

**NOT FOR PUBLICATION WITHOUT THE
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 NO. A-3270-20**

ANNE MARIE PASQUALETTI,

Plaintiff-Respondent,

v.

MARK PASQUALETTI,

Defendant-Appellant.

Submitted March 31, 2022 – Decided April 8, 2022

Before Judges Haas and Mitterhoff.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Monmouth County,
Docket No. FM-13-1100-16.

AG Law Firm, attorney for appellant (Aleksandra N.
Gontaryuk, on the briefs).

Ansell, Grimm & Aaron, PC, attorney for respondent
(Donna L. Maul, of counsel and on the brief).

PER CURIAM

In this post-judgment matrimonial matter, defendant appeals from the Family Part's June 9, 2021 order that reduced defendant's alimony obligation to plaintiff by \$6,000 a year. We affirm.

The salient facts are not in dispute. The parties were married in September 1983 and divorced in October 2016. They have three emancipated children.

In their Marital Settlement Agreement, defendant agreed to pay plaintiff open duration alimony of \$30,000 per year. The parties further agreed that this obligation could not be modified for two years.

At the time of their divorce, defendant earned \$145,000 per year while plaintiff earned \$54,000. In November 2020, defendant's employer laid him off. On March 2, 2021, defendant obtained a new job with an annual salary of \$110,250. According to her Case Information Statement (CIS), plaintiff earned \$60,959 per year at that time.

Defendant filed a motion seeking a reduction in his alimony obligation. Plaintiff opposed the motion and both parties submitted financial information. The trial judge considered the parties' arguments and rendered a comprehensive written decision that fully detailed her findings of fact and conclusions of law. The judge concluded that defendant had demonstrated a change in his circumstances that warranted temporary relief from his alimony obligation until

his "planned retirement in a year and a half[.]" After reviewing the parties' financial information, the judge reduced defendant's alimony obligation to \$24,000 per year.

On appeal, defendant argues: (1) the judge should have determined that plaintiff was earning \$61,340 per year rather than \$60,959; (2) the judge did not consider he had married a woman who had two children of her own that he supported; and (3) the judge should have reduced his alimony obligation in direct proportion to his change in income since the time of the parties' divorce. Based on our review of the record and the applicable law, we affirm substantially for the reasons expressed by the trial judge. We add the following brief comments.

The scope of our review of the Family Part's order is limited. We owe substantial deference to the Family Part's findings of fact because of that court's special expertise in family matters. Cesare v. Cesare, 154 N.J. 394, 411-12 (1998). Thus, "[a] reviewing court should uphold the factual findings undergirding the trial court's decision if they are supported by adequate, substantial and credible evidence on the record." MacKinnon v. MacKinnon, 191 N.J. 240, 253-54 (2007) (alteration in original) (quoting N.J. Div. of Youth & Fam. Servs. v. M.M., 189 N.J. 261, 279 (2007)).

While we owe no special deference to the judge's legal conclusions, Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995), "we 'should not disturb the factual findings and legal conclusions of the trial judge unless . . . convinced that they are so manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence as to offend the interests of justice' or when we determine the court has palpably abused its discretion." Parish v. Parish, 412 N.J. Super. 39, 47 (App. Div. 2010) (quoting Cesare, 154 N.J. at 412). We will reverse the judge's decision "[o]nly when the trial court's conclusions are so 'clearly mistaken' or 'wide of the mark' . . . to ensure that there is not a denial of justice." N.J. Div. of Youth & Fam. Servs. v. E.P., 196 N.J. 88, 104 (2008) (quoting N.J. Div. of Youth & Fam. Servs. v. G.L., 191 N.J. 596, 605 (2007)).

Applying these principles, defendant's arguments concerning the June 9, 2021 order reveal nothing "so wide of the mark" that we could reasonably conclude the order constituted "a denial of justice." As noted above, plaintiff's CIS stated her current income was \$60,959. In another entry, however, it stated her income was \$61,340. The judge determined the \$60,959 figure was correct, but even if it were not, we are satisfied the de minimis \$381 difference between the two amounts was insufficient to change the result.

Defendant argues the judge did not consider that he now supported his new wife and her two children. However, defendant did not disclose whether the two children received support from their father. Defendant also failed to adequately explain the nature of his wife's "home cleaning services" business. For example, defendant and his wife's joint tax return stated the wife's business lost \$24,565 in 2020. That figure included \$18,100 the business claimed for depreciation on two cars. However, defendant asserted in his CIS that he paid \$2,590 per month in expenses for these same two vehicles. In the absence of additional information, defendant was not entitled to a further adjustment of his alimony obligation.

Finally, defendant states his income dropped 24% after he was laid off. Therefore, he argues the judge should have reduced his alimony obligation by this percentage.¹ Defendant points to no legal authority supporting such a mechanical calculation. Therefore, we reject defendant's contention on this point.

Affirmed.

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


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¹ The judge reduced defendant's obligation from \$30,000 to \$24,000, which is a 20% reduction.