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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-0096-15T2

MAHNAZ FARZAN,

Plaintiff-Respondent,

v.

REZA FARZAN,

Defendant-Appellant.

Argued June 7, 2017 – Decided June 30, 2017

Before Judges Simonelli, Carroll and Gooden
Brown.

On appeal from the Superior Court of New
Jersey, Chancery Division, Family Part,
Monmouth County, Docket No. FM-13-0676-05.

Reza Farzan, appellant, argued the cause pro
se.

Robert A. Abrams argued the cause for
respondent.

PER CURIAM

In this post-judgment matrimonial matter, defendant Reza
Farzan appeals from the July 22, 2015 Family Part order, which

denied his motion to emancipate his daughter, J.F.,¹ and terminate his child support obligation. For the following reasons, we affirm.

We need not recite in detail the history of this matter, and instead, incorporate herein the procedural and factual history set forth in Farzan v. Farzan, No. A-1363-10 (App. Div. Oct. 26, 2011) (Farzan I), and Farzan v. Farzan, No. A-0560-12 (App. Div. Sept. 30, 2013) (Farzan II), certif. denied, 217 N.J. 292 (2014). The following facts are pertinent to our review.

Defendant and plaintiff Mahnaz Farzan executed a property settlement agreement (PSA) that was incorporated into their final judgment of divorce entered on June 25, 2009. The PSA required defendant to pay child support for J.F., who was born in 1994, in the amount of \$190 per week, which later increased to \$204 per week with cost of living adjustments. The PSA also required the parties to contribute to their children's college expenses to the extent they were financially able to do so under the standard set forth in Newburgh v. Arrigo, 88 N.J. 529 (1982), or the law in effect at that time.

¹ We use initials to identify the daughter to protect her privacy. R. 1:38-3(f)(6).

The PSA provided that child support for J.F. terminated upon her emancipation. Attaining the age of eighteen was deemed an emancipating event unless J.F. was "pursuing a reasonably continuous course of college education leading to an undergraduate degree as a full-time day, undergraduate student at an accredited college or university," in which event emancipation would not occur until she reached age twenty-two.

In November 2011, defendant filed a motion seeking various relief, including a request to terminate child support for J.F. upon her upcoming eighteenth birthday. In a December 2, 2011 order, the trial court denied the motion.

Following J.F.'s graduation from high school, defendant filed a motion to terminate child support as of June 12, 2012. Because J.F. had been accepted as a full-time student at a New Jersey college and received a substantial financial aid package, in an August 21, 2012 order, the court denied the motion. In Farzan II, we affirmed the August 21, 2012 order. Farzan II, supra (slip op. at 1-2). We noted that not only was defendant's request to terminate child support contrary to existing case law, it was "expressly contrary to the PSA wherein defendant specifically agreed to remain obligated to pay child support beyond the age of majority so long as the child was not emancipated, which clearly here had not yet occurred." Id. (slip op. at 9). We found

defendant's other arguments, including: "(1) an unavailing equal protection argument; (2) that plaintiff has disappeared; and (3) that a plenary hearing was necessary," to be without sufficient merit to warrant discussion in a written opinion. Id. (slip op. at 10) (citing R. 2:11-3(e)(1)(E)).

Thereafter, on March 23, 2015, defendant filed a motion for various relief, including: emancipating J.F.; terminating or reducing child support; crediting him for overpaid child support; requiring the court to explain to plaintiff her responsibilities toward him and J.F. due to her receipt of child support; and scheduling a plenary hearing. Defendant argued that J.F. should be emancipated because she no longer resided with plaintiff.

Plaintiff filed a cross-motion for a modification of the PSA to reflect that J.F. be emancipated when she reached age twenty-three, and for counsel fees. Plaintiff contended that J.F. was a full-time student at a New Jersey college, resided on campus, and would not graduate until age twenty-three because she was enrolled in a five-year program. On May 7, 2015, plaintiff's attorney hand-delivered a certification of services to the court and defendant to support plaintiff's request for attorney's fees. At oral argument on May 8, 2015, the court did not award plaintiff counsel fees because the proofs were insufficient with regard to

J.F.'s college enrollment. Thereafter, plaintiff provided proofs that satisfied the court.

In a July 22, 2015 order, with an attached written statement of reasons, the court found that although J.F. had reached the age of majority, she continued to be a full-time student and therefore required financial support from her parents. The court emancipated J.F. as of May 30, 2017, when she graduated from college. The court reduced defendant's child support obligation to \$153.43 per week based on the Child Support Guidelines, effective March 23, 2015. The court analyzed the factors enumerated in Rule 5:3-5(c) and awarded plaintiff counsel fees in the amount of \$1,889.75. This appeal followed.

On appeal, defendant raises fourteen separate points. In Points I through VI, he contends that plaintiff and her attorney violated federal and State laws, and the courts have violated his federal and State constitutional rights, civil rights, human rights, and discriminated against him. We have considered these contentions in light of the record and applicable legal principles and conclude they are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Defendant's Points VII through IX concern the court's failure to emancipate J.F. and terminate child support as of June 12, 2012. This issue was litigated on the merits in Farzan II. If

an issue has been determined on the merits in a prior appeal it cannot be re-litigated in a later appeal of the same case, even if of constitutional dimension. Washington Commons, LLC v. City of Jersey City, 416 N.J. Super. 555, 564 (App. Div. 2010) (citation omitted), certif. denied, 205 N.J. 318 (2011).

Defendant's arguments in Points X through XIV relate to the July 22, 2015 order. Defendant argues that the court erred by: (1) not scheduling a plenary hearing; (2) not reducing his child support obligation based on a change in circumstances; (3) not explaining to plaintiff her responsibilities toward him and J.F. due to her receipt of child support; (4) modifying the PSA without his permission; and (5) awarding plaintiff counsel fees. We have considered these contentions in light of the record and applicable legal principles and conclude they are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). We affirm substantially for the reasons expressed by the court in the well-reasoned July 22, 2015 statement of reasons.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION