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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-1058-15T3  
A-2452-15T3  
A-4626-15T3

PAUL MAURICE BROWN,

Plaintiff-Appellant,

v.

MICHELE BROWN,

Defendant-Respondent.

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Submitted November 15, 2017 — Decided December 18, 2017

Before Judges Fuentes, Koblitiz and Manahan.

On appeal from Superior Court of New Jersey,  
Chancery Division, Family Part, Middlesex  
County, Docket No. FM-12-0198-12.

Paul Maurice Brown, appellant pro se.

Michele Brown, respondent pro se.

PER CURIAM

In these three appeals, which we have consolidated for purpose  
of this opinion, plaintiff Paul Brown challenges a series of post-  
judgment orders entered by the Family Part. We affirm.

In A-1058-15, plaintiff appeals from a September 24, 2015 order denying reconsideration of an order continuing his alimony obligation without reduction. Plaintiff sought a reduction in this obligation based upon changed circumstances.<sup>1</sup>

In A-2452-15, plaintiff appeals from a January 6, 2016 order which required that he provide previously ordered financial information. The order was entered after defendant, Michele Brown, moved to enforce litigant's rights.

In A-4626-15, plaintiff appeals from an order granting defendant a stay of the sale of the marital home until plaintiff complied with all aspects of the settlement agreement.

The parties were divorced on March 16, 2012. At the time of the divorce, the parties entered into a Property Settlement Agreement (PSA). Over the course of several years following their divorce, the parties have engaged in extensive post-judgment motion practice on a myriad of issues relating to enforcement or modification of the PSA.

On these appeals, plaintiff raises numerous arguments including that the Family Part judge was biased in favor of defendant. After our review of the record, we conclude that

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<sup>1</sup> In plaintiff's motion he sought reconsideration of numerous orders. However, per Rule 4:49-2, only the order of July 27, 2015, was timely for reconsideration.

plaintiff's arguments are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). Notwithstanding, we briefly address whether plaintiff was entitled to a reduction of his support obligation.

At the outset, we note the precepts that guide our decision. First, we accord special deference to the family court because of its "special jurisdiction and expertise in family matters." Cesare v. Cesare, 154 N.J. 394, 413 (1998). Absent compelling circumstances, we are not free to substitute our judgment for that of the trial court, which has become familiar with the case. Schwartz v. Schwartz, 68 N.J. Super. 223, 232 (App. Div.), cert. denied, 36 N.J. 143 (1961). However, the "trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995). Here, the judge had experience with both plaintiff and defendant from their numerous post-judgement motions.

Second, reconsideration should only be used "for those cases which fall into that narrow corridor in which either (1) the Court has expressed its decision based upon a palpably incorrect or irrational basis, or (2) it is obvious that the Court either did not consider, or failed to appreciate the significance of probative, competent evidence." Cummings v. Bahr, 295 N.J. Super.

374, 384 (App. Div. 1996) (quoting D'Atria v. D'Atria, 242 N.J. Super. 392, 401-02 (Ch. Div. 1990)). Additionally, the decision to deny a motion for reconsideration falls within the sound discretion of the trial judge, to be exercised in the interest of justice. Ibid.

"While the 'abuse of discretion standard defies precise definition,' we may find an abuse of discretion when a decision 'rest[s] on an impermissible basis' or was 'based upon a consideration of irrelevant or inappropriate factors.'" State v. Steele, 430 N.J. Super. 24, 34-35 (App. Div. 2013) (quoting Flagg v. Essex Cnty. Prosecutor, 171 N.J. 561, 571 (2002)).

Plaintiff sought a reduction in his support obligation based upon changed circumstances. Plaintiff claimed that circumstances such as a new marriage and his non-permanent physical injury qualified as the bases for modification of alimony. Plaintiff argued that these "changed circumstances" decreased his income by twelve percent from his income at the time of the divorce.

In denying plaintiff's motion, the judge held:

The [c]ourt has reviewed [p]laintiff and [d]efendant's financial documentation in connection with [p]laintiff's claim of changed circumstances. The parties' [Judgement of Divorce] sets forth the income amounts that the parties utilized in determining the original alimony award of [\$200] per week. Both parties' income are substantially similar to that which they were in 2010[, ] as both


parties are making within [\$4000] of what they were making in 2010 or what they were imputed to. Defendant was imputed to [\$22,000] and her current paychecks show that she makes \$498.22 per week which amounts to \$25,907.44. As to [p]laintiff's income, the [c]ourt notes from his paychecks that he makes [\$480] weekly (at forty hours per week) and an average of \$140.94 in overtime per month; utilizing these numbers and the [\$497] in gross [Veterans Affairs] disability benefit that [p]laintiff receives per month [p]laintiff's annual income is \$32,615.28. Therefore [,] the [c]ourt does not find that [p]laintiff has evinced a sufficient change in circumstances to warrant a modification of his alimony obligation.

Plaintiff's application to modify support is governed by well-settled principles. A party seeking to modify support has the burden to present a prima facie showing of changed circumstances. Lepis v. Lepis, 83 N.J. 139, 157-58 (1980). Support orders are always subject to review and modification upon such a showing. Id. at 146. Lepis and its progeny generally address changed circumstances through the prism of a supporting spouse's ability to pay, usually premised upon a reduction of the payor's stream of income. See Innes v. Innes, 117 N.J. 496, 504 (1990); Larbiq v. Larbiq, 384 N.J. Super. 17, 23 (App. Div. 2006).

After consideration of the record and controlling law, we discern no error in the determination to deny plaintiff's motion to reduce his alimony obligation. As well, we discern no abuse of discretion in the determination to deny reconsideration.

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION