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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-5358-15T1

ALEXANDER J. GROHOL,

Plaintiff-Appellant,

v.

STACY C. GROHOL,

Defendant-Respondent.

Argued November 28, 2017 – Decided January 23, 2018

Before Judges Reisner and Hoffman.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Union County,
Docket No. FM-20-0283-08.

Thomas T. Kim argued the cause for appellant
(Saminski Rodriguez Law Group, LLC, attorneys;
Kiera E. Kenniff, on the briefs).

Kathleen B. Estabrooks argued the cause for
respondent (Kathleen B. Estabrooks, attorney;
Robert S. Dorkin, on the brief).

PER CURIAM

In this post-judgment matrimonial matter, plaintiff Alex J.
Grohol appeals from two orders entered by the Family Part on June

24, 2016, and June 30, 2016. We affirm substantially for the reasons stated by the trial judge in his oral opinion placed on the record after the plenary hearing on June 24, 2016, and in his written statement of reasons issued with the June 30, 2016 order.

The appeal concerns a dispute over whether plaintiff's child support obligation should be increased, based on defendant Stacy Grohol's claim that plaintiff was not exercising sufficient parenting time to warrant use of the shared parenting child support guidelines. Based on his evaluation of witness credibility, the Family Part judge determined that plaintiff's child support obligation should be increased, because plaintiff was exercising considerably less parenting time than the parties contemplated in the matrimonial settlement agreement and plaintiff did not have the children for at least two overnights per week.

On this appeal, plaintiff raises the following arguments:

I. The trial court improperly failed to consider its own October 17, 2014 order which previously decided the issue of child support recalculation based on a change in parenting time.

II. The trial court erred in sua sponte reconsidering the October 17, 2014 order without good cause.

III. The trial court erred when it sua sponte admitted evidence on [plaintiff's] behalf and relied upon that evidence to form the basis of its decision.

IV. The trial court erred when allowing defendant to testify from summary information and erred when considering that the document could fall under N.J.R.E. 803(c)(6).

After reviewing the record in light of the applicable legal standards, we conclude that those arguments are without merit and do not warrant discussion in a written opinion, beyond the following brief comments. R. 2:11-3(e)(1)(E).

It is clear to us that the pertinent provision of the October 17, 2014 order, on which plaintiff relies, was based on the trial court's mistaken understanding that defendant was seeking a change in parenting time, as opposed to a change in child support. Evidently recognizing the error, the judge properly entered a subsequent order reopening the issue. The judge also appropriately held a plenary hearing to decide material factual disputes over how much parenting time plaintiff was actually exercising.


During the plenary hearing, the judge did not abuse his discretion by admitting in evidence the parties' respective contemporaneous written records of the days on which plaintiff exercised parenting time with the children, or the parties' summaries of those records. See N.J.R.E. 803(c)(5); N.J.R.E. 1006. The judge concluded that defendant's records were more credible and accurate. Because the judge's decision is supported

by substantial credible evidence, we affirm the orders on appeal.

See R. 2:11-3(e)(1)(A).

Affirmed.

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


CLERK OF THE APPELLATE DIVISION