions were not only harmful to the Plaintiff but extremely harmful to Owen (sic)" This Court cannot reward this sort of behavior." (C-Pa51)

Plaintiff continues the blame and punish defendant strategy, citing a discredited alienation proponent from 2013, Marcy Pasternak, whose report was never admitted in the divorce trial. Plaintiff repeats the mantra of his 13 years+ litigation, blaming defendant for his fractured relationships with Evan and Owen. Plaintiff asks, "Why should Defendant be rewarded with this bonus, given her propensity to weaponize Evan and Owen against their father." (C-Pa26, C-Pa52)

Abusers rarely admit their abusive behavior. Plaintiff doesn't. He blames defendant while seeking to control and punish his targets, which include Evan and Owen. Both sons have been treated horribly by plaintiff for many years. His vengeful litigation before cruel or indifferent judges has denied them lawful support. They have tens of thousands in student loans and are scarred by plaintiff's behavior. Owen testified powerfully and truthfully about his father's abuse and the impact of plaintiff's behavior on him.

Owen was cross-examined by his non-attorney father during the retroactive emancipation proceedings, a disturbing and surreal event to witness, let alone experience like Owen did.

Plaintiff's pleading argues nothing in the Amended JOD "excludes the bonus share from the inclusion in a reduction of alimony as a result of Defendant having an outstanding financial obligation." If the Amended JOD doesn't expressly forbid an unlawful action, then it's fine. Plaintiff has no need for law, public policy, equity, fairness or justice. **(C-Pa25, paragraph 4)**

Plaintiff likens himself to the IRS who "offsets any tax refund against unpaid taxes instead of issuing the refund." Plaintiff needn't offer anything in the way of law, fairness or justice for his claims. They are granted. **(C-Pa25, paragraph 5)**

LEGAL ARGUMENTS

POINT 1.A.

THE COURT ERRED BY SUSPENDING ALIMONY TO REPAY CHILD SUPPORT AND COLLEGE TUITION.

(No hearing conducted to raise point)

As set forth in the Statement of Facts, the trial court suspended alimony from plaintiff's bonus ordered in the Amended JOD July 13, 2018 without holding a hearing or permitting discovery. The trial court relied solely on the unproven retroactive emancipation finding under appeal and did not allow oral arguments or defendant an opportunity to present evidence regarding income, expenses, or other relevant circumstances. This decision was both premature and procedurally defective and provides multiple independent grounds for reversal. **(C-Pa78, paragraph 3)**

In *Pascale v. Pascale*, 140 N.J. 583, 591-92 (1995), the Supreme Court held that child support is the right of the child and alimony is the right of the former spouse, and therefore the two obligations may not be merged, used to satisfy each other, or treated as interchangeable. The obligations belong to different legal rights-holders and therefore cannot be "netted out" or used to compensate one another. *Id.*

The Appellate Division reaffirmed this principle in *Colca v. Anson*, 413 N.J. Super. 405 (App. Div. 2010), where the court held unequivocally that: "Reimbursement of overpaid child support must be accomplished through credit, judgment, or repayment; it may not be obtained by altering spousal support." *Id.* at 421-22.

This trial court did exactly what *Colca v. Anson* prohibits: it altered spousal support to remedy a child-support issue. This is reversible legal error.

POINT 1.B.

ALIMONY REDUCTION VIOLATED DEFENDANT'S PROCEDURAL DUE PROCESS RIGHTS.

(No hearing conducted to raise point)

The trial court's decision to suspend alimony bonus provisions in the Amended JOD was expressly premised on the retroactive emancipation of Owen. However, that emancipation determination is currently under appeal in A-268-24. Because the factual foundation for the court's ruling is not final, the court's action IS premature and speculative.

New Jersey law recognizes that alimony modifications require a definitive and reliable factual basis, particularly when such modifications could permanently alter the former spouse's financial obligations. See *Lepis v. Lepis*, 83 N.J. 139,

153 (1980). Pending resolution of the retroactive emancipation appeal, alimony suspension constitutes an improper action based on unsettled facts.

The trial court suspended and materially reduced defendant's alimony ordered in the Amended JOD July 18, 2018 without any hearing or discovery, depriving me of the opportunity to present evidence regarding my financial situation, the reasonableness of the original alimony award, or any changed circumstances to be considered under law.

New Jersey law is clear that alimony modifications require a factual record and a meaningful opportunity to be heard, particularly when substantial changes to financial obligations are at issue. See *Lepis v. Lepis*, 83 N.J. 139, 153 (1980), *Larbig v. Larbig*, 384 N.J. Super. 17 (App. Div. 2006, and *Martinetti v. Hickman*, 261 N.J. Super. 508 (App. Div. 1993)).

By issuing a decision without a hearing or discovery, the trial court acted in violation of procedural due process, rendering the alimony suspension and reduction both premature and legally unsupportable. This procedural defect stands independently as a basis for reversal, in addition to other substantive errors.

POINT 2

RETROACTIVE EMANCIPATION DOES NOT AUTHORIZE ALIMONY MODIFICATION.

(No hearing conducted to raise point)

The trial court materially reduced Appellant's alimony and suspended an alimony provision on bonuses, modifying the Amended JOD on the basis of the retroactive emancipation of the parties' child. However, New Jersey law does not authorize a reduction of alimony to recoup child support or college expenses based on a retroactive emancipation.

Alimony and child support are distinct and separate obligations, each subject to its own statutory and case law framework. Courts cannot simply offset one against the other absent a clear legal basis. *Lepis v. Lepis*, 83 N.J. 139 (1980), emphasizes that alimony modifications require proof of changed circumstances and a specific statutory or contractual basis for modification, not assumptions about repayment of child support.

In *Zaza v. Zaza*, 364 N.J. Super. 223 (App. Div. 2003), the Appellate Division held alimony modifications must be based on a demonstrable change in the supporting spouse's financial circumstances, not merely to retroactively reallocate child-related expenses.

The trial court improperly modified the Amended JOD, effectively rewriting the Amended JOD to impose a new financial obligation on Appellant without statutory authority or evidentiary support. Such a modification exceeds the trial court's power and constitutes reversible error. As such, the suspension of defendant's alimony from plaintiff's bonus provided in the Amended JOD should be reversed.

Retroactive emancipation may require reimbursement of child support and college expenses, but lawful remedies are limited to judgment, credit, or a structured repayment plan. *Martinetti v. Hickman*, 261 N.J. Super. 508, 512-13 (App. Div. 1993) and *Tretola v. Tretola*, 389 N.J. Super. 15, 20 (Ch. Div. 2006).

The Appellate Division is explicit in *Colca v. Anson*, 413 N.J. Super. 405, 421-22 (App. Div. 2010)

"Reimbursement of overpaid child support must be accomplished through credit, judgment, or repayment; it may not be obtained by altering spousal support."

The trial court's use of alimony reduction as a repayment mechanism is unauthorized by New Jersey law. The ruling falls outside the scope of permissible remedies under *Martinetti*, *Colca* and *Tretola* and therefore constitutes reversible error.

POINT 3

THE TRIAL COURT FAILED TO CONDUCT REQUIRED LEPIS ANALYSIS.

(No hearing conducted to raise point)

New Jersey law requires that any modification of alimony be guided by the *Lepis v. Lepis*, 83 N.J. 139 (1980) framework, which directs courts to consider:

1. The financial circumstances of the parties;
2. The reasonableness of the original award;
3. Any change in circumstances that warrants modification; and
4. The fairness of the modification in light of the original intent of the parties and the court.

No Factual Record Was Developed

The court ordered suspension of alimony from plaintiff's bonus ordered in the Amended JOD, substantially reducing alimony without holding a hearing or permitting discovery.

Without a hearing, there is no evidentiary record to assess either party's financial circumstances, the reasonableness of the original award, or any bona fide change in circumstances. This procedural deficiency prevented any meaningful *Lepis* analysis.

The court did not find changed circumstances affecting alimony and made no mention of the parties' financial circumstances. It made no finding of facts on circumstances and whether any change(s) occurred. The court rubber-stamped plaintiff's March 10, 2025 motion and July 7, 2025 Reply Certification, providing what plaintiff wanted and suspending an important alimony provision for defendant in the Amended JOD.

Alimony Modified Based Solely on Retroactive Emancipation

The court relied solely on a retroactive emancipation under appeal to modify alimony (again), substituting speculation for factual inquiry. Lepis requires a careful, fact-based consideration of whether circumstances have materially changed. Relying on an unsettled and extreme retroactive emancipation finding fails to satisfy the Lepis standard.

That the retroactive emancipation took three years and 10 months to complete, was riddled with errors (requiring two amended orders to correct the most obvious) and marred by the court interrupting defendant hundreds of times, to name a few extremely concerning facts, makes reliance on that ruling particularly alarming.

Legal Consequences of Failing Lepis Analysis

New Jersey courts have consistently held that failure to conduct a proper Lepis analysis renders alimony modifications invalid -- see *Cohen v. Cohen*, 309 N.J. Super. 45, 56 (App. Div. 1998) and *Larbig v. Larbig*, 384 N.J. Super. 17 (App. Div. 2006) (modification requires proof of a permanent, substantial change in circumstances).

Because the trial court did not evaluate the parties' financial circumstances, the original award's reasonableness, or any legitimate change in circumstances, its reduction of alimony cannot stand and the suspension of alimony as provided in the Amended JOD must be reversed.

The trial court's failure to apply the required Lepis analysis independently supports reversal of the alimony reduction. The modification is legally unsupportable and procedurally flawed.

Alimony cannot be modified absent a genuine showing of changed circumstances under *Lepis v. Lepis*, 83 N.J. 139, 157 (1980). Child support overpayments do not constitute "changed circumstances" within the meaning of *Lepis*.

A trial court may not modify alimony for reasons unrelated to the payor's or payee's financial circumstances, and certainly

not as a device to expedite repayment of a protracted and unsettled retroactive emancipation award under appeal.

POINT 4

THE TRIAL COURT MADE AN UNAUTHORIZED MODIFICATION OF THE AMENDED JUDGMENT OF DIVORCE.

(No hearing conducted to raise point)

Finality of the Judgment of Divorce

New Jersey law recognizes that a Judgment of Divorce is a final order that may only be modified according to statutory authority or established case law.

A court cannot retroactively alter financial obligations in a manner that undermines the original judgment without a proper legal basis -- see *Pressler & Verniero*, Current N.J. Court Rules, cmt. 4 on R. 4:50-1 and *Lepis v. Lepis*, 83 N.J. 139 (1980)).

This court cited no law, no statute, no legal basis for its suspension of defendant's alimony ordered in the Amended JOD.

(C-Pa9 thru C-Pa14)

No Statutory Authority for Repayment via Alimony

While courts may adjust alimony based on changed circumstances, there is no statute or case law authorizing a trial court to reduce alimony to recover child support or college tuition from a retroactive emancipation.

The court's action imposes a new financial obligation on Appellant that was not contemplated by the original divorce decree, exceeding judicial authority.

Judicial Overreach

By using alimony to recoup child-related expenses, the court effectively rewrote the parties' financial arrangements, substituting its own judgment for the original decree without procedural safeguards or statutory support.

New Jersey appellate courts have consistently held that modifications which fundamentally alter the rights and obligations established in a final judgment, absent proper authority, are invalid -- see *Zaza v. Zaza*, 364 N.J. Super. 223 (App. Div. 2003)).

The court exceeded its authority by modifying the Amended JOD to use alimony as a mechanism for repayment of retroactive child support and college costs. This constitutes reversible error independent of procedural deficiencies or premature reliance on the retroactive emancipation ruling under appeal.

POINT 5

THE COURT VIOLATED PUBLIC POLICY.

(No hearing conducted to raise point)

The trial court's suspending alimony ordered in the Amended JOD to repay retroactive child support and college expenses violates established New Jersey public policy in family law by undermining stability, predictability, and fairness in financial obligations following divorce.

Protection of Finality and Stability in Divorce Decrees

New Jersey courts strongly favor the finality of divorce judgments to allow parties to plan their finances and move forward post-divorce (Pressler & Verniero, Current N.J. Court Rules, cmt. 4 on R. 4:50-1).

The trial court's ruling undermines financial stability and predictability, conflates distinct support obligations, and relies on unsettled facts. New Jersey public policy disfavors premature and inequitable modifications (Lepis, 83 N.J. 139 and Zaza, 364 N.J. Super. 223).

Modifications of alimony for the purpose of repaying child-related expenses create uncertainty, obstruct financial stability and can create dangerous hardship, contrary to public policy. This is defendant's situation -- sustaining over a 50% reduction in alimony which inflicts horrific, lasting consequences. Both sons are impacted too, burdened under crushing court rulings saddling them with tens of thousands in

student loans and deeply concerned about the extreme hardship their mother is enduring, paying back nearly \$50k in an unlawful retroactive emancipation award to plaintiff for child support.

Separation of Alimony and Child Support Obligations

Alimony is intended to provide support for the former spouse, while child support addresses the needs of the child. Public policy in New Jersey does not permit courts to conflate these separate obligations retroactively.

Suspending and reducing alimony to offset child support or college costs creates inequitable burdens and undermines the legislative intent behind separate support mechanisms. *Lepis*, 83 N.J. 139 (1980) and *Zaza*, 364 N.J. Super. 223 (App. Div. 2003)).

Discouragement of Premature Judicial Actions

Allowing a court to act on unfinalized factual findings, such as retroactive emancipation still under appeal and one with extremely protracted and chaotic proceedings, sets a dangerous precedent in family law cases. R.2:9-1 seeks to prevent such harm, taking jurisdiction from a trial court whose ruling(s) are under appeal. Defendant sought this protection without success
(C-Pa73, C-Pa75)

Public policy favors decisions grounded in final, verified facts to ensure fairness and consistency in financial matters.

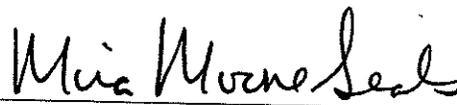
The trial court violated New Jersey public policy by disrupting financial stability, conflating separate support obligations, failing to hold required fact-finding to modify alimony and acting on unsettled facts. These considerations independently support reversal of the alimony reduction and suspension of alimony ordered in the Amended JOD.

By suspending alimony to repay child support, the trial court unlawfully diverted a child-based obligation and used it to suspend alimony income, a spouse-based obligation. *Pascale and Gac v. Gac*, 186 N.J. 535 (2006) prohibit this and the court's July 18, 2025 order violates established public policy and must be reversed.

CONCLUSION

The trial court's actions constitute legal error and an abuse of discretion and form the basis for my appeal. For the reasons and authorities cited, Appellant requests the Appellate Division reverse the trial court's suspension of alimony payments and restore the Amended JOD to its original terms.

Sincerely,



Dated: November 21, 2025

MIA MOORE SEALS

TABLE OF CONTENTS

PROCEDURAL HISTORY.....	1
STATEMENT OF FACTS.....	1
LEGAL ARGUMENT.....	1
<u>POINT 1</u>	1
THE COURT SHOULD AFFIRM THE TRIAL COURT’S RULING BECAUSE IT WAS BASED ON FACTUAL FINDINGS CLEARLY SUPPORTED BY THE EVIDENCE.	
<u>POINT 2</u>	2
THE APPELLATE DIVISION HAS PREVIOUSLY AFFIRMED THE TRIAL COURT’S ORDER TO REDUCE ALIMONY FOR THE REPAYMENT OF MONIES OWED BY THE DEFENDANT.	
<u>POINT 3</u>	4
THE DEFENDANT CLAIMS ARE MERITLESS AND LACKS ANY LEGAL BASIS, EVIDENCE, OR JUSTIFICATION TO SUPPORT THE UNDERLYING ALLEGATIONS, OR TO ESTABLISH A VALID CLAIM OF ACTION UNDER THE LAW.	
CONCLUSION.....	5
CERTIFICATION OF SERVICE.....	6
CERTIFICATION OF NO CONFIDENTIAL INFORMATION.....	8

**TABLE OF JUDGMENTS (S), ORDER(S), RULING (S), AND
DECISION (S) ON APPEAL**

Document Name	Date	Location	Page No.
Court Order	July 18, 2025	Respondent Appendix	Ra1
Court Order Second Amended	Sept. 19, 2024	Respondent Appendix	Ra7
Appellate Div. Order	Sept. 14, 2021	Respondent Appendix	Ra11
Court Order Amended	Sept. 16, 2024	Respondent Appendix	Ra16
Court Order	Aug. 9, 2024	Respondent Appendix	Ra19

TABLE OF AUTHORITIES

Case/Other Authority	Category	Brief Page
Gnall v. Gnall, 222 <u>N.J.</u> 414, 428 (2015)	Case Law	1
Cesare v. Cesare, 154 N.J. 394, 411-412 (1998)	Case Law	1, 4
Rolnick v. Rolnick, 290 N.J. Super. 35-42 (App. Div. 1996)	Case Law	1
Fagliarone v. Twp. Of No. Bergen, 78 N.J. Super. 154-155 9App. Div. 1963)	Case Law	2
Palmero v. Palmero, 164 N.J. Super., 492, 498 (App. Div. 1978)	Case Law	4
Sheehan v. Sheehan, 51 N.J. Super., 276, 295 (App. Div. 1958), certify. den. 28 N.J. 147 (1958)	Case Law	4
Scanlon v. Scanlon, 29 N.J. Super., 317, 326 (App. Div. 1954).	Case Law	4
Brennan v. Orban, 440 N.J. 282, 300-301 (1996)	Case Law	4

LIST OF PARTIES

Party Name	Appellate Party Designation	Trial Court Party Role	Trial Court Party Status
Clarence Seals, Jr.	Respondent	Plaintiff	Participated
Mia Moore Seals	Appellant	Defendant	Participated

Procedural History

Given the comprehensive history detailed in the five (5) page opinion of Judge Marcella Matos Wilson, Plaintiff, Clarence Seals, Jr. relies exclusively on the procedural history set forth in the July 18, 2025, Opinion of Judge Marcella Matos Wilson. **(Respondent Appendix – Ra2)**

Statement of Facts:

Plaintiff, Clarence Seals, Jr. relies exclusively on the comprehensive Findings of Fact as delineated by Judge Marcella Matos Wilson in her July 18, 2025, five (5) page opinion. **(Respondent Appendix – Ra2)**

Legal Argument

Point 1

THE COURT SHOULD AFFIRM THE TRIAL COURT’S RULING BECAUSE IT WAS BASED ON FACTUAL FINDINGS CLEARLY SUPPORTED BY THE EVIDENCE.

Findings of fact and/or legal conclusions are considered binding on appeal “when supported by adequate, substantial and credible evidence”. Gnall v. Gnall, 222 N.J. 414, 428 (2015); Cesare v. Cesare, 154 N.J. 394, 411-412 (1998); Rolnick v. Rolnick, 290 N.J. Super. 35, 42 (App. Div. 1996). The Appellate Division has stated, “our appellate function is a limited one: we do not disturb the factual findings and legal conclusions of the trial judge unless we are convinced that they are so manifestly unsupported by or inconsistent with the competent, relevant and

reasonable credible evidence as to offend the interests of justice”. Fagliarone v. Twp. Of No. Bergen, 78 N.J. Super. 154, 155 (App. Div. 1963).

At the time of the Trial Court’s order, the Defendant owed the Plaintiff, Clarence Seals, \$32,645.15 as a result of a prior Trial Court order of September 19, 2024, Second Amended Order in the amount of \$44,119.61. **(Respondent Appendix – Ra8, pt.7)**. The original balance being paid through the reduction of alimony by \$1,225.54 monthly, for a period of thirty-six months.

By withholding the 20% bonus share of \$6,949.19, the Trial Court simply accelerated the payback period by six months, which actually benefits the Defendant in that the reduction in alimony will end six month sooner. Furthermore, the defendant has a history of not paying monies she has been ordered to pay. The court had previously reduced the Defendant’s alimony for not paying her share of college tuition as ordered in the June 29, 2018 Judgment of Divorce. The Trial Court’s order is fact based and supported by evidence. The Appellate Division should affirm the Trial Court’s order of July 18, 2025. **(Respondent Appendix – Ra1)**.

Point 2

**THE APPELLATE DIVISION HAS PREVIOUSLY
AFFIRMED THE TRIAL COURT’S ORDER TO REDUCE
ALIMONY FOR THE REPAYMENT OF MONIES OWED BY
THE DEFENDANT.**

In the Appellate Division Opinion of September 14, 2021, it affirmed the Trial Court order that reduced the Defendant’s alimony from \$3,000 to \$2,175.70 per

month for a period of nine months. **(Respondent Appendix – Ra12,pt.1)**. This reduction was to repay the Plaintiff, Clarence Seals for the Defendant’s share of college tuition that she refused to pay for the parties’ son, Owen L. Seals.

As per the Appellate Division Opinion “The judge’s order fashioned a practical and equitable solution for plaintiff to be reimbursed. Deducting the amount owed spread out over nine months limited the reduction in income to defendant while ensuring that plaintiff be made whole within a reasonable time since he continues to pay the cost of college...” **(Respondent Appendix – Ra14, ¶4)**. In that instance the defendant owed \$7,475, while this balance owed is nearly 4.5x or \$32,645.15. It is only reasonable and practical to withhold the bonus.

Furthermore, the Trial Court has withheld the Defendant’s share of plaintiff bonus in previous orders. The 2020 bonus in the amount of \$2,038.31 was withheld, as well as the 2021 bonus in the amount of \$3,224.45. The Court allowed Plaintiff to hold these bonuses in his former attorney’s escrow account, pending an order of the court. These monies were subsequently applied to the Defendant’s balance as result of the September 16, 2024, Amended Order. **(Respondent Appendix – Ra17, pt.6)**.

Special Deference

Such deference to the Trial Court is especially profound in the field of Family Law. This is due to the Family's Court special jurisdiction and expertise in family law. Cesare, N.J. 154 at 413. The Courts have recognized that "great deference is to be afforded to trial courts in family law matters where a trial court has the opportunity to become fully immersed in the details of the case". Palmero v. Palermo, 164 N.J. Super. 492, 498 (App Div. 1978). Thus, the Trial Court's opinion in such cases "will be given **great weight** on appeal" Id; see also Sheehan v. Sheehan, 51 N.J. Super. 276, 295 (App. Div. 1958), certify. den. 28 N.J. 147 (1958); Scanlon v. Scanlon, 29 N.J. Super. 317, 326 (App. Div. 1954) (emphasis added). In sum, judicial fact findings discretionary decisions are entitled to "great deference". Such deference is especially important in family matters where "matrimonial courts possess special expertise in the field of domestic relations". Cesare, 154 N.J. 412, citing, Brennan v. Orban, 440 N.J. 282, 300-301 (1996).

Point 3

**THE DEFENDANT CLAIMS ARE MERITLESS
AND LACKS ANY LEGAL BASIS, EVIDENCE,
OR JUSTIFICATION TO SUPPORT THE
UNDERLYING ALLEGATIONS, OR TO
ESTABLISH A VALID CLAIM OF ACTION
UNDER THE LAW.**

The Appeal of the July 18, 2025 order is limited to the Trial Court's order withholding the Defendant's share of a bonus to repay an outstanding debt owed.

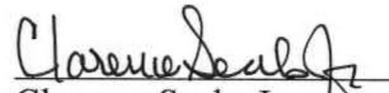
Other points raised by the Defendant fall outside the scope of the order. The Trial Court had previously ordered the monies paid and crafted a reasonable solution that the Court has utilized in prior instances, which have been affirmed by the Appellate Division. As the Trial Court judge stated in her Statement of Reasons, “Defendant argues therein that this Court lacks jurisdiction, and that this matter should be heard by either Mercer or Union Vicinage pursuant to R. :3-2. Id. Defendant did not formally speak to the arguments raised by Plaintiff in his instant Notice of Motion but rather lists reasons as to why she believes she did not receive a “fair trial.” Id. **(Respondent Appendix – Ra4, ¶1).**

Conclusion

Plaintiff therefore respectfully asks that this court affirm the trial court’s order of July 18, 2025, granting plaintiff’s motion to withhold Defendant’s share of the 2024 bonus and all future bonus shares owed Defendant until the full balance of \$49,887.37 outlined in the August 9, 2024 Trial Court order has been fully satisfied. **(Respondent Appendix – Ra20, pt.5).**

Dated: December 20, 2025

With All Due Courtesies,


Clarence Seals, Jr.