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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-1738-15T2

ROBIN PARNESS, n/k/a ROBIN
PARNESS LIPSON,

Plaintiff-Respondent,

v.

MARTIN PARNESS,

Defendant-Appellant.

Submitted November 8, 2017 – Decided December 18, 2017

Before Judges Reisner, Hoffman and Gilson.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Essex County,
Docket No. FM-07-8088-91.

Martin Parness, appellant pro se.

Robin Parness Lipson, respondent pro se.

PER CURIAM

This appeal arises from efforts by plaintiff Robin Parness Lipson to collect a final judgment for alimony and child support, entered by the Family Part against defendant Martin Parness. Due to his refusal to pay the judgment or to comply with court orders

directing that he take specific steps to enable plaintiff to collect the judgment, defendant was found in civil contempt and has spent years in the Essex County Jail. In 2014, we remanded this matter to the trial court and directed that the court conduct a testimonial Matthei hearing, at which defendant must be represented by counsel. Parness-Lipson v. Parness, No. A-2221-13 (App. Div. June 6, 2014) (slip op. at 7); see Marshall v. Matthei, 327 N.J. Super. 512, 529 (App. Div. 2000). Defendant now appeals from a November 16, 2015 order entered after the Matthei hearing.

The November 16, 2015 order sets forth a series of specific actions defendant must take to obtain his release. Based on his evaluation of lay and expert testimony at the hearing, the Family Part judge determined that defendant has the ability to pay the judgment, or at least, he has the ability to take specific steps to permit collection. In particular, the judge determined that the actions specified in the order were necessary to enable plaintiff to locate and sell defendant's assets in Israel. Upon compliance with those steps, or in the alternative, upon posting a \$250,000 bond, defendant will be released.

Unfortunately, defendant's appellate brief does not address the merits of the November 16, 2015 order, but instead seeks to challenge an earlier order which is final and no longer subject

to appeal.¹ In particular, defendant's brief addresses a July 11, 2011 judgment quantifying his support arrears and other amounts. Defendant previously filed an appeal from the July 11, 2011 judgment, but he failed to properly pursue that appeal and we ordered that the appeal be dismissed. Parness v. Parness, No. A-0111-11, order dated July 9, 2012. The Supreme Court denied defendant's petition for certification, thus bringing that appeal to an end. Parness v. Parness, 213 N.J. 537 (2013). As we made clear in our opinion remanding this case for the Matthei hearing, defendant "has no further right to appeal the underlying judgment." Parness-Lipson, slip op. at 8.² The only open issue on remand was whether he had the ability to pay the judgment or at least to take specific steps to enable plaintiff to collect it.

Although defendant's appellate arguments are not cognizable on this appeal because they do not address the order from which he is appealing, in the interests of justice we have reviewed the transcripts of the Matthei hearing. Based on that review, we

¹ Although he was represented by counsel at the Matthei hearing, defendant chose to represent himself on this appeal. After the case was fully briefed, and neither party had requested oral argument, defendant filed a motion seeking appointment of counsel. We denied the motion as untimely.


² At the hearing, plaintiff presented expert legal testimony that, under Israeli law, a foreign judgment cannot be enforced until it is final and all appeals are concluded.

conclude that the Family Part judge's decision is supported by substantial credible evidence, and we find no basis to disturb the November 16, 2015 order. See Cesare v. Cesare, 154 N.J. 394, 411-12 (1998). We affirm for the reasons stated in the Family Part judge's comprehensive written opinion. Under the terms of the November 16, 2015 order, defendant holds the "key to the jail" in his hand. See Matthei, 327 N.J. Super. at 528. We note that during the hearing, defendant testified that he would abide by the court's orders in the future. Hopefully, he will do so and secure his release.

If defendant continues to be incarcerated, he is entitled to future Matthei hearings, at least every eighteen months, to determine whether he should be released. Id. at 529.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION