

**NOT FOR PUBLICATION WITHOUT THE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-3423-21**

JACLYN LEBRON,

Plaintiff-Respondent,

v.

JOSEPH LEBRON,

Defendant-Appellant.

Submitted September 13, 2023 – Decided September 20, 2023

Before Judges Haas and Puglisi.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Monmouth County,
Docket No. FM-13-1334-20.

The Behrins Law Firm, attorneys for appellant
(Jonathan B. Behrins, on the briefs).

The Law Office of Edward Fradkin, LLC, attorneys for
respondent (Edward P. Fradkin, of counsel and on the
brief).

PER CURIAM

Defendant Joseph Lebron appeals from the June 1, 2022 Judgment of Divorce, which the trial court entered after conducting a multi-day evidentiary hearing. On appeal, defendant contends that the court "abused its discretion in calculating" the amount of alimony and child support he was required to pay plaintiff Jaclyn Lebron. Defendant also asserts the court "abused its discretion in equitably distributing the [parties'] marital assets by improperly calculating the alimony and child support awards."

Based on our review of the record and the applicable law, we conclude that defendant's arguments are without sufficient merit to warrant extended discussion in a written opinion. R. 2:11-3(e)(1)(E). We affirm substantially for the reasons set forth in the trial court's thorough oral decision, which it rendered on May 18 and 19, 2022. We add the following brief comments.

The parties married in 2005 and have three unemancipated children. Plaintiff filed her complaint for divorce in 2020. Defendant filed an answer to the complaint but then failed to comply with any of his discovery obligations. Defendant did not supply the financial documentation plaintiff requested, did not file a Case Information Statement as required by Rule 5:5-4(a), and refused to provide the funds needed to conduct a cash flow analysis of his real estate business. As a result of defendant's recalcitrance, the trial court granted

plaintiff's motion to suppress defendant's pleadings and the matter proceeded to a default hearing in accordance with Rule 5:5-10.

Based upon the evidence submitted at the hearing, and consistent with the governing case law¹ and the applicable Child Support Guidelines,² the trial court averaged defendant's income over a five-year period using the available financial information, and imputed \$258,000 in gross annual income to him. Although plaintiff did not work outside the home during the marriage, the court nevertheless imputed \$35,000 in gross income to her.

Using these figures, and applying the statutory criteria for alimony³ and "above guidelines" child support,⁴ the court ordered defendant to pay plaintiff \$91,000 per year for a period of ten years in alimony, and \$500 per week in child support. The court then equitably distributed the parties' marital assets, including the two homes they owned. The court also ordered defendant to secure his support obligations by obtaining life insurance. This appeal followed.

¹ See Gormley v. Gormley, 462 N.J. Super. 433, 447 (App. Div. 2019); Platt v. Platt, 384 N.J. Super. 418, 427 (App. Div. 2006).

² See Child Support Guidelines, Pressler & Verniero, Current N.J. Court Rules, Appendices IX-A and IX-B, www.gannlaw.com (2023).

³ See N.J.S.A. 2A:34-23c.

⁴ See N.J.S.A. 2A:34-23a.

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 & Family Servs. v. M.M., 189 N.J. 261, 279 (2007)).

We owe no deference to the trial court's legal conclusions. Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995). However, we will not interfere with "the factual findings and legal conclusions of the trial [court] 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) (second alteration in original) (quoting Cesare, 154 N.J. at 412). We will reverse the Family Part'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 & Family Servs. v. E.P., 196 N.J. 88, 104 (2008) (quoting N.J. Div. of Youth & Family Servs. v. G.L., 191 N.J. 596, 605 (2007)).

Applying these principles, plaintiff's arguments concerning the June 1, 2022 Judgment of Divorce reveal nothing "so wide of the mark" that we could reasonably conclude that a clear mistake was made by the trial court. The record amply supports the court's factual findings and, in light of those findings, its legal conclusions are unassailable.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION