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APPROVAL OF THE APPELLATE DIVISION**

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 NOS. A-1707-13T2
A-3559-13T2

MARIE OLSSON,

Plaintiff-Respondent,

v.

RICHARD OLSSON,

Defendant-Appellant.

MARIE CONNORS, f/k/a
MARIE OLSSON,¹

Plaintiff-Respondent,

v.

RICHARD OLSSON,

Defendant-Appellant.

Argued January 24, 2017 – Decided April 18, 2017

Before Judges Reisner, Koblitz and Sumners.

On appeal from the Superior Court of New
Jersey, Chancery Division, Mercer County,
Docket No. FM-11-125-10.

¹ Plaintiff used defendant's last name during the marriage but resumed using her own last name, Connors, after the divorce.

Richard Olsson, appellant, argued the cause pro se.

Marie Connors, respondent, argued the cause pro se.

PER CURIAM

These two appeals, which we have consolidated for purposes of this opinion, arise out of divorce litigation between plaintiff Marie Connors and defendant Richard Olsson. In A-1707-13, Richard appeals from a September 25, 2012 final judgment of divorce, and from an October 24, 2013 order deciding his reconsideration motion.² In A-3559-13, Richard appeals from a February 18, 2014 order, emancipating the parties' adult daughter, finding that he was in violation of litigant's rights, and awarding counsel fees to Marie.³

To put the issues in perspective, the case involves a long-term marriage between a high-earning husband who owns his own business, and a wife who was a homemaker for the majority of the marriage and who earns a small fraction of what the husband earns. The Family Part judge conducted a twelve-day divorce trial, during

² Intending no disrespect to the parties, we will at times refer to them by their first names to avoid any confusion.

³ Both parties on this appeal are self-represented. We granted Marie's motion for permission to file one brief in response to both appeals. We also permitted Richard to file one reply brief for both appeals.

which only the parties testified. On September 25, 2012, the judge issued a 114-page oral opinion, and a comprehensive divorce judgment, addressing in detail all of the issues the parties presented.

Richard filed a reconsideration motion, and Marie filed a cross-motion for additional relief. The judge heard a lengthy oral argument on March 1, 2013.⁴ The judge issued an additional comprehensive oral opinion and order on October 24, 2013, granting some additional relief to each party, including granting Richard a \$10,000 per year reduction in his child support obligation.

Less than a week later, Richard moved for additional relief including a change in child custody and support. Marie cross-moved for emancipation of the parties' daughter, and a finding that defendant was in violation of litigant's rights for failing to comply with certain financial terms of the divorce judgment. The judge decided those motions on February 18, 2014.⁵ At that point, the judge determined that the daughter, then age twenty-two, had not returned to college, was employed and living

⁴ The judge explained in detail that defendant was pro se by that time, and his failure to file conforming motion papers caused much of the delay in addressing the motions.

⁵ The judge's February 18, 2014 oral opinion indicates that she previously placed findings of fact on the record on December 13, 2013, however, defendant did not provide us with the December 13, 2013 transcript.

independently in another state, and should be emancipated. The judge also determined that Richard had failed to pay alimony arrears, child support and other financial obligations, and ordered him to pay Marie \$6000 in counsel fees.

In A-1707-13, Richard raises the following points of argument for our consideration:

- I. STANDARD OF REVIEW.
- II. THE TRIAL COURT ERRED IN DETERMINING THE AMOUNT OF DEFENDANT'S ALIMONY OBLIGATION IN LIGHT OF THE ESTABLISHED CASE LAW AND EVIDENCE IN THE RECORD.
 - A. THE COURT'S MOTION FOR RECONSIDERATION ALIMONY DECISION IS CAPRICIOUS AND ARBITRARY.
 - B. THE COURT'S REVIEW OF PLAINTIFF'S CIS BUDGET IS INCOMPLETE IN VIEW OF RELEVANT FACTS ESTABLISHED AT TRIAL.
 - C. INCOME AVERAGING IS NOT SUPPORTED BY APPLICABLE CASE LAW AND THE FACTS ESTABLISHED AT TRIAL.
 - D. THE USE OF INCOME AVERAGING IS ERROR AS CASE LAW SUPPORTS USE OF DEFENDANT'S CURRENT INCOME TO DETERMINE ALIMONY.
- III. EQUITABLE DISTRIBUTION IS NOT SUPPORTED BY ESTABLISHED CASE LAW AND THE FACTS PRESENTED AT TRIAL.
- IV. COUNSEL FEE AWARD IS NOT SUPPORTED BY THE RECORD AND SHOULD BE REVIEWED IN [LIGHT] OF DEFENDANT'S APPEAL RESULTS.

- V. OTHER AWARDS IN THE COURT'S ORDERS THAT ARE DEPENDENT UPON THE AWARDED ALIMONY AMOUNT SHOULD BE REVISED.
- VI. UPON REMAND THIS MATTER SHOULD BE HEARD BY A DIFFERENT JUDGE.

In A-3559-13, he raises these points of argument:

- I. STANDARD OF REVIEW.
- II. THE TRIAL COURT ERRED IN ADJUDICATING RICHARD FOR BEING IN VIOLATION OF LITIGANT'S RIGHTS.
 - A. The trial court erred in finding Richard in violation of litigant's rights for failure to pay business interest of \$61,592.
 - B. The trial court erred in finding Richard in violation of litigant's rights for failure to pay alimony arrears of \$20,371.
 - C. The trial court erred in finding Richard in violation of litigant's rights for failure to list the marital home for sale.
 - D. The trial court erred in finding Richard in violation of litigant's rights for failure to provide ordered life insurance for plaintiff and children.
 - E. The trial court erred in finding Richard in violation of litigant's rights for failure to pay the University [] Tuition refund of \$7,170.
- III. THE COURT ERRED IN [EMANCIPATING] THE PARTIES['] DAUGHTER WITHOUT FIRST HOLDING A [PLENARY] HEARING.

IV. THE TRIAL COURT'S COUNSEL FEE AWARD IS NOT SUPPORTED BY THE RECORD AND SHOULD BE REVERSED.

V. UPON REMAND THIS MATTER SHOULD BE HEARD BY A DIFFERENT JUDGE.

After reviewing the voluminous record, in light of the applicable legal standards, we conclude that Richard's appellate arguments in both appeals are without merit, R. 2:11-3(e)(1)(E), and we affirm for the reasons stated by the Family Part judge in her thorough opinions.⁶ We add the following brief comments.

Richard contends that his business had become less profitable by the time of the divorce, and argues that the judge erred in concluding that he made insufficient efforts to find new clients. He further argues that the judge erred in calculating his income by using the income-averaging method. He also asserts that, after the judge determined that she had made a mathematical error in calculating his income, she should have reduced his alimony obligation by more than \$10,000 a year.

Our review of those issues is limited. We must defer to a trial judge's factual findings so long as they are supported by

⁶ We are aware that this opinion will be made publicly available on the internet and have avoided unnecessarily including the parties' personal information. In particular, because the trial judge made comprehensive factual findings, it is unnecessary for us to discuss the parties' financial information in any detail or to include details about their children.

sufficient credible evidence. Thieme v. Aucoin-Thieme, 227 N.J. 269, 282-83 (2016); Cesare v. Cesare, 154 N.J. 394, 413 (1998). We owe particular deference to the judge's evaluation of witness credibility. Cesare, supra, 154 N.J. at 412. In this case, the judge spent twelve days hearing the parties' testimony, and had ample opportunity to evaluate their credibility. We also give deference to the expertise of the Family Part in handling matrimonial matters. Thieme, supra, 227 N.J. at 282-83 (quoting Cesare, supra, 154 N.J. at 413). We review a Family Part judge's alimony determinations for abuse of discretion. J.E.V. v. K.V., 426 N.J. Super. 475, 485 (App. Div. 2012) (citing Heinl v. Heinl, 287 N.J. Super. 337, 345 (App. Div. 1996)).


Applying those legal standards, we find no abuse of discretion or other error in the judge's calculation of defendant's income. As the judge indicated, she did not find defendant's testimony credible with respect to that issue. In light of the judge's calculation of Marie's financial need, which would not be met if the alimony was significantly reduced, we find no abuse of discretion in the judge's decision to reduce the alimony by \$10,000 a year rather than by a larger amount.

Richard also challenges the judge's awards of \$30,000 in counsel fees in connection with the divorce trial and \$6,000 in connection with the post-trial motion to enforce litigant's

rights. We review the trial court's award of counsel fees for abuse of discretion. See Williams v. Williams, 59 N.J. 229, 233 (1971). The fee awards were relatively modest and well-explained, including a detailed analysis of the factors set forth in Rule 5:3-5(c) with respect to the trial-related fee. The litigant's rights-related fee award was justified by defendant's inexcusable delay in connection with the sale of the marital home. We find no abuse of the judge's discretion in either award.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION