

Appellate...:	<b>A</b>
Case No.....:	<b>005873</b>
Year.....:	<b>09</b>
Type.....:	<b>BRIEF</b>
Volume.....:	<b>001</b>

A 5873-09

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
Docket No. A-005873-09T4

FILED  
APPELLATE DIVISION

Civil Action

OCT 29 2010

BARBARA MANNING,  
  
Plaintiff-Appellant,  
  
vs.  
  
JOHN MANNING,  
  
Defendant-Respondent.

On appeal from the  
Superior Court of  
New Jersey, Chancery  
Division, Bergen  
County, Family Part,  
Docket No.  
FM-02-6706-93-G

MA  
CLERK

Sat Below:

Frances A. McGrogan,  
J.S.C.

RECEIVED  
APPELLATE DIVISION

OCT 29 2010

SUPERIOR COURT  
OF NEW JERSEY

APPENDIX  
FOR  
PLAINTIFF-APPELLANT.

George B. Wolfe, Esq.  
Attorney for Plaintiff-  
Appellant  
Suite 104  
201 West Passaic Street  
Rochelle Park, NJ 07662  
(201) 291-9030

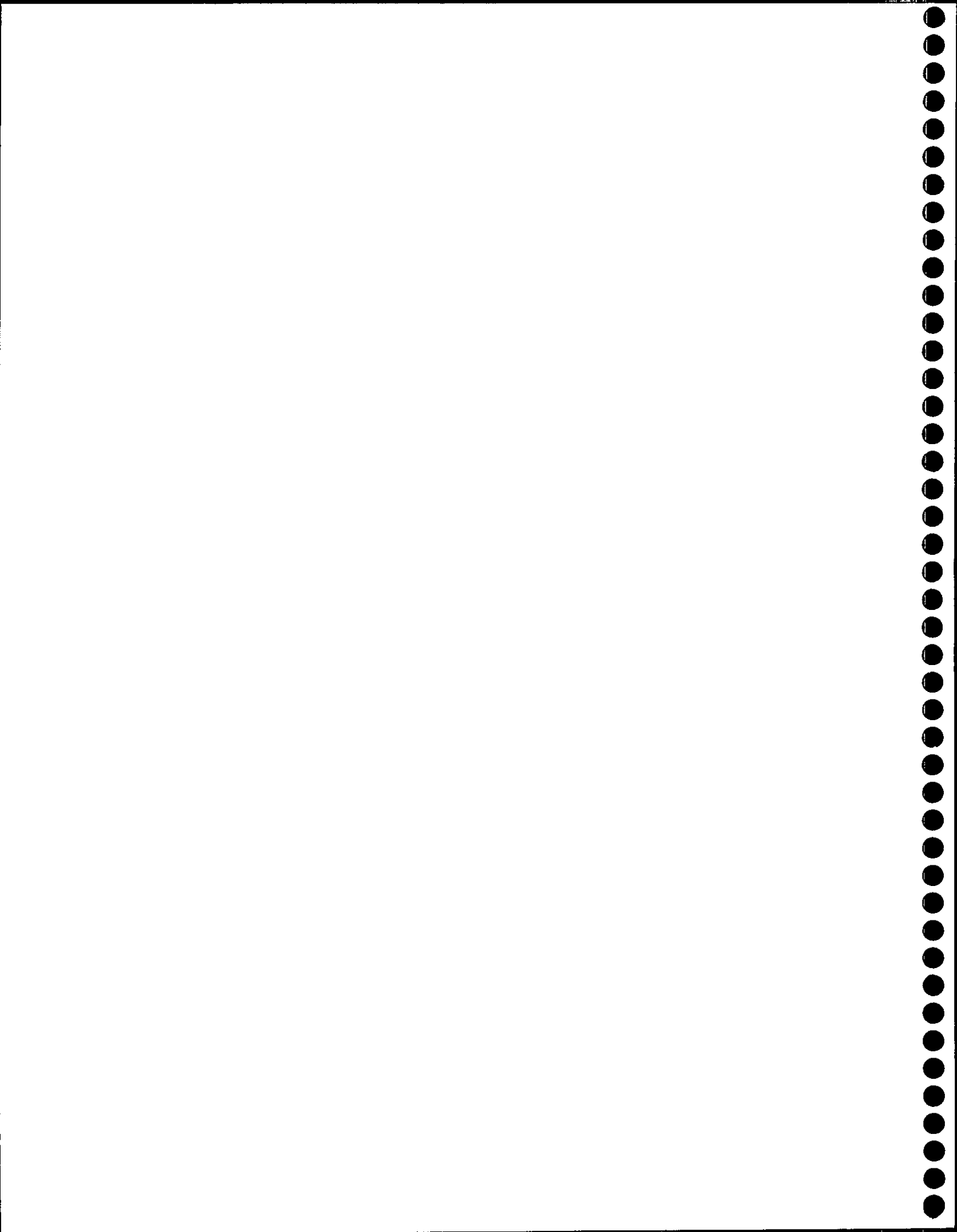


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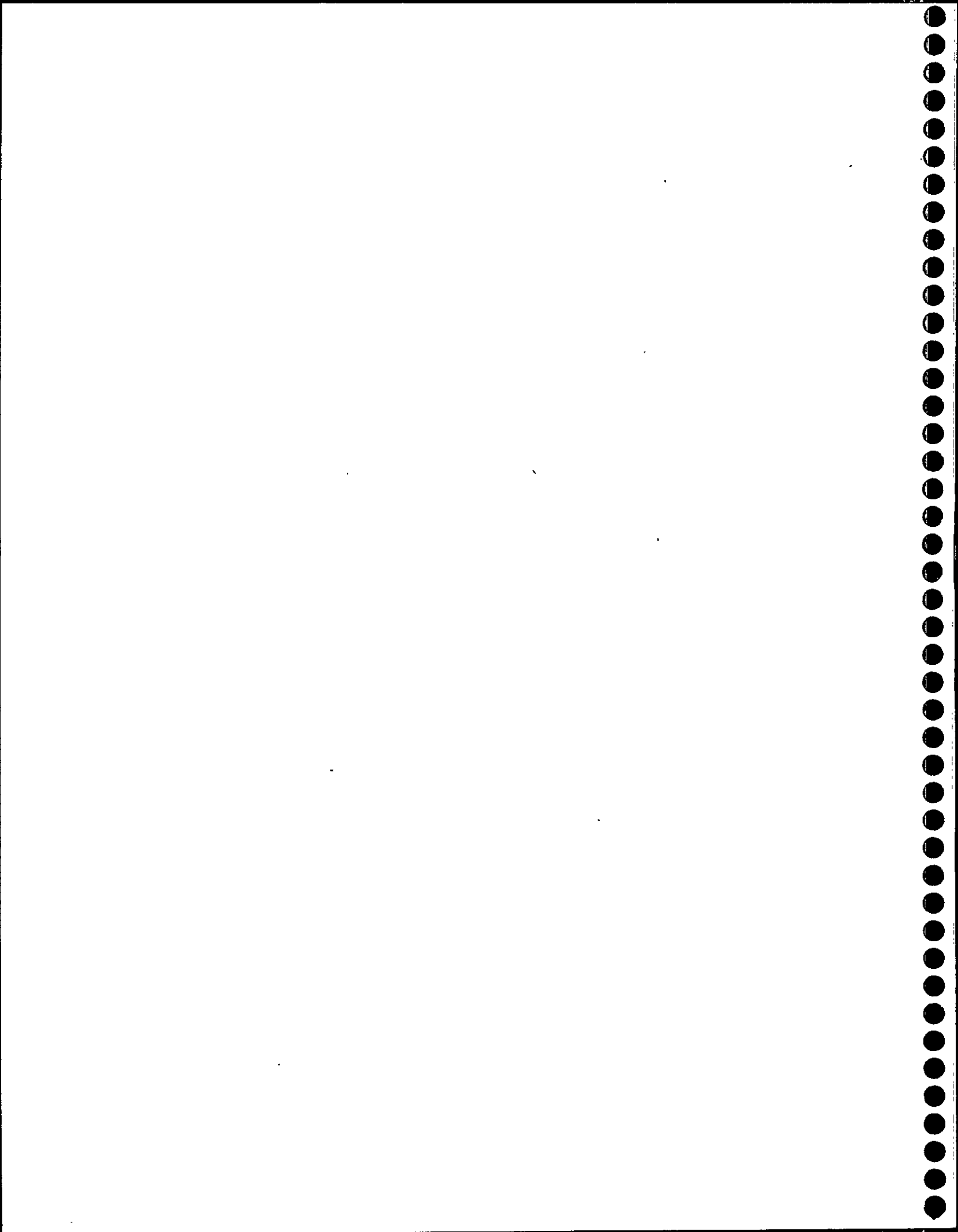


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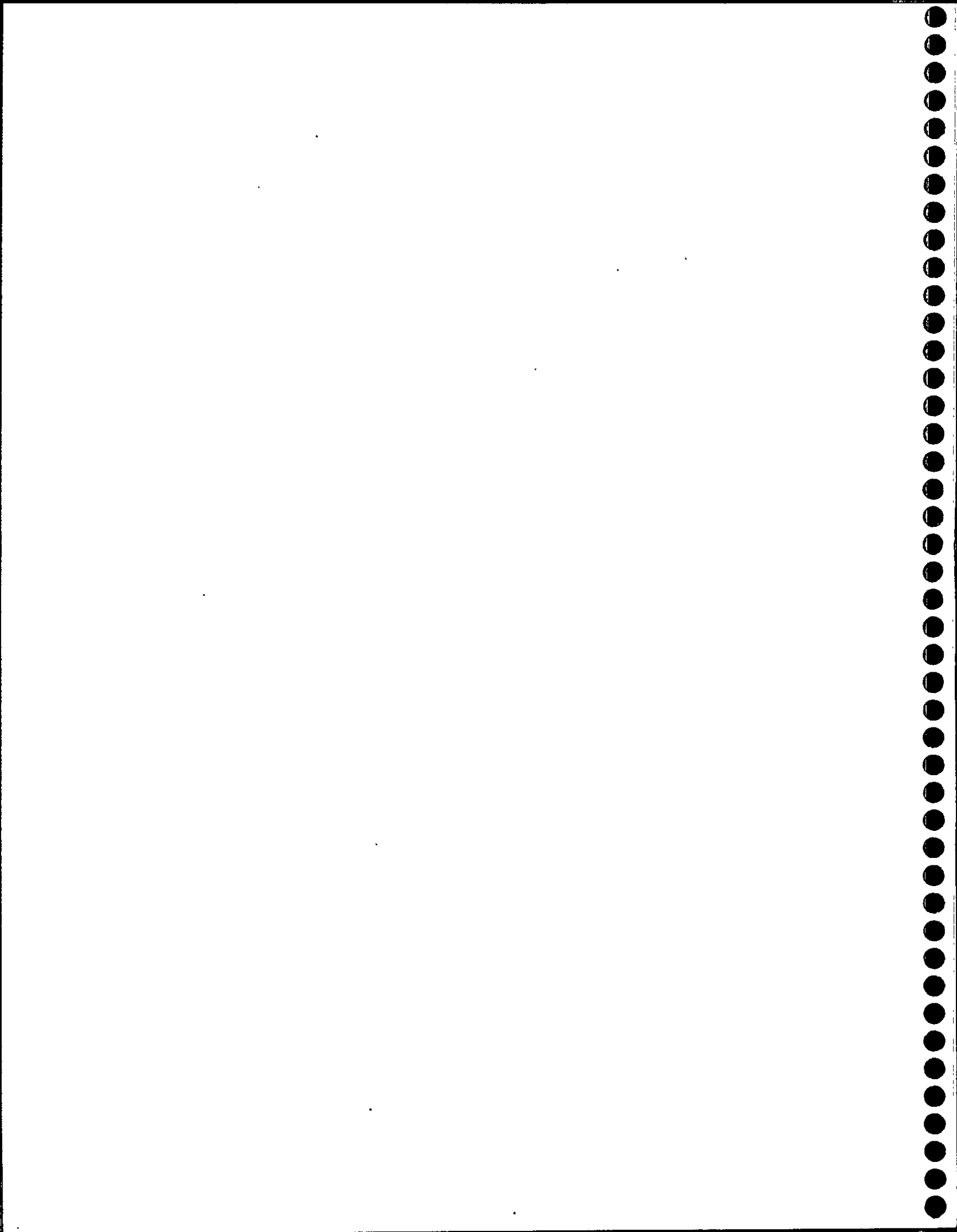
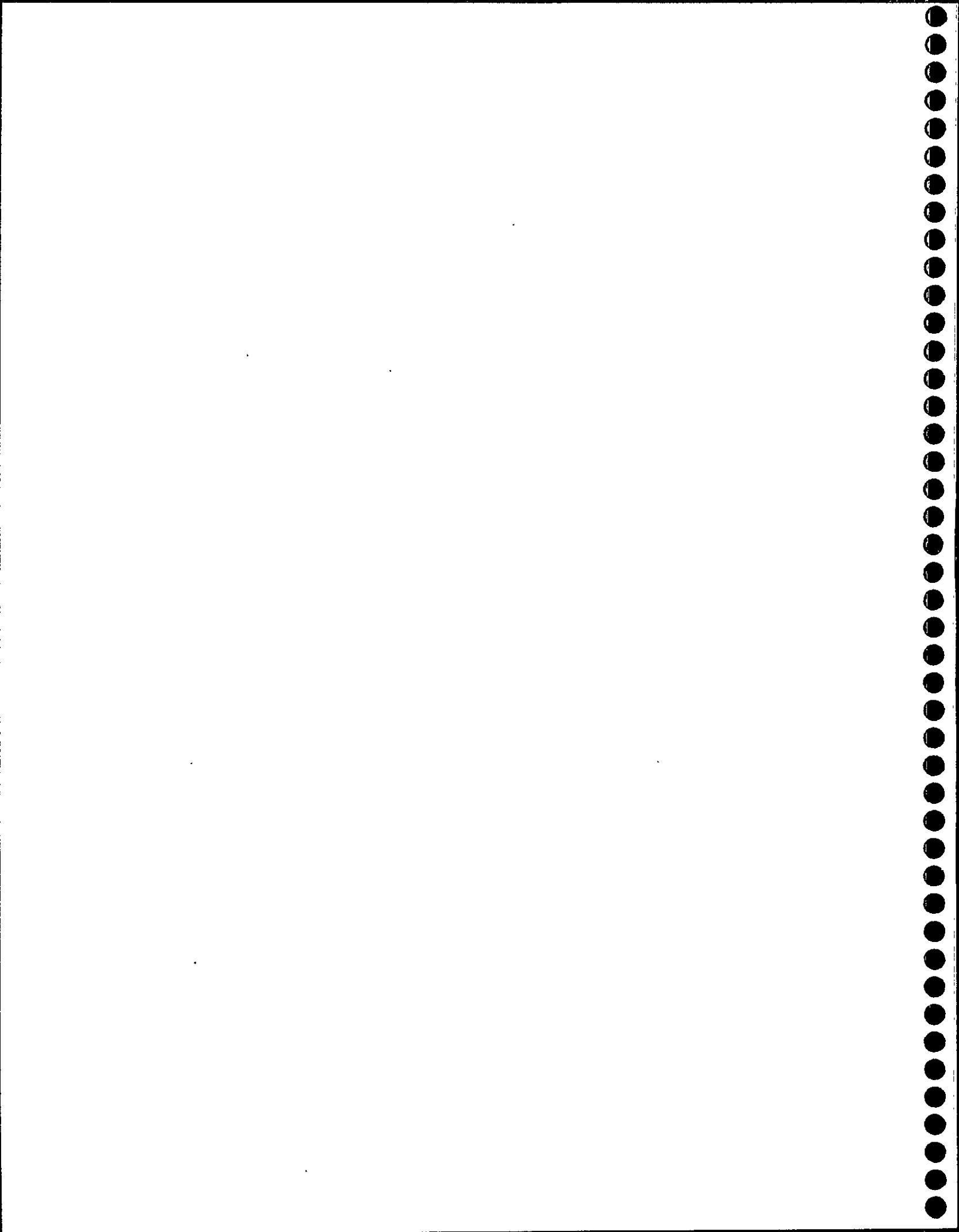


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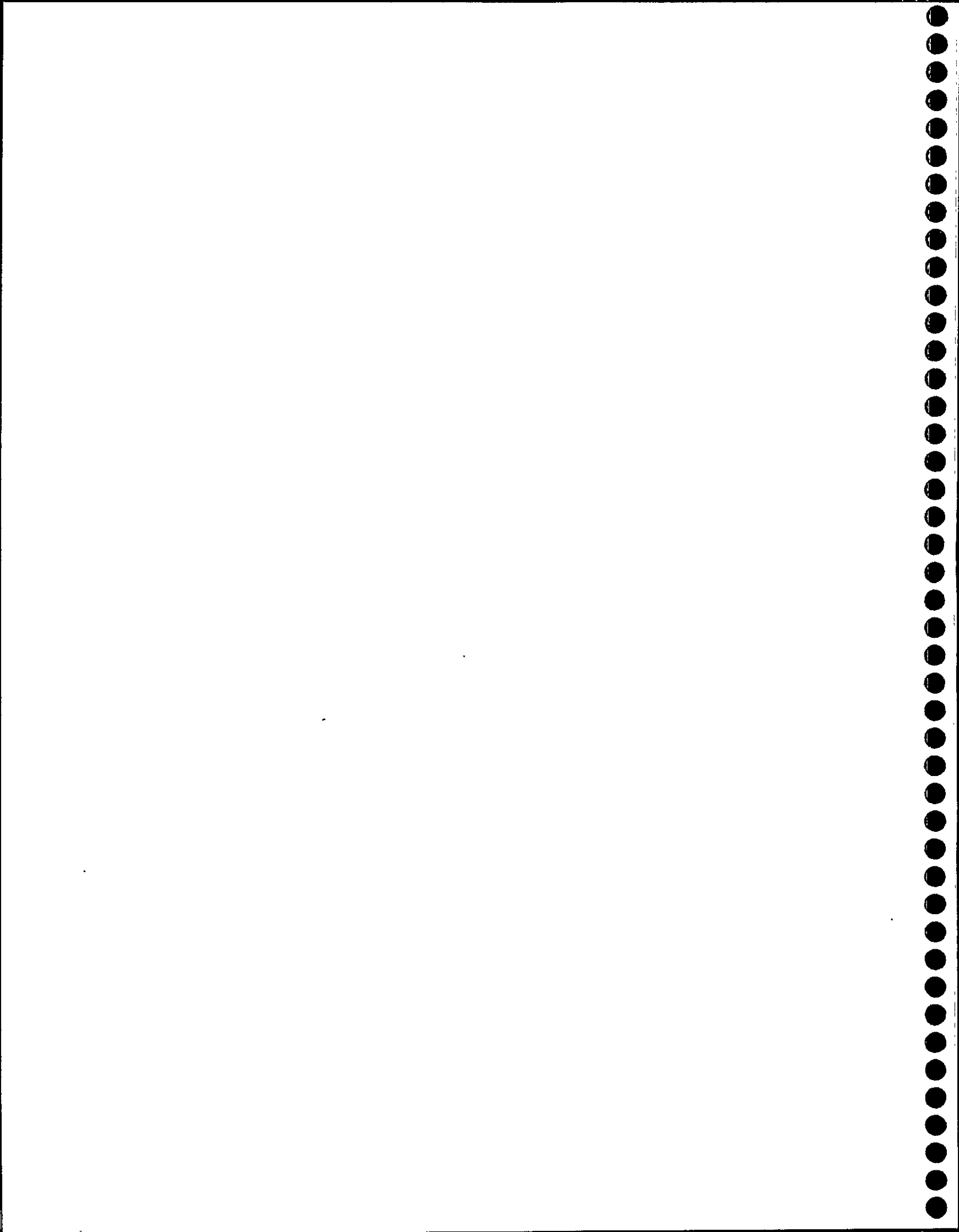
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\*\* Omitted from the Appendix. See Rule 2:6-1(a)(1)(I)



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

---

BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING,	)	Civil Action
	)	
Defendant.	)	<b>NOTICE OF CROSS MOTION</b>
	)	<b>Returnable: July 9, 2010</b>
	)	

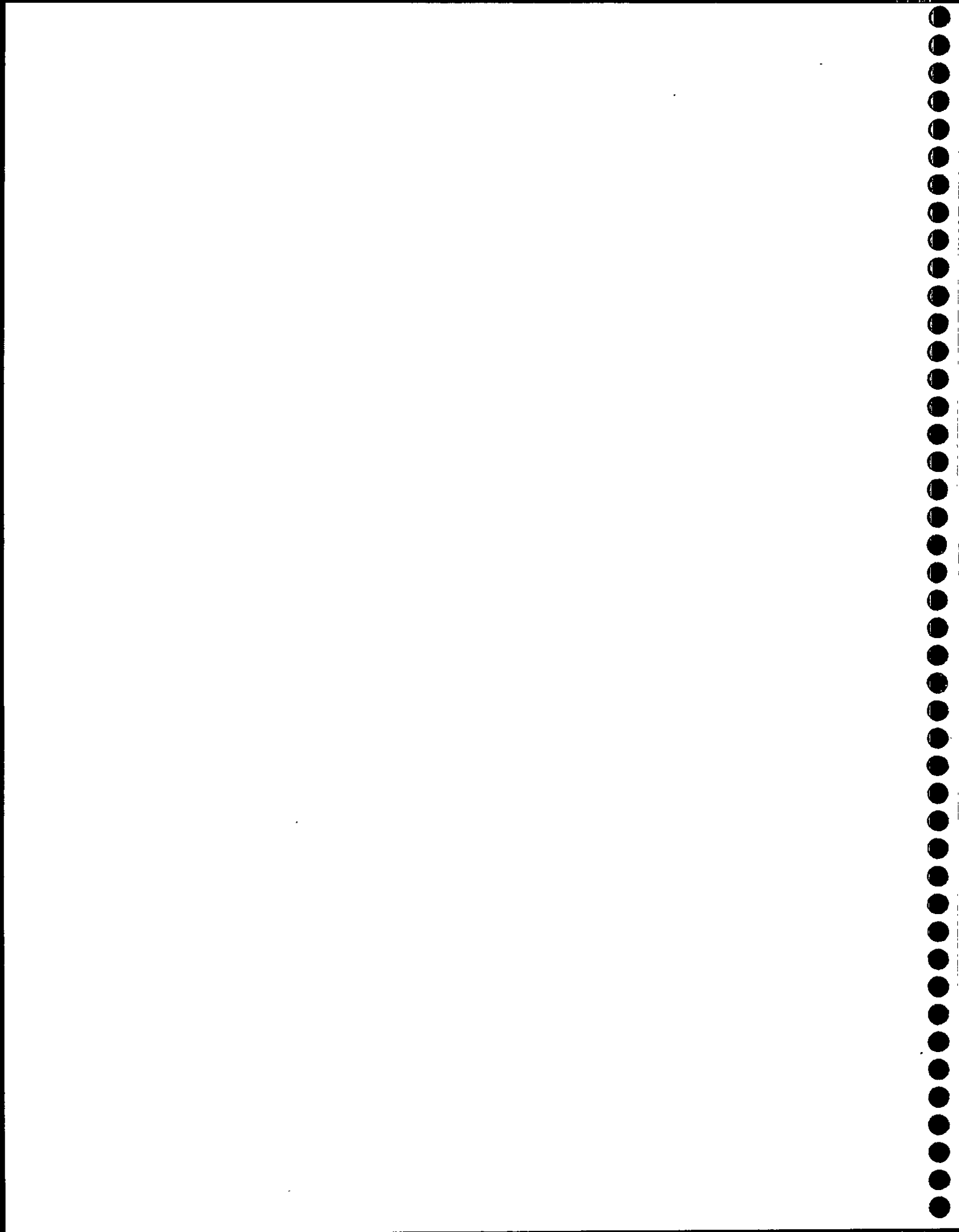
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TO: George B. Wolfe, Esquire  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662  
Attorney for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that on Friday, July 9, 2010, at 9:00 in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorneys for the Defendant, John Manning, will apply before the Superior Court of New Jersey, Bergen County, Hackensack, New Jersey, for an Order as follows:

1. Holding the Plaintiff in violation of litigant's rights for her willful failure to comply with the terms and provisions of the prior Order of this Court entered on July 20, 2007;



2. Directing the Probation Department to adjust its records to reflect the emancipation of the parties' eldest daughter, Melissa Manning, effective June 2005 as set forth in the prior Order of this Court entered on March 17, 2006;

3. Directing the Probation Department to adjust its records to reflect the emancipation of the parties' daughter, Amy Manning, effective May 18, 2008;

4. Directing the Probation Department to adjust its records to reflect the emancipation of the parties' daughter, Samantha Manning, effective May 20, 2009;

5. Directing the Defendant's Probation account to accurately and appropriately reflect total outstanding arrears in the amount of \$6,216.61 effective June 1, 2010 and giving credit for any additional credits which may be paid to the Defendant's Probation account from that date until the date of entry of any Order in this matter;

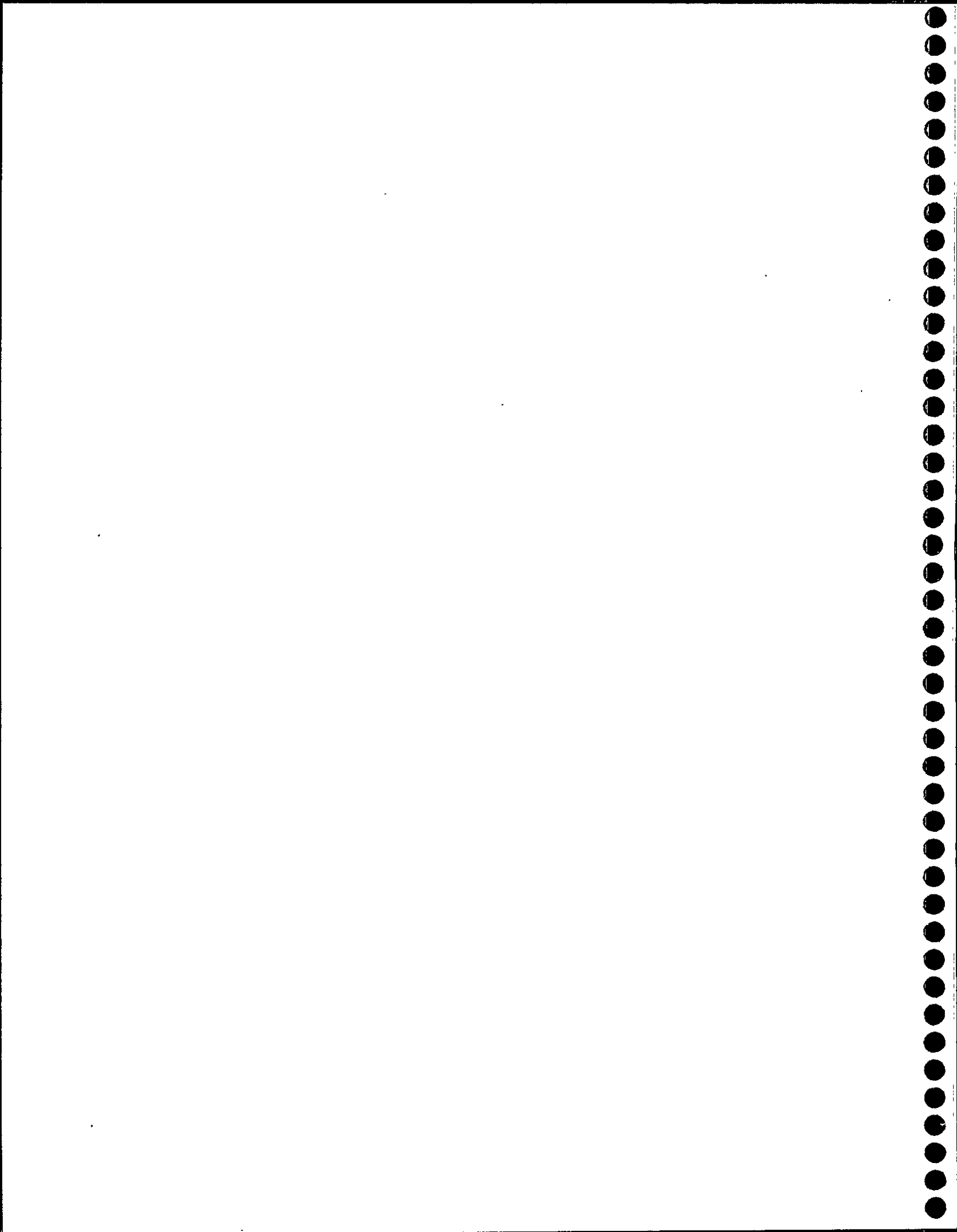
6. Directing that the Defendant's monthly obligation to the Probation Department shall be \$592 per month, the total of which shall be applied toward his outstanding arrears, and which shall not be subject to any increased modification for cost of living or otherwise;

7. Directing the Plaintiff to pay all counsel fees and costs incurred by the Defendant in connection with seeking enforcement of the prior Order of the Court, and specifically from December 29, 2009 through the return date of this matter;

8. For such further relief as the Court may deem just and equitable.


PLEASE TAKE FURTHER NOTICE that in accordance with the provisions of Rule 1:6-2 a proposed form of Order is annexed hereto.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.



In support of the within Notice of Motion, Defendant will rely upon his Certification dated June 10, 2010 (and the supporting documents attached thereto) and the Affidavit of Services by Defendant's counsel.

SMITH & DORAN, P.C.  
Attorneys for Defendant

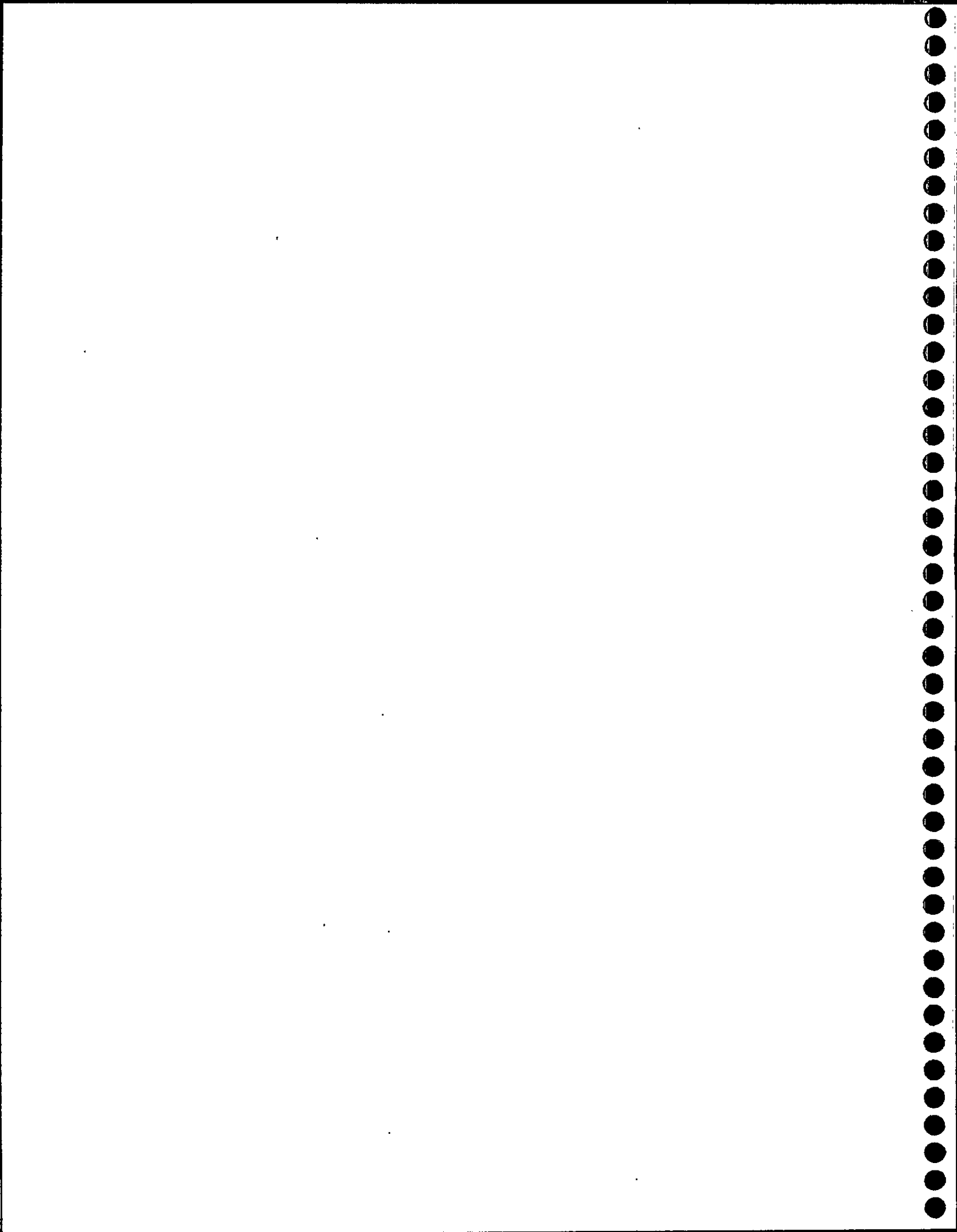


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JENNIFER S. DeSIMONE MURPHY

Dated: June 10, 2010



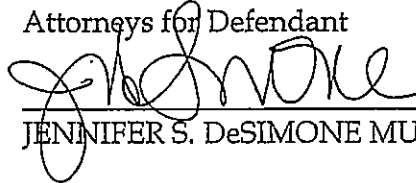


CERTIFICATION

I hereby certify that the original Notice of Motion and supporting Certification have been filed via Lawyers Service with the Clerk of the Superior Court, at the Bergen County Courthouse, Family Division, . Two copies thereof have been served upon the Plaintiff's attorney, George B. Wolfe, Esquire, at the address indicated hereon, via hand delivery within the time and in the manner prescribed by the Rules of Court.

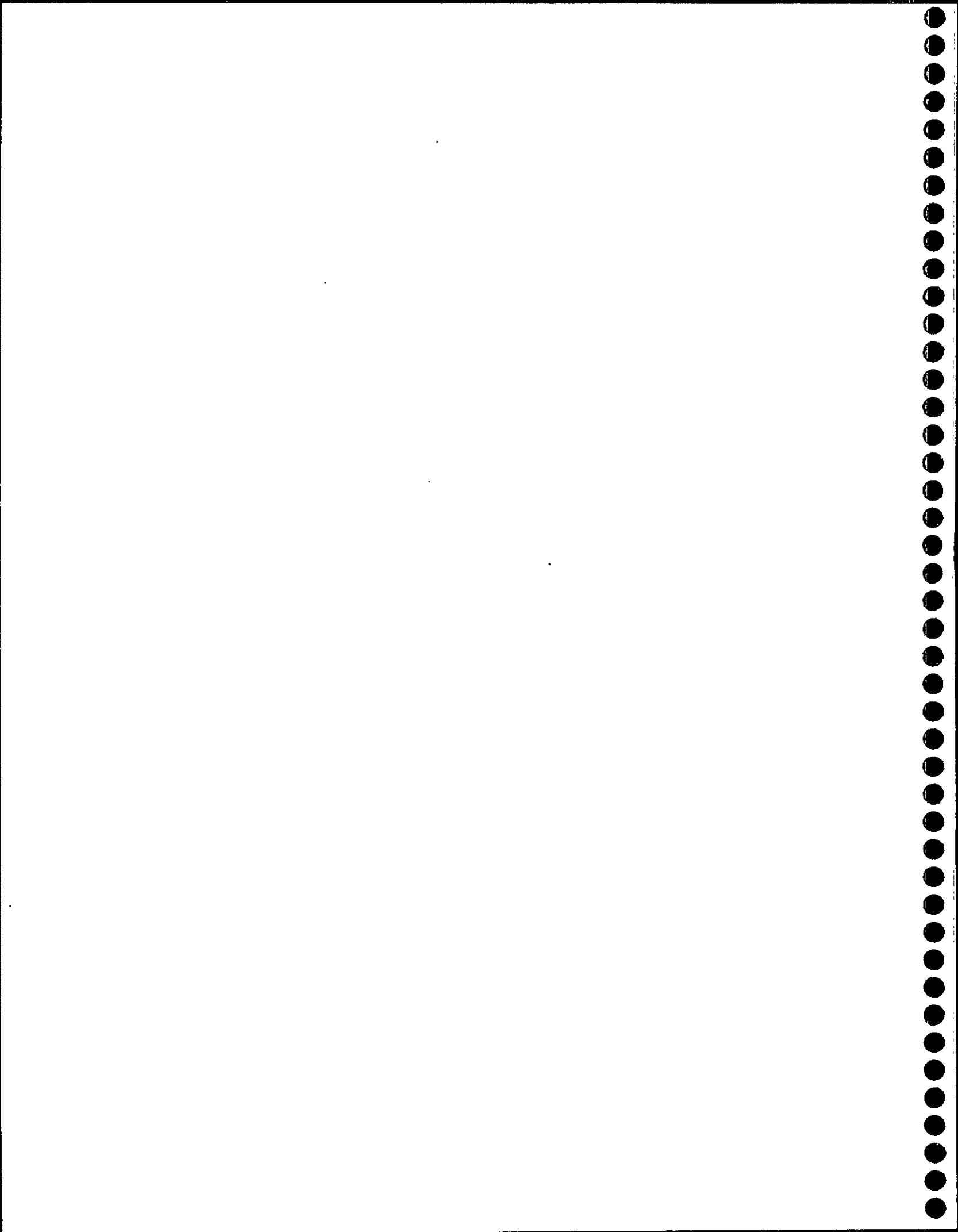
I certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SMITH & DORAN, P.C.  
Attorneys for Defendant



JENNIFER S. DeSIMONE MURPHY

Dated: June 10, 2010



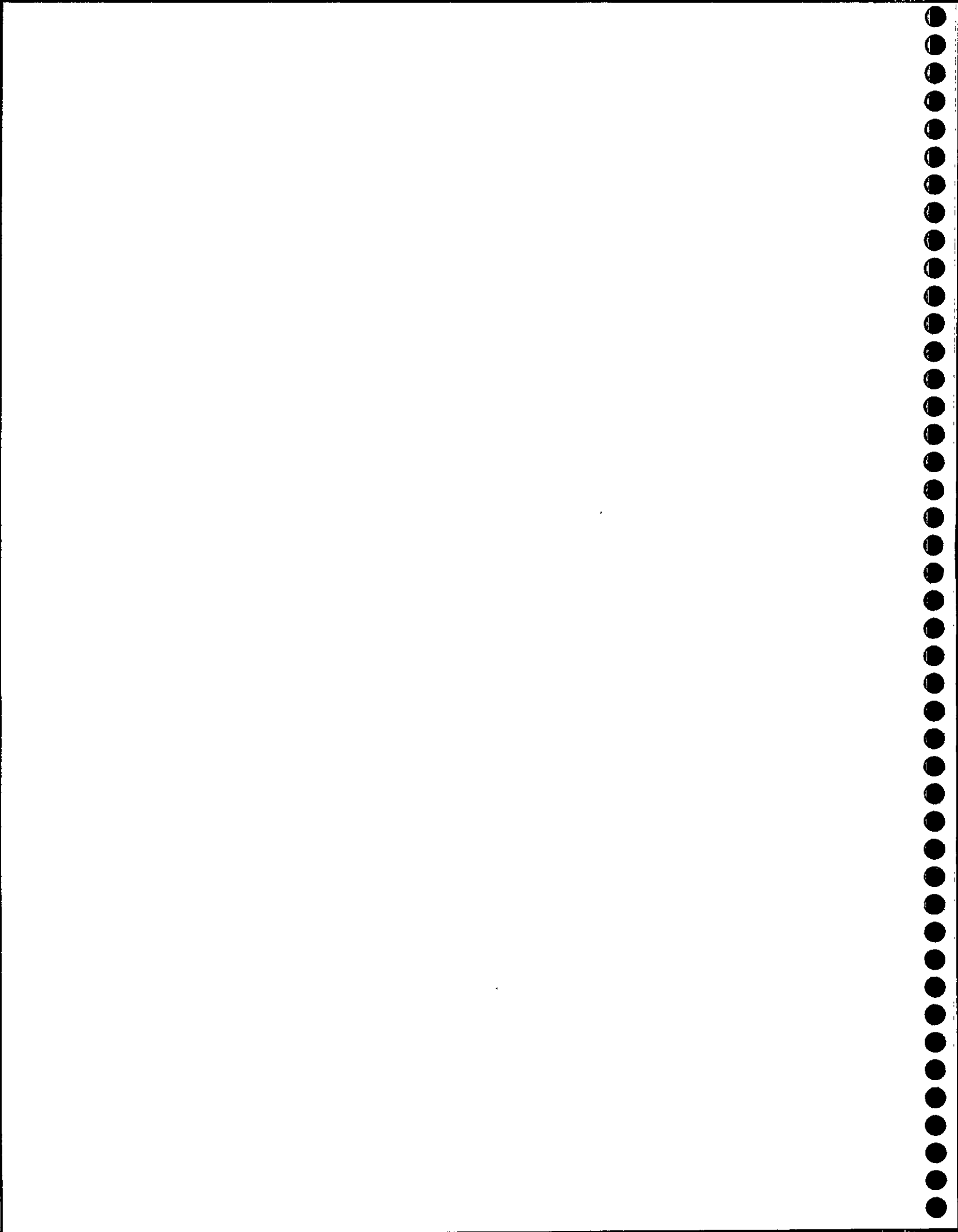
NOTICE TO LITIGANTS:

IF YOU WANT TO RESPOND TO THIS MOTION  
YOU MUST DO SO IN WRITING.

This written response shall be by affidavit or certification. (Affidavits and certifications are documents filed with the court. In either document the person signing it swears to its truth and acknowledges that they are aware that they can be punished for not filing a true statement with the court. Affidavits are notarized and certifications are not.) If you would also like to submit your own separate requests in a motion to the judge you can do so by filing a cross-motion. Your response and/or cross-motion may ask for oral argument. That means you can ask to appear before the court to explain your position. However, you must submit a written response even if you request oral argument. Any papers you sent to the court must be sent to the opposing side, either to the attorney if the opposing party is represented by one, or to the other party if they represent themselves. Two copies of all motions, cross motions, certifications, and briefs shall be sent to opposing side.

The response and/or cross-motion must be submitted to the court by a certain date. All motions must be filed on the Tuesday 24 days before the return date. A response and/or cross motion must be filed 15 days (Thursday) before the return date. Answers or responses to any opposing affidavits and cross-motions shall be served and filed not later than 8 days (Thursday) before the return date. No other response is permitted without permission of the court. If you mail in your papers, you must add three days to the above time periods.

Response to motion papers sent to the Court are to be sent to the following: Bergen County Superior Court, Family Part, Direct Filing Unit, Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey. Call the Family Division Manager's office if you have any questions on how to file a motion, cross-motion or any response papers. Please note that the family Division Manager's office cannot give you legal advice.



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

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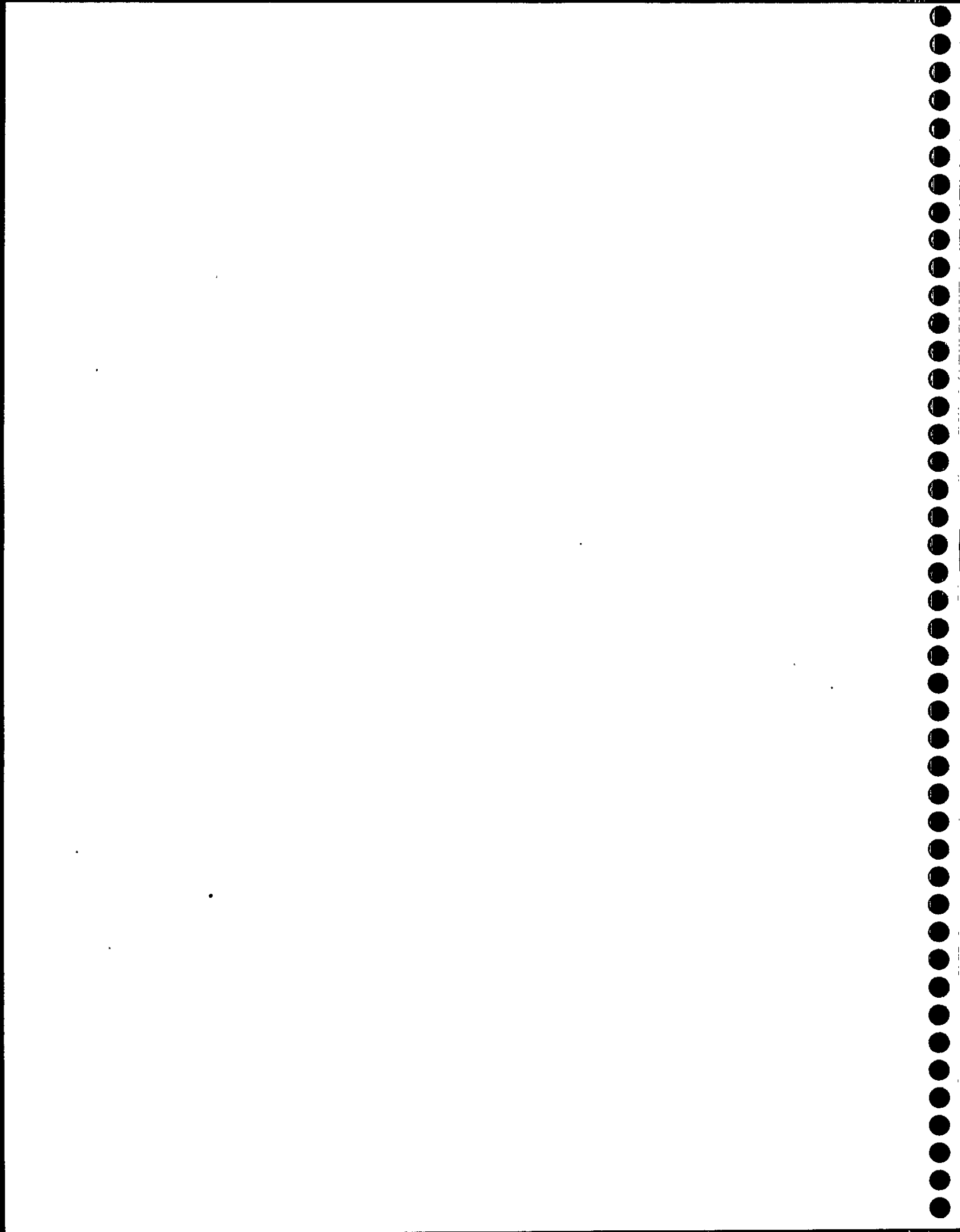
BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING, Defendant.	)	Civil Action
	)	
	)	<b>CERTIFICATION OF</b>
	)	<b>JOHN MANNING</b>
	)	<b>Dated: June 10, 2010</b>

---

JOHN MANNING, of full age, hereby certifies as follows:

1. I am the Defendant in the above-referenced matter and I file this Certification in support of the Notice of Motion filed by my attorneys on my behalf. This matter is presently returnable before this Court on Friday, July 9, 2010.

2. Following an appeal, our matter was remanded and addressed by way of motion before this Court, resulting in an Order being entered by the Honorable Ellen L. Koblitz on July 20, 2007. (Exhibit A) It is this Order that I am seeking to enforce at this time. As will be set forth in great detail herein, the Plaintiff has knowingly and willfully refused to comply with her affirmative obligations set forth in the July 20, 2007 Order, which has caused me a great amount of distress,



including having my disability and workers compensation payments garnished for no reason at all.

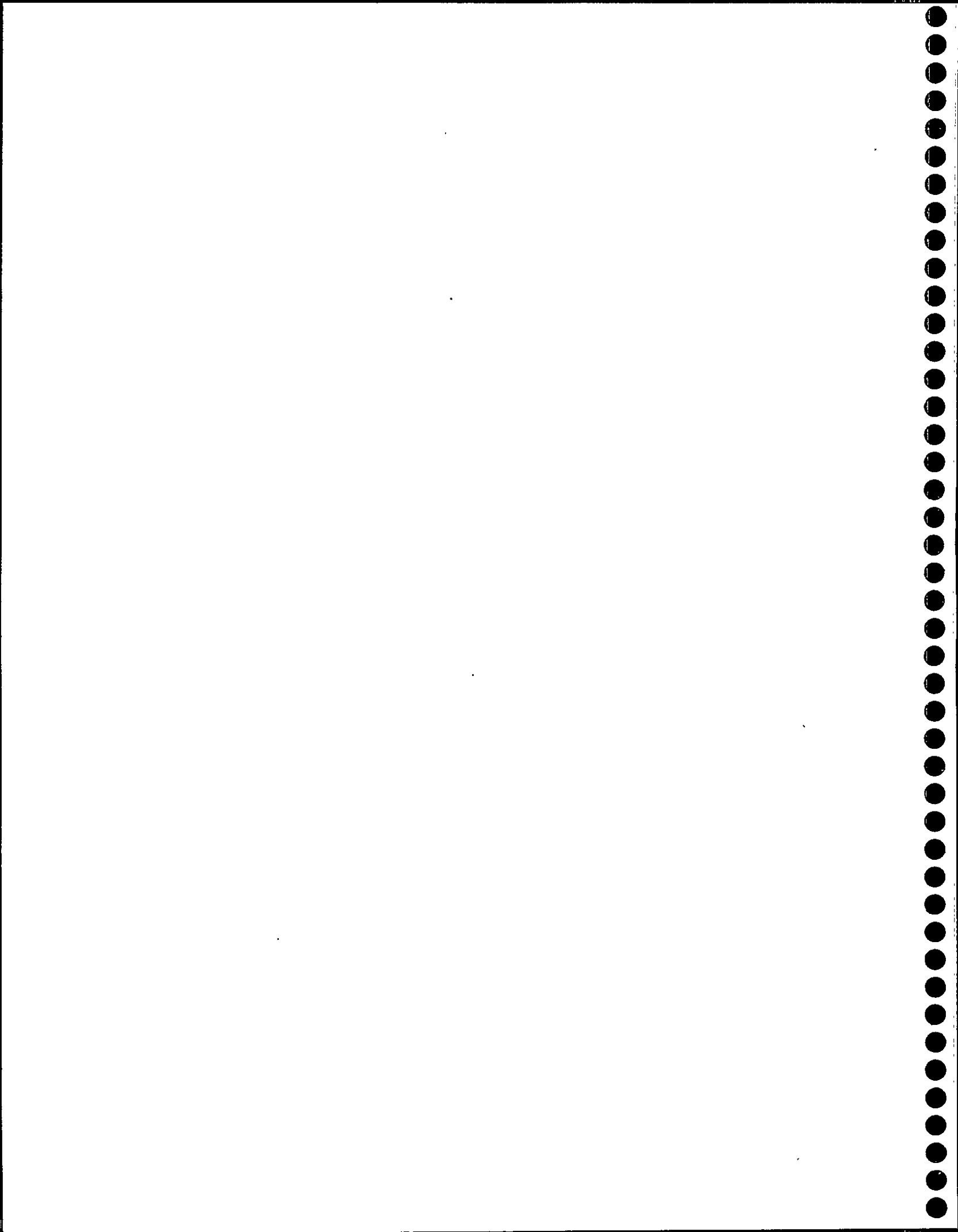
3. Pursuant to paragraph 6 of the July 20, 2007 Order, the Plaintiff was to provide me with notice in writing of the date of graduation when each of our children became emancipated. At the time the Order was entered, two of our three daughters remained in college and, therefore, unemancipated. I mention this because our oldest daughter, Melissa, was already emancipated as of that date; however, for one reason or another that information was never made known to Probation. In fact, as of the writing of this Certification, Probation's records indicate that the Plaintiff and I have three unemancipated children, which is absolutely incorrect.

4. Attached hereto is an Order entered by the Honorable Brian R. Martinotti on March 17, 2006. (Exhibit B) A review of paragraph 2 of that Order deemed our daughter, Melissa, emancipated and terminated my support obligation on behalf of Melissa in all respects back to the date of her college education.

5. At issue now is the emancipation of our remaining two daughters, Amy and Samantha. I wish to emphasize the fact that the Plaintiff is not contesting the fact that Amy and Samantha are emancipated and have been for well over two years now.

6. The July 20, 2007 Order specifically reflects that the Plaintiff and I agreed that my child support obligation would remain at \$592 per month. The Order further provided that my total arrears were set at \$14,198.28. I was to continue to pay \$592 per month as and for child support for our two younger daughters until Amy became emancipated. In light of the fact that Amy was in college at that time and scheduled to graduate, we specifically incorporated language into the Order which indicated that even after Amy's emancipation, which Plaintiff was obligated to advise me of in writing, I would continue to pay \$592 per month, but pursuant to paragraph 3,



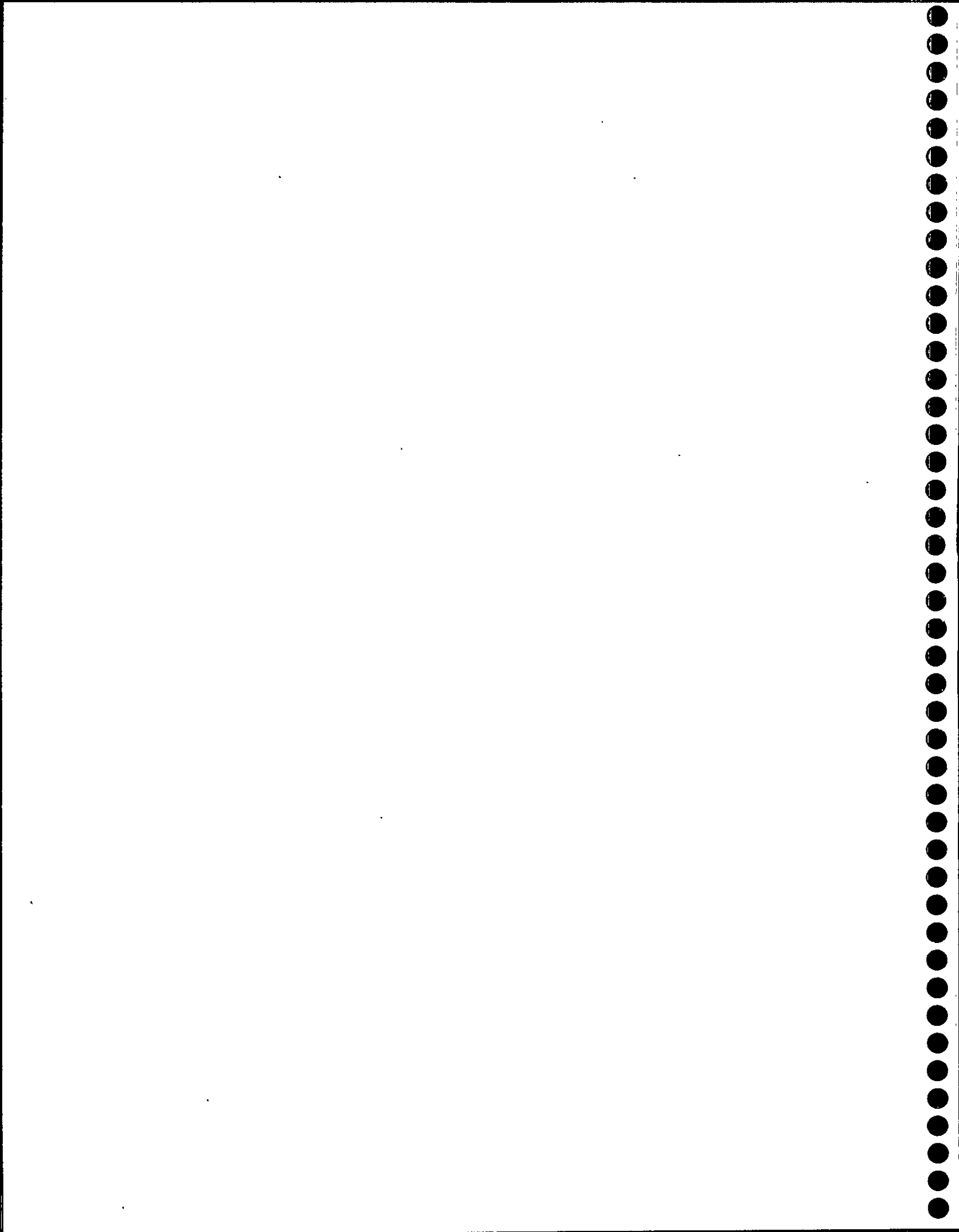


at that time my basic child support would be reduced to \$296 per month, and the remaining \$296 of my monthly payments would be applied toward my support arrears. (See Exhibit A)

7. Thereafter, when our youngest daughter, Samantha, was emancipated, it was agreed that I would continue to pay \$592 per month, the entirety of which was to be applied to my arrears. As of this date, however, and despite numerous attempts by my attorney to resolve this matter with Probation and Plaintiff's counsel, the Probation Department reflects my current outstanding arrears to be \$17,542.21. This error is directly related to the Plaintiff's refusal to comply with her affirmative obligation as set forth in the July 20, 2007 Order.

8. Unfortunately, I do not have any relationship with my three daughters. While I believe the Plaintiff is personally and single handedly responsible for this, that is not the subject matter of this application and I will therefore not belabor the point or waste this Court's time addressing same. However, that is the reason I was solely dependent on the Plaintiff's compliance with the Court's prior Order and advising me when my children graduated college and therefore deemed emancipated.

9. Since December of 2009 my attorney has attempted to address this issue and calculate how my payments should have been applied since the date of emancipation of both Amy and Samantha. The first such correspondence was dated December 29, 2009, a copy of which is attached hereto. (Exhibit C) At or about that time I contacted my attorney and informed her that I believed all of my children had graduated from college and were, in fact, working full time. Of course, since the Plaintiff willfully failed and refused to comply with her affirmative obligation to notify me of same, I did not have any confirming information, but when I discovered that my youngest daughter, Samantha, was working as an Account Manager for an IT Staffing and Consulting Company (which I learned via the internet), I realized that my daughters were more likely than not emancipated.



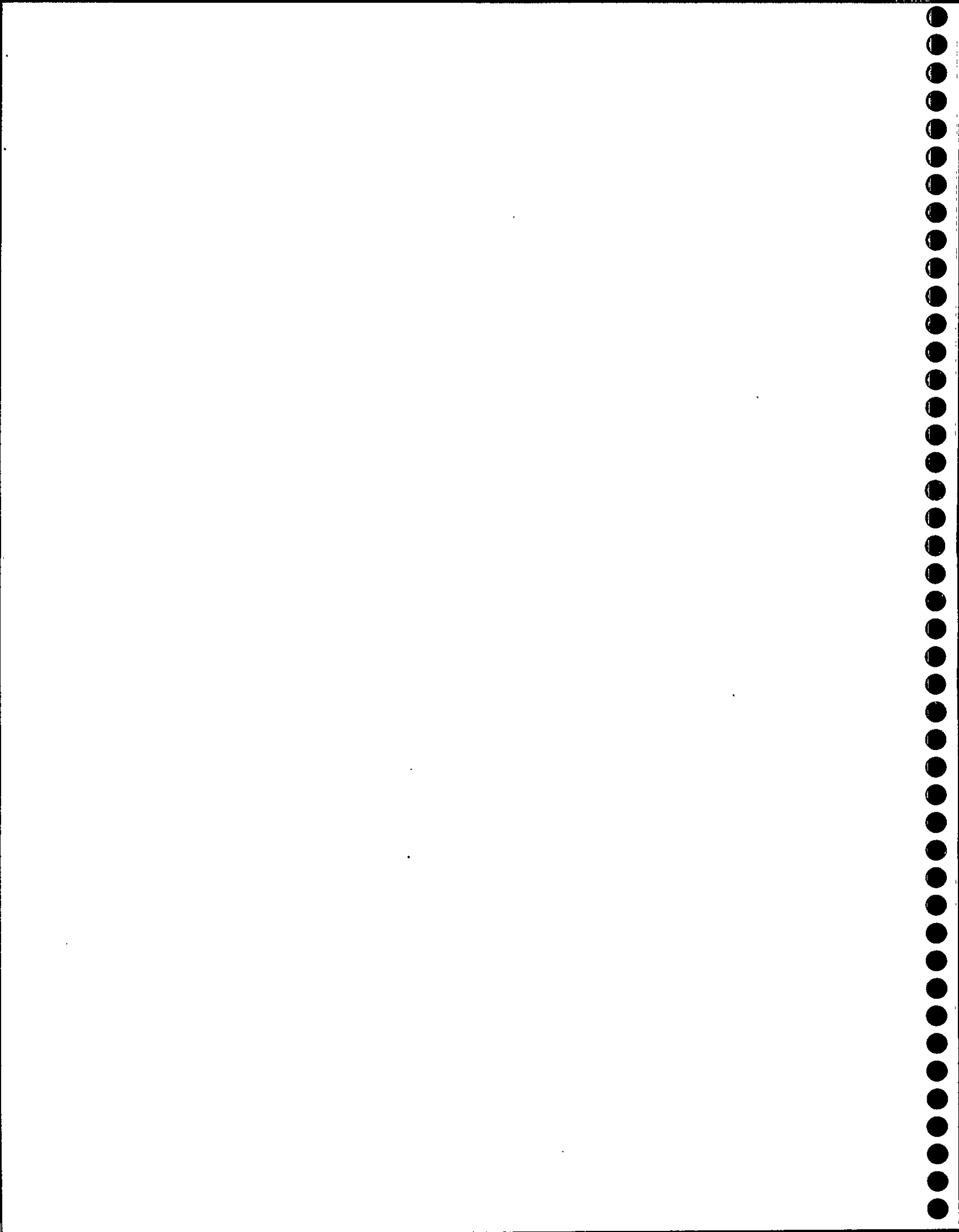
10. In the December 29, 2009 correspondence, my attorney stated that Probation had not been accurately crediting my account. In fact, according to my calculations, had the Plaintiff abided by the terms and provisions of this Court's prior Order and informed me at the time of each occurrence that our daughters had graduated from college, my total outstanding arrears should be \$6,216.61 as of June 1, 2010.

11. What I find even more infuriating and further confirmation that the Plaintiff has absolutely no regard for this Court's authority and/or Orders, is the fact that even after my attorney forwarded correspondence to Plaintiff's counsel advising that I believed I was over paying support and, in fact, paying child support when I no longer should have such an obligation, it was still like pulling teeth to obtain the information from the Plaintiff.

12. My attorney's first correspondence to Plaintiff's counsel of December 29, 2009 went ignored, resulting in a follow up letter dated January 7, 2010, wherein it was again requested that we be provided with the date of Samantha's graduation. (Exhibit D) By correspondence dated January 7, 2010, which was received in my attorney's office on January 11, 2010 via regular mail, Plaintiff's counsel finally responded in one line, stating, "Please be advised that the above referenced parties' daughter, Samantha Manning, graduated on May 20, 2009." (Exhibit E)

13. I feel it is important to emphasize the entire contents of correspondence finally received on behalf of the Plaintiff because it would have seemed prudent at that time for Plaintiff to also confirm in writing the fact that our daughter, Amy, was also emancipated. Instead, in order to ascertain confirmation in writing as to Amy's graduation, this required my attorney to forward yet another letter dated January 19, 2010. (Exhibit F)

14. In response, and as is par for the course, Plaintiff's attorney forwarded a one sentence letter dated January 19, 2010, also sent regular mail only, confirming that my daughter,



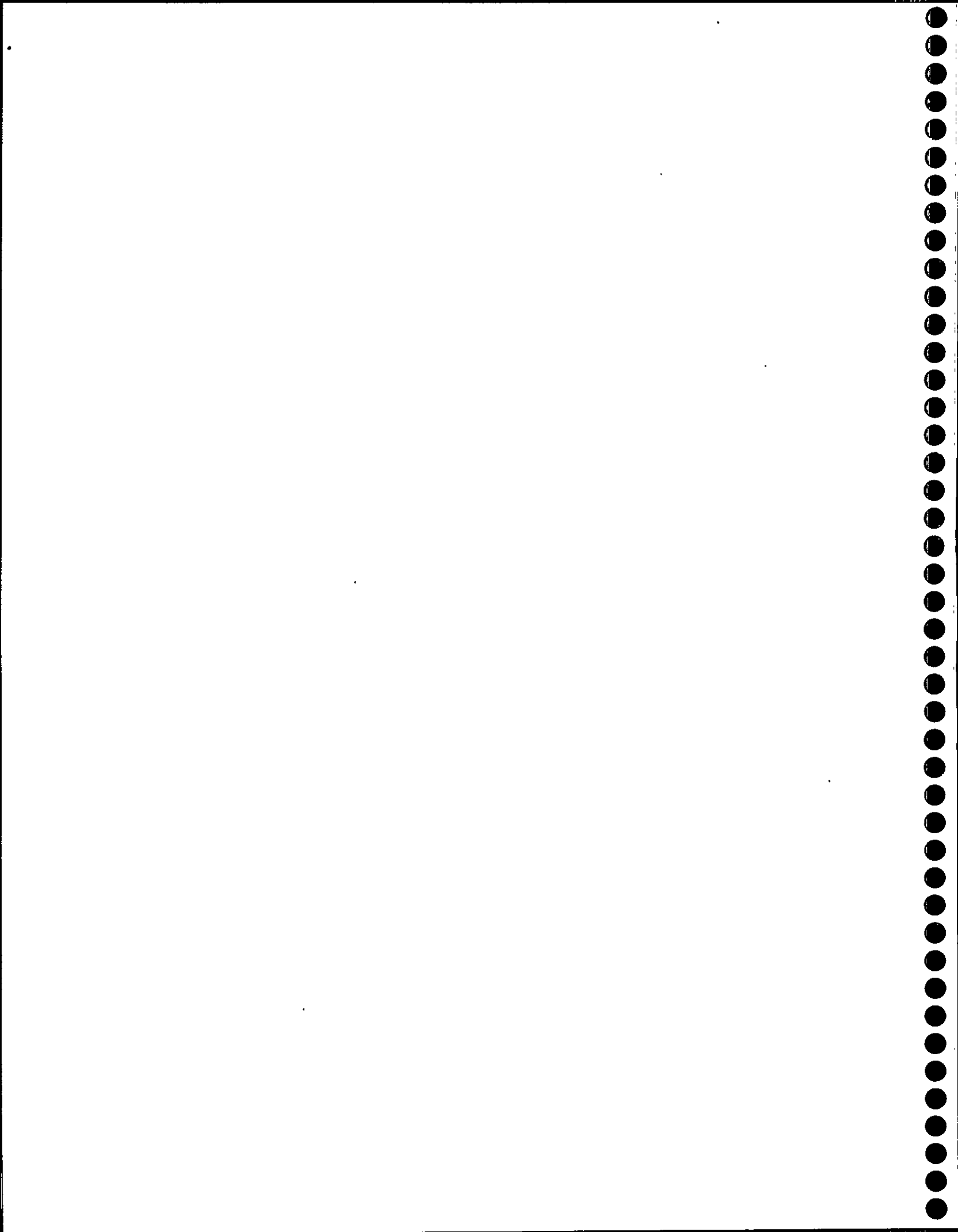
Amy, had been emancipated for well over a year at that point, specifically May 18, 2008. (Exhibit G)

15. Nonetheless, Plaintiff was well aware of the fact that each and every month she continued to receive child support in the amount of \$592, even though all three of our children were emancipated. Even after my attorney began corresponding with her counsel regarding this issue, there has been absolutely no effort made on the part of the Plaintiff to assist in correcting the situation, which I feel would have been appropriate, especially since the situation was created by the Plaintiff's intentional failure to comply with the July 20, 2007 Order.

16. Upon receiving confirmation that our two remaining children had been emancipated, my attorney prepared an offer of settlement which was set forth in correspondence dated January 25, 2010. (Exhibit H) No response was received on behalf of the Plaintiff, thereby prompting yet another letter from my attorney to Plaintiff's counsel dated February 3, 2010 requesting, at the very least, a response. (Exhibit I)

17. Thereafter, and again when no response was received, my attorney forwarded yet another letter dated February 18, 2010 once again requesting a response to the offer of settlement previously submitted. (Exhibit J)

18. Finally, by correspondence dated February 17, 2010, received by my client on February 18, 2010, a response was received wherein Plaintiff's counsel felt it necessary and appropriate to personally attack me and indicate that the situation was, in fact, created by me. (Exhibit K) Mr. Wolfe specifically acknowledged that his client had violated the prior Court Order, but in his opinion indicated same was "*de minimis*". Plaintiff's counsel went on to state that now that they had finally provided the dates of graduation (albeit upon repeated request) that "no harm has been done."

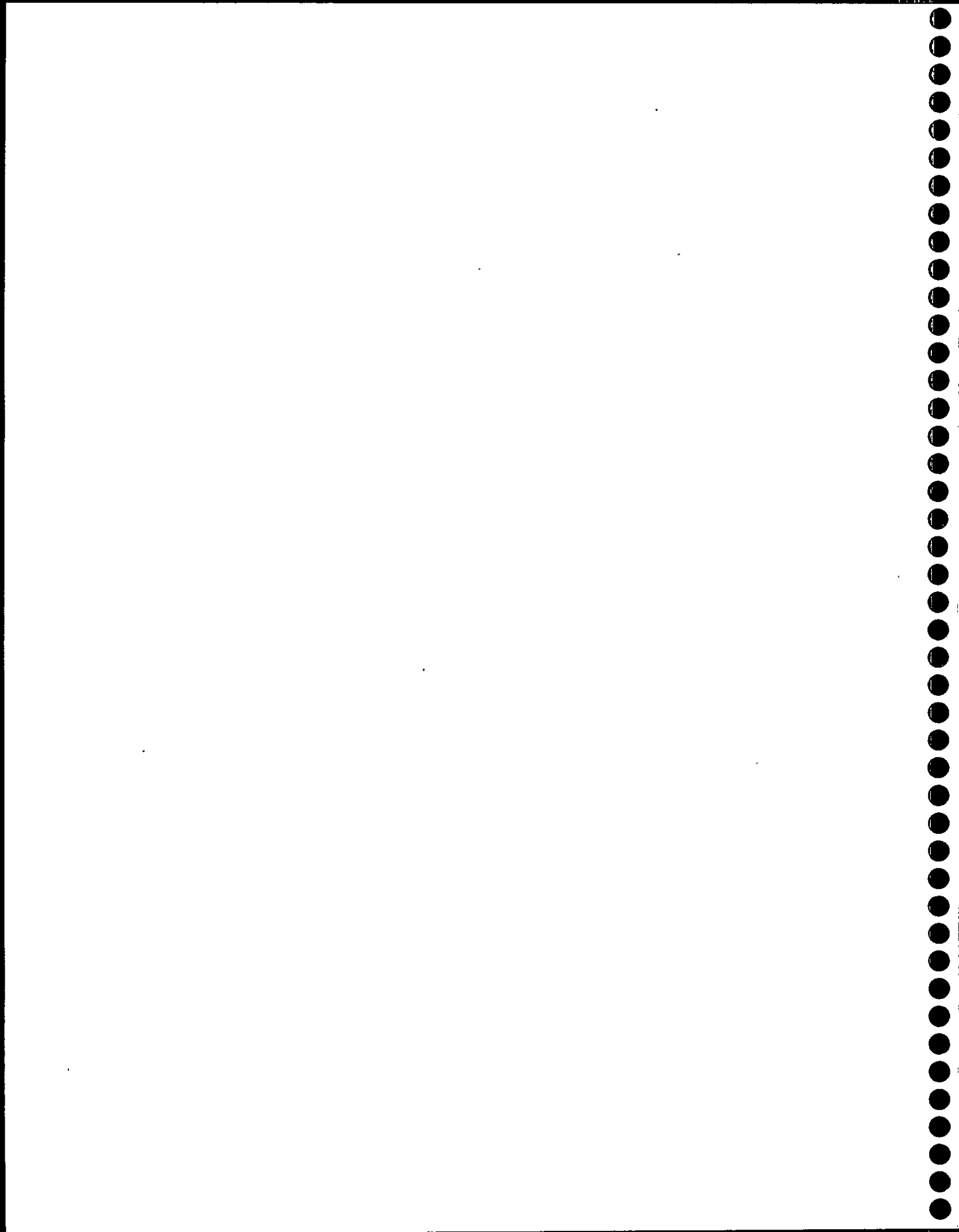


19. I am quite distressed that an officer of the Court would impose his opinion and thereby undoubtedly delaying and prolonging this matter which has had adverse financial consequences to me. As I am not seeking a modification of my support obligation at this time, other than an adjustment as set forth in the prior Order of the Court, I will not go into great detail about my medical condition; however, suffice it to say that over the past year and a half I have been living on workers compensation and disability benefits, all of which have been garnished at a significant rate due to the incorrect amount of arrears reflected in Probation's records. I take offense to Plaintiff's counsel's callous and cavalier attitude toward this situation.

20. Yet another unsolicited opinion of Plaintiff's counsel was received in correspondence dated February 19, 2010 received in my attorney's office on February 23, 2010. (Exhibit L) I will not dignify the assertions by Plaintiff's counsel regarding Plaintiff putting our children through college, but suffice it to say that this issue was previously addressed by the Court and due to Plaintiff's conduct I was alleviated of any obligation to contribute to same. It was Plaintiff who acquiesced and agreed to withdraw any request for my contribution knowing very well that she had fully alienated me from my children and refused to ever consult with me regarding the decision-making process. I am compelled to mention the foregoing to demonstrate to this Court the very reason that this matter has gone on as long as it has with no results.

21. On or about February 23, 2010 my attorney received a one page facsimile transmission from Plaintiff's counsel which set forth a chart entitled "Computation of outstanding arrears". (Exhibit M) The chart which was not supported by any information, be it from Probation or Plaintiff, and quite simply did not comport with the figures my attorney and I had arrived at based upon the information we received from Lori Lopez, my Probation Officer. My attorney responded by correspondence dated March 1, 2010, indicating that we had received information from Ms. Lopez, along with a proposed Consent Order setting forth what we believed to be the



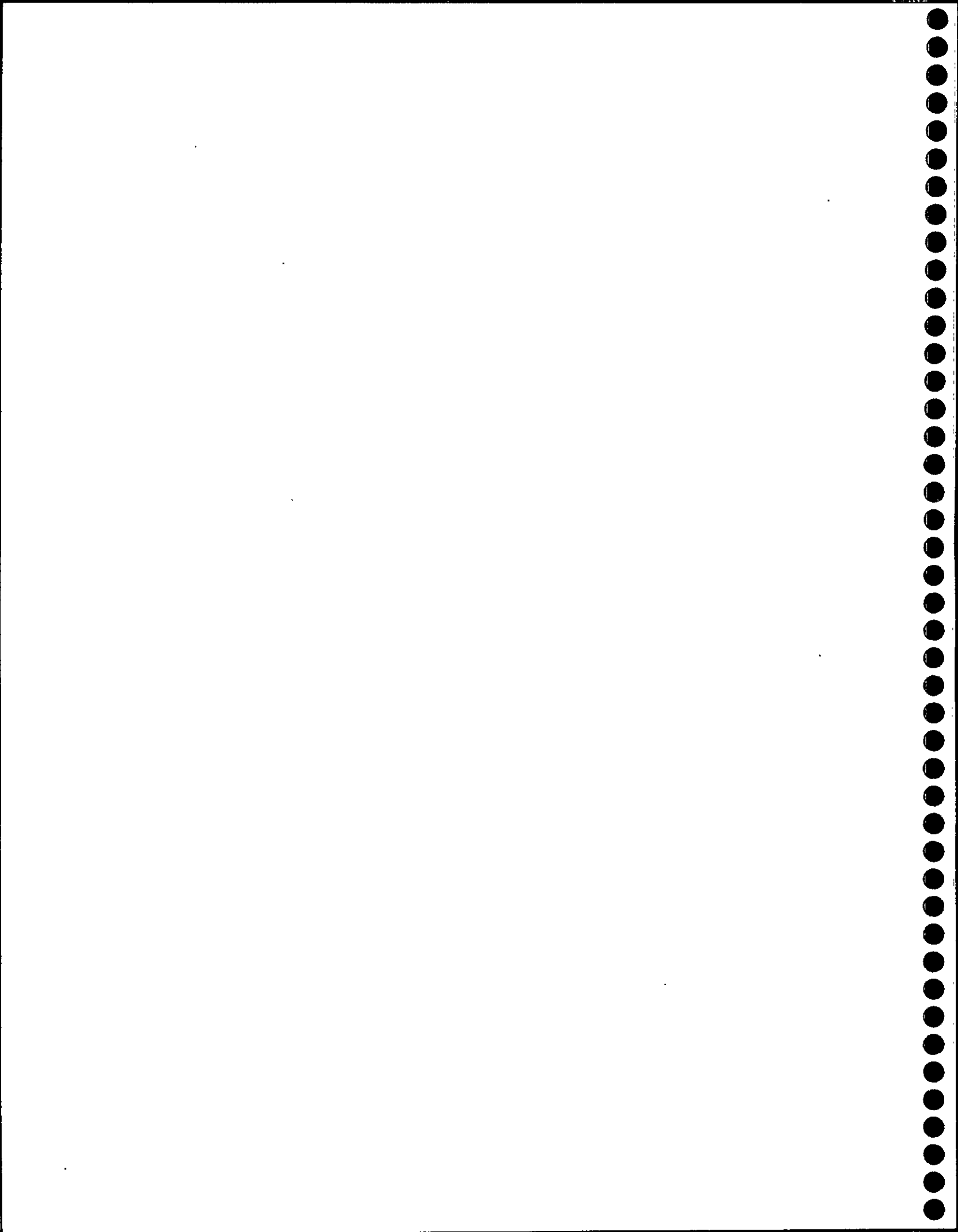


appropriate calculations so as to finally resolve the matter. (Exhibit N) By correspondence dated March 24, 2010, my attorney forwarded a proposed Consent Order to Plaintiff's counsel as stated. (Exhibit O)

22. A review of the proposed Consent Order indicates that my attorney attempted to set forth with great specificity for the Probation Department, the effective dates of when each of the step down provisions of my support obligations should have been implemented. This is essential because while my monthly payment remained the same figure, upon the emancipation of each child the amount of that payment that was applied toward my arrears increased and should have significantly reduced my arrears, as opposed to continuing to accumulate, which is what has happened over the past two years.

23. Unfortunately, for a variety of reasons, the Plaintiff refused to enter into any type of Consent Order which would have addressed the issue with Probation. Instead, by correspondence dated May 3, 2010, Plaintiff's counsel felt it necessary and appropriate to forward correspondence to the Probation Department erroneously stating that I had not made any payments on my account since March 1, 2010. (Exhibit P) While that statement is incorrect and refuted by the Probation Department printout reflecting payments made by me, I take particular issue with the fact that Plaintiff's counsel attempted to institute enforcement proceedings knowing full well that my arrears should have been significantly reduced, but were not due to his client's refusal to appropriately notify me of our children's emancipation.

24. Upon receipt of a copy of Mr. Wolfe's May 3, 2010 correspondence to Probation, my attorney immediately responded by correspondence dated May 6, 2010 indicating that if enforcement proceedings were instituted against me as a direct result of his correspondence, we would be filing an application with the Court. (Exhibit Q)



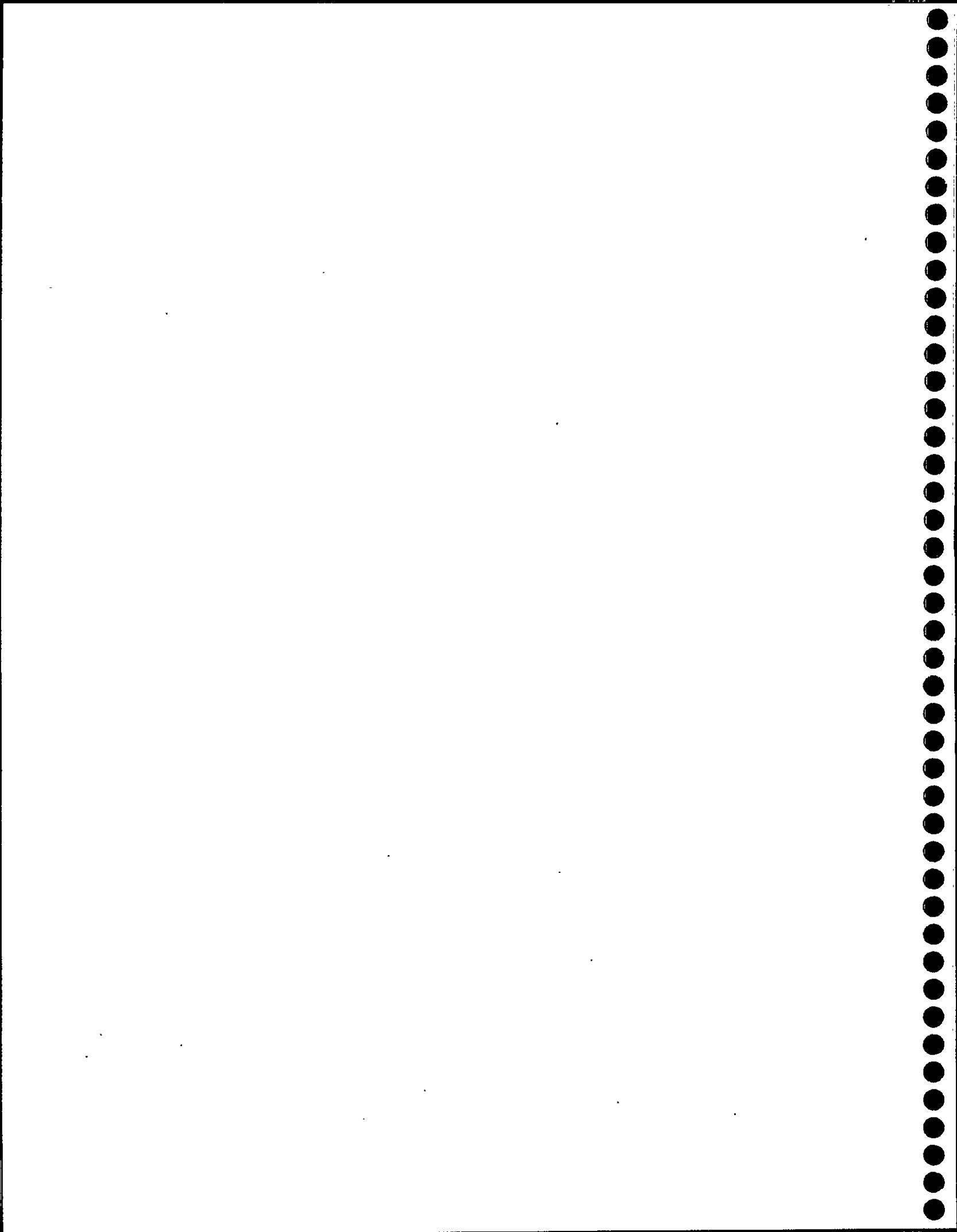
25. Despite the Plaintiff's refusal to exhibit one ounce of cooperation and/or good faith in addressing this matter, my attorney worked with Ms. Lopez from the Probation Department and requested up-to-date printouts for my account indicating the payments received and the amount of arrears as erroneously reflected by Probation. Once again my attorney prepared correspondence to Plaintiff's counsel dated May 13, 2010 wherein she again provided a proposed form of Consent Order, as well as copies of the Probation Account printouts from July 20, 2007 to date at that point. (Exhibit R) I ask this Court to take particular note of the document attached as Exhibit C to my attorney's correspondence, which specifically indicates that from January 1, 2010 through the printout end date of May 2010, I had continued to make monthly payments, contrary to the assertions by Plaintiff's counsel in his correspondence to the Probation Department.

26. In her May 13, 2010 correspondence, my attorney set forth in detail the calculations of my arrears based upon payments made by me and the terms and provisions of the July 20, 2007 Court Order relative to how my payments would be applied upon the emancipation of each of our daughters:

Pursuant to paragraphs 3 and 4 of the July 20, 2007 Order, Mr. Manning's total outstanding arrears as of August 1, 2007 were \$16,602.63.

As of August 1, 2007, Mr. Manning maintained a child support obligation for two of the parties' three children since their eldest daughter was previously emancipated. Pursuant to paragraph 2 of the July 20, 2007 Order Mr. Manning's total support obligation was \$592 per month. Consistent with paragraph 3 of the July 20, 2007, of that \$592 monthly support obligation, the sum of \$50 was to be applied toward his outstanding arrears at that time. This was to remain in effect until one of the remaining two children was emancipated.

Despite Ms. Carroll's refusal to provide this information, we now know that the parties' daughter, Amy, was emancipated as of May 18, 2008. Therefore, from August 1, 2007 up to June 1, 2008, Mr. Manning had an obligation to pay \$5,920, of which \$500 should have been applied toward his arrears. Therefore, as of June 1, 2008, Mr.



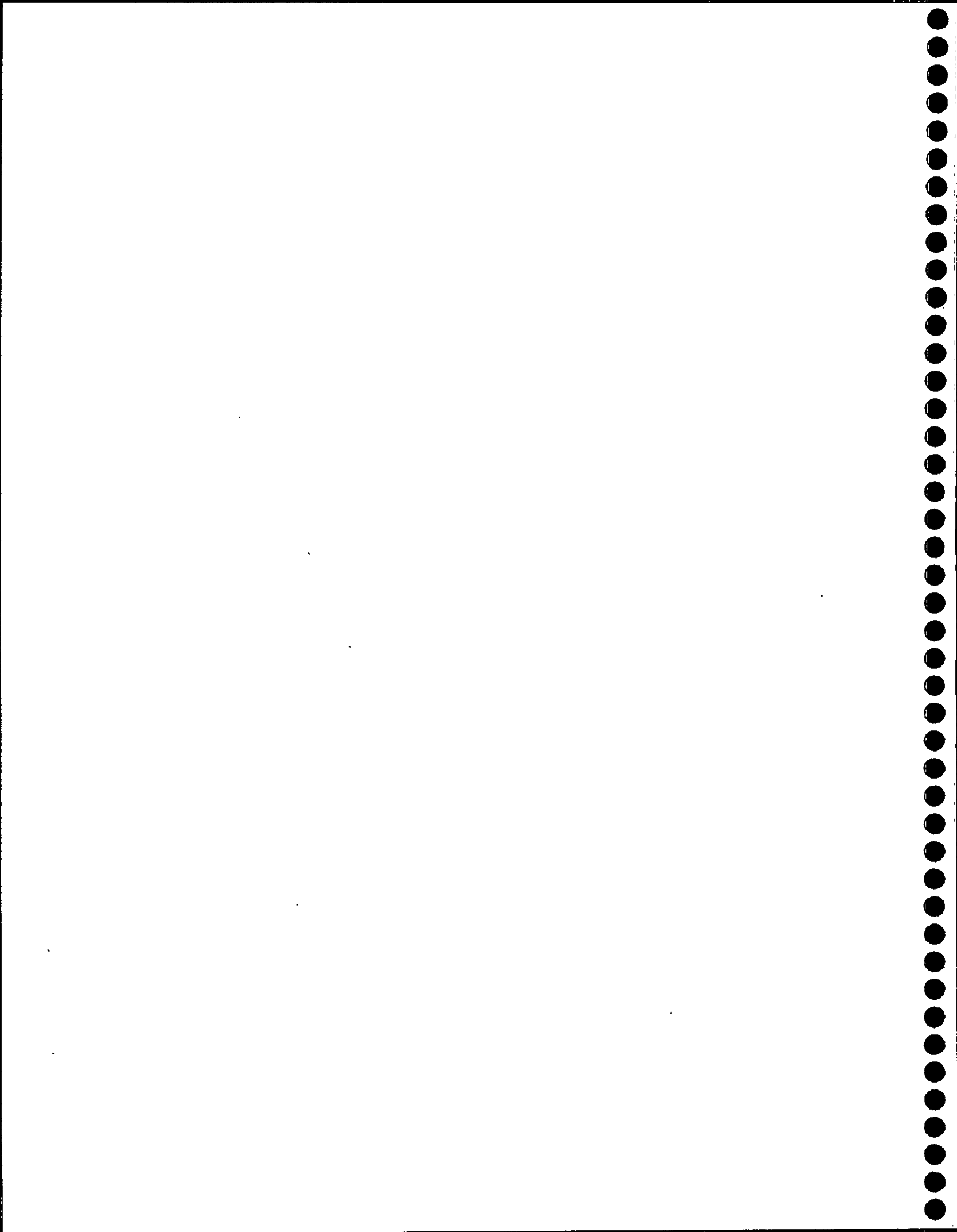
Manning's arrears should have been reduced to \$16,102.63. However, a review of Exhibit A enclosed herewith for your review indicates that Mr. Manning overpaid his support obligation from August 1, 2007 up to June 1, 2008 in the amount of \$993.30. Therefore, it is our position that Mr. Manning's arrears should have been further reduced by this amount, bringing his total arrears of June 1, 2008 to \$15,109.33.

Commencing June 1, 2008, Mr. Manning's monthly support obligation remained at \$592; however, as of that date, the sum of \$296 per month of that amount should have been applied toward his outstanding arrears until such time as their youngest and final remaining child was emancipated. Again, despite Ms. Carroll's refusal to comply with her obligations under the June 20, 2007 Court Order, we now know the parties' youngest daughter, Samantha, was emancipated effective May 20, 2009. Therefore, as of June 1, 2009, Mr. Manning's arrears should have been reduced by \$3,552. However, a review of the document enclosed herewith as Exhibit B clearly reflects that during the period of June 1, 2008 through June 1, 2009, Mr. Manning's payments totaled \$7,703.80, indicating he again overpaid his support obligation by \$599.80. Therefore, it is again our position that this overpayment should have been applied, in its entirety, to Mr. Manning's arrears. Therefore, it is our position that Mr. Manning's total outstanding arrears as of June 1, 2009 should have been \$10,957.53.

Consistent with paragraph 3 of the July 20, 2007 Court Order, effective June 1, 2009 to date, any and all payments made by Mr. Manning should have been applied toward his outstanding arrears. A review of the document entitled Exhibit C enclosed herewith for your review indicates that from June 1, 2009 through and including the date of this correspondence, Mr. Manning's total payments equaled \$4,740.92. This sum should have been applied in its entirety toward his arrears, bringing his total outstanding arrears as of June 1, 2010 to \$6,216.61.

27. Of course as expected, in response to my attorney's May 13, 2010 correspondence and proposed Consent Order, Plaintiff set forth an objection to same as set forth in Mr. Wolfe's correspondence dated May 13, 2010. (Exhibit S)

28. In a last effort to resolve this matter without incurring any additional counsel fees and costs and in the interests of correcting my arrears through Probation, by correspondence dated May 17, 2010, my attorney forwarded yet another proposed Consent Order to the Plaintiff's



counsel. (Exhibit T) In her correspondence, my attorney indicated that while we did not agree with the objections set forth on behalf of the Plaintiff to the most recent offer of settlement, I was willing to concede the amount they disputed just to have a Consent Order signed and submitted to this Court for consideration and entry, so that Probation could, once and for all, credit my account appropriately.

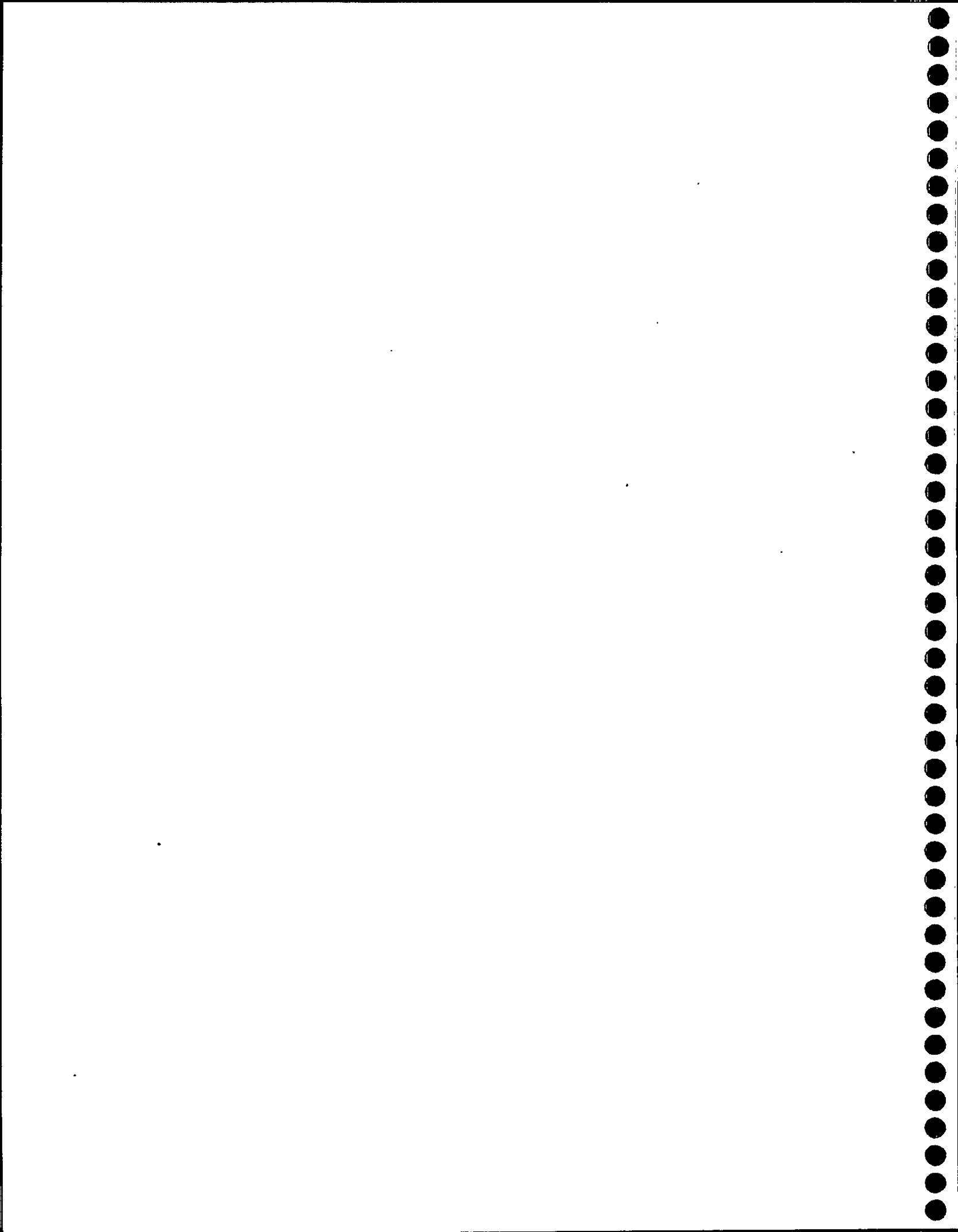
29. Instead, by correspondence dated May 20, 2010, we received yet another unprofessional and antagonistic letter from Mr. Wolfe. (Exhibit U)

30. Needless to say, I am clearly not going to be able to reach any type of resolution in this matter by continuing to attempt to negotiate with Plaintiff and her attorney. As such, I am left with no alternative but to seek this Court's assistance.

31. I respectfully request that this Court hold the Plaintiff in violation of litigant's rights for her willful and continued failure to abide by the July 20, 2007 Court Order. I further request that the Plaintiff be ordered to pay my counsel fees and costs incurred since this matter commenced; specifically, December 29, 2009 to date. Most importantly, I ask that this Court direct Probation to prepare an accounting on my account based upon the terms and provisions of the July 20, 2007 Court Order, giving me the appropriate credits towards my arrears for payments made from July 20, 2007 to date, taking into consideration the step downs in my child support at the time each of my two younger daughters became emancipated.

32. In the alternative, I ask that this Court enter an Order setting my arrears at \$6,216.61 effective June 1, 2010. I further ask that an Order be entered indicating that I continue to satisfy these arrears at a rate of \$592 per month, without modification and not subject to any cost of living increase which might otherwise be imposed by the Probation Department.



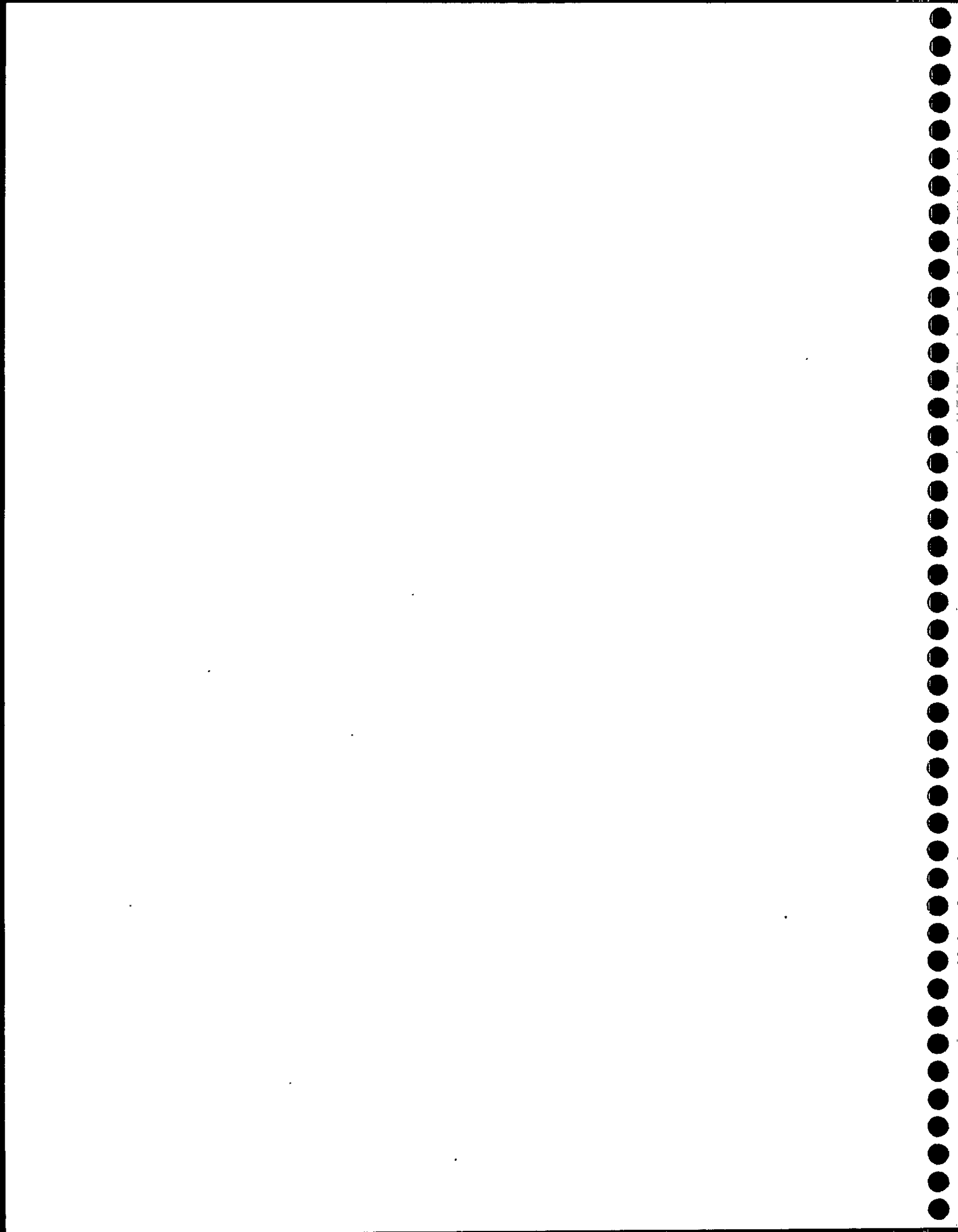


COUNSEL FEES

33. As the Court can see, I tried repeatedly and over many months to resolve this matter vis-a-vis a Consent Order and as amicably as possible through counsel without filing a formal application with this Court. For the reasons set forth herein and despite my very best efforts, that was unattainable. I submit to this Court that had the Plaintiff appropriately informed me of our daughters' dates of emancipation at the time of each event, I could have forwarded said information to my attorney at that time, had the appropriate Order prepared and submitted to this Court, and Probation could have appropriately credited my account, I would not have the significant wage garnishments in place against my disability and workers compensation benefits.

34. I therefore ask that this Court indicate to the Plaintiff that she is not above the Orders of this Court and direct her to pay my counsel fees and costs which have been incurred since December 29, 2009 to date. The Plaintiff's refusal to act in this matter has directly caused these fees to be incurred by me, as well as the financial difficulties I have had due to outstanding Probation arrears being inaccurately reflected as well in excess of \$17,000.

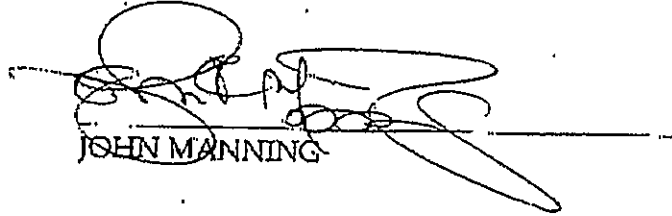
35. My attorney has submitted an Affidavit of Services under separate cover and I ask that this Court give serious consideration to same.



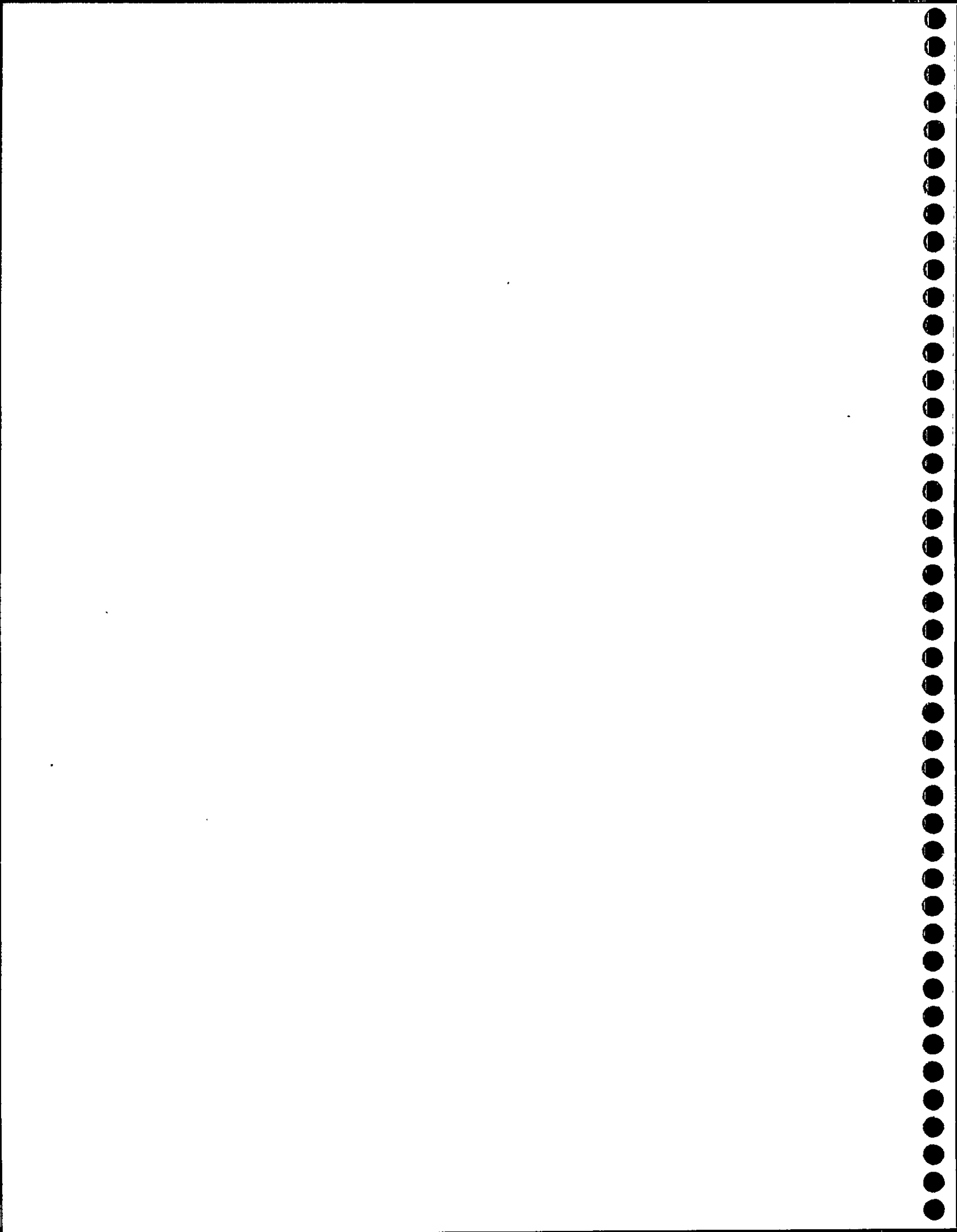
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#1220 P.002 /002

CERTIFICATION

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
JOHN MANNING

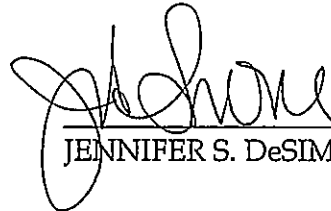
Dated: June 10, 2010

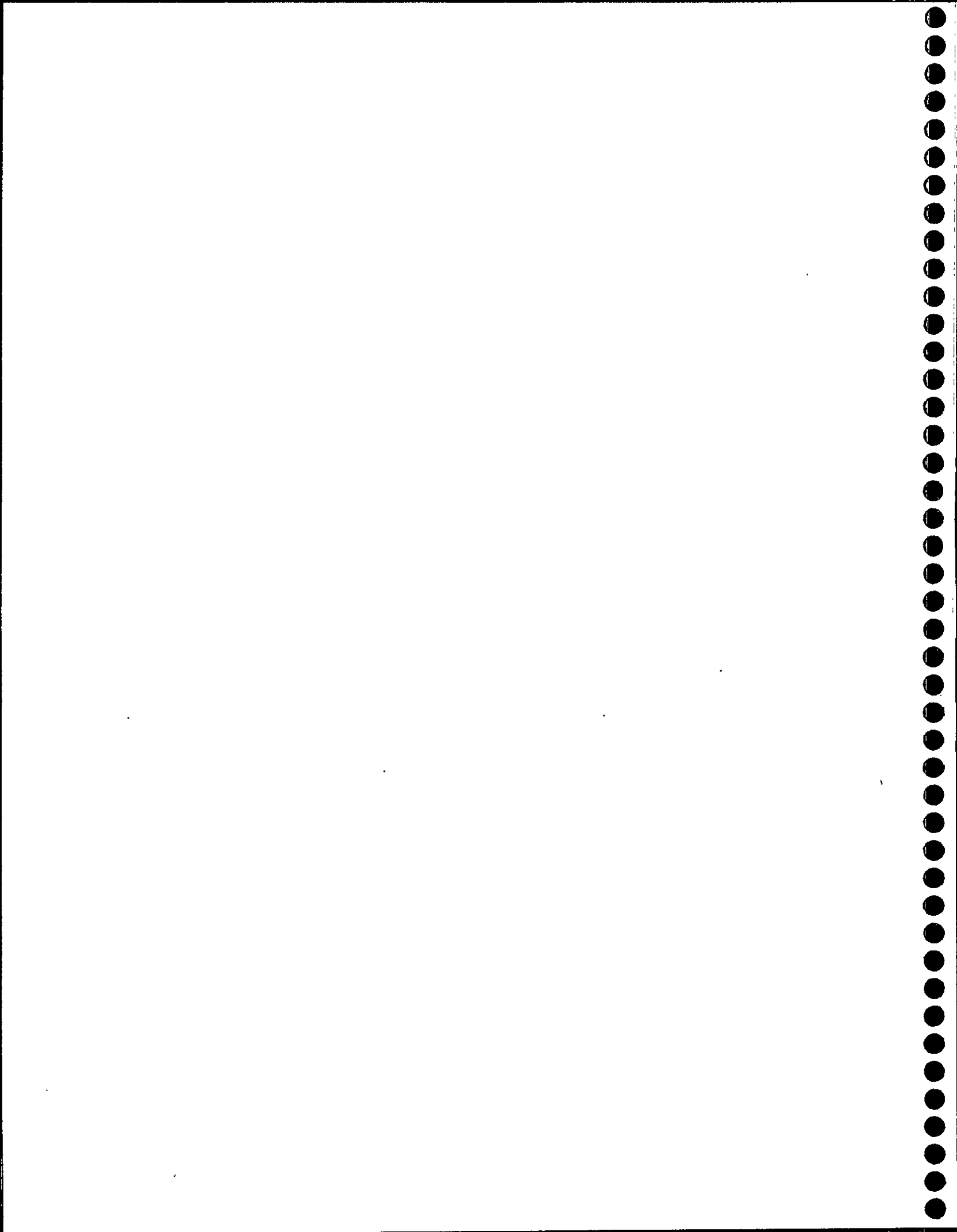


FACSIMILE AFFIDAVIT CERTIFICATION  
PURSUANT TO R. 1:4-4(c)

The signature affixed to the within Certification is a facsimile. I certify that the affiant has acknowledged, to my satisfaction, the genuineness of his signature and that the original signature copy of the Certification will be filed if requested by the Court or by a party to this litigation.

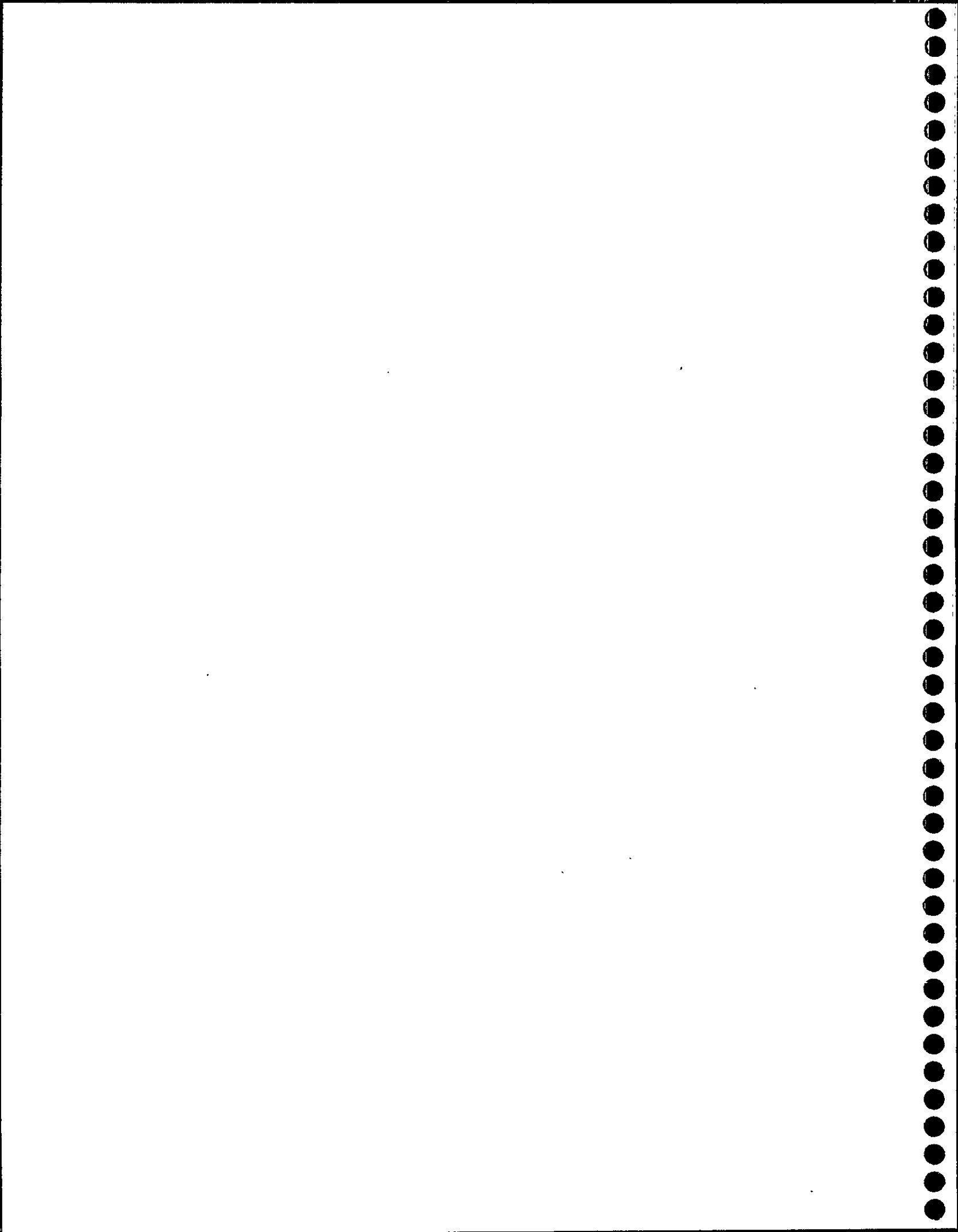
Dated: June 10, 2010

  
\_\_\_\_\_  
JENNIFER S. DeSIMONE, ESQ.



-19a-





**FILED**

JUL 20 2007

ELLEN L. KOBLITZ  
P.J.F.P.

George B. Wolfe, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201)291-9030  
Attorney for Plaintiff

BARBARA MANNING, now  
known as Barbara Carroll,

Plaintiff,

Vs.

JOHN MANNING,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY

Docket No. FM-02-6706-93

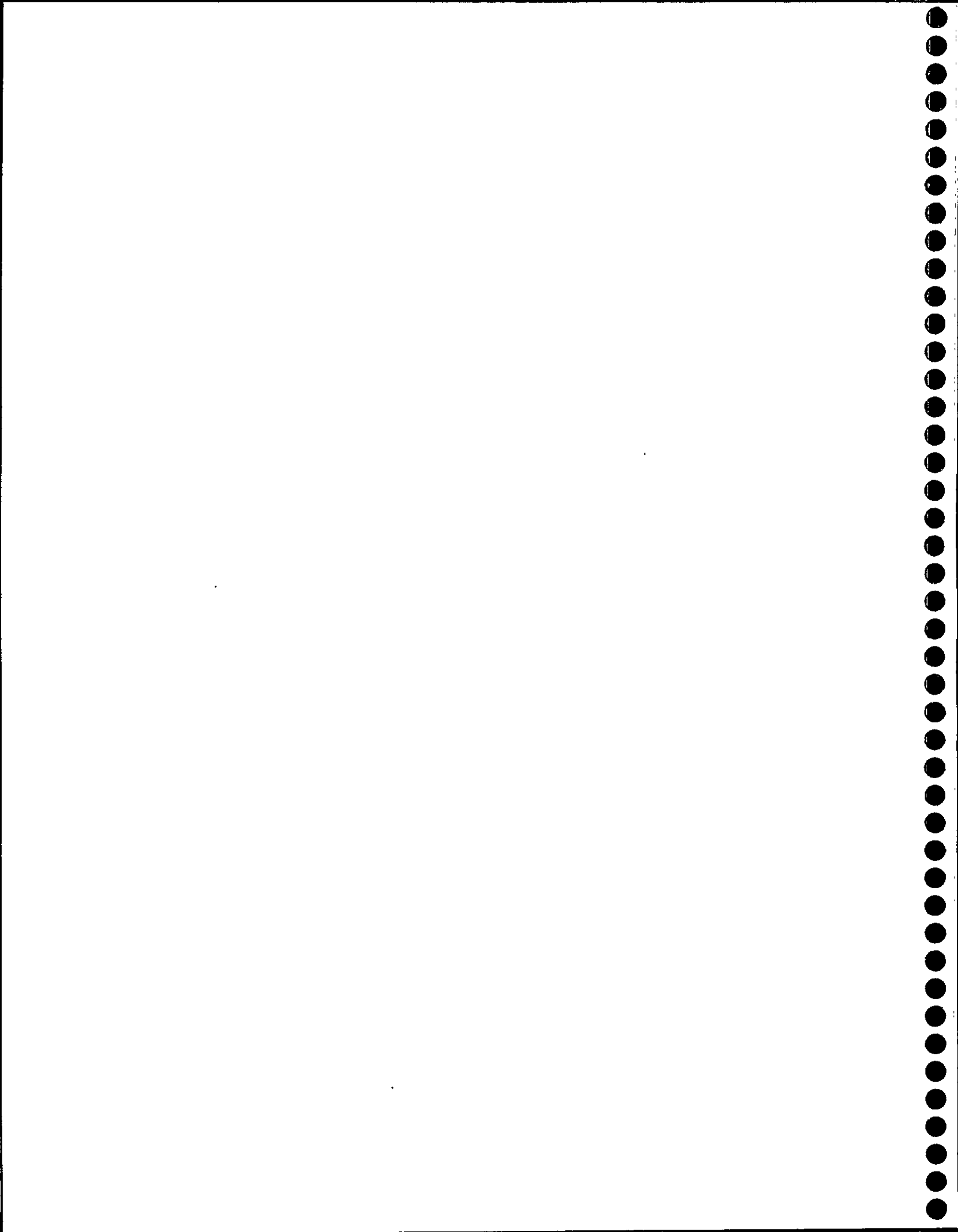
Civil Action

ORDER ON MOTION AND CROSS MOTION

This matter being opened to the Court by George B. Wolfe, Esq., attorney for the plaintiff, Barbara Manning, now known as Barbara Carroll, and due notice having been given to Smith & Doran, P.C., attorneys for the defendant, John Manning, and the Court having read and considered the submissions and for good cause shown and for the reasons stated on the record on this date;

IT IS ON THIS 20<sup>th</sup> DAY OF July, 2007;

1. ORDERED, that the relief requested in plaintiff's original Notice of Motion, returnable February 3, 2006, is withdrawn with prejudice as to requests for college payment; and it is further

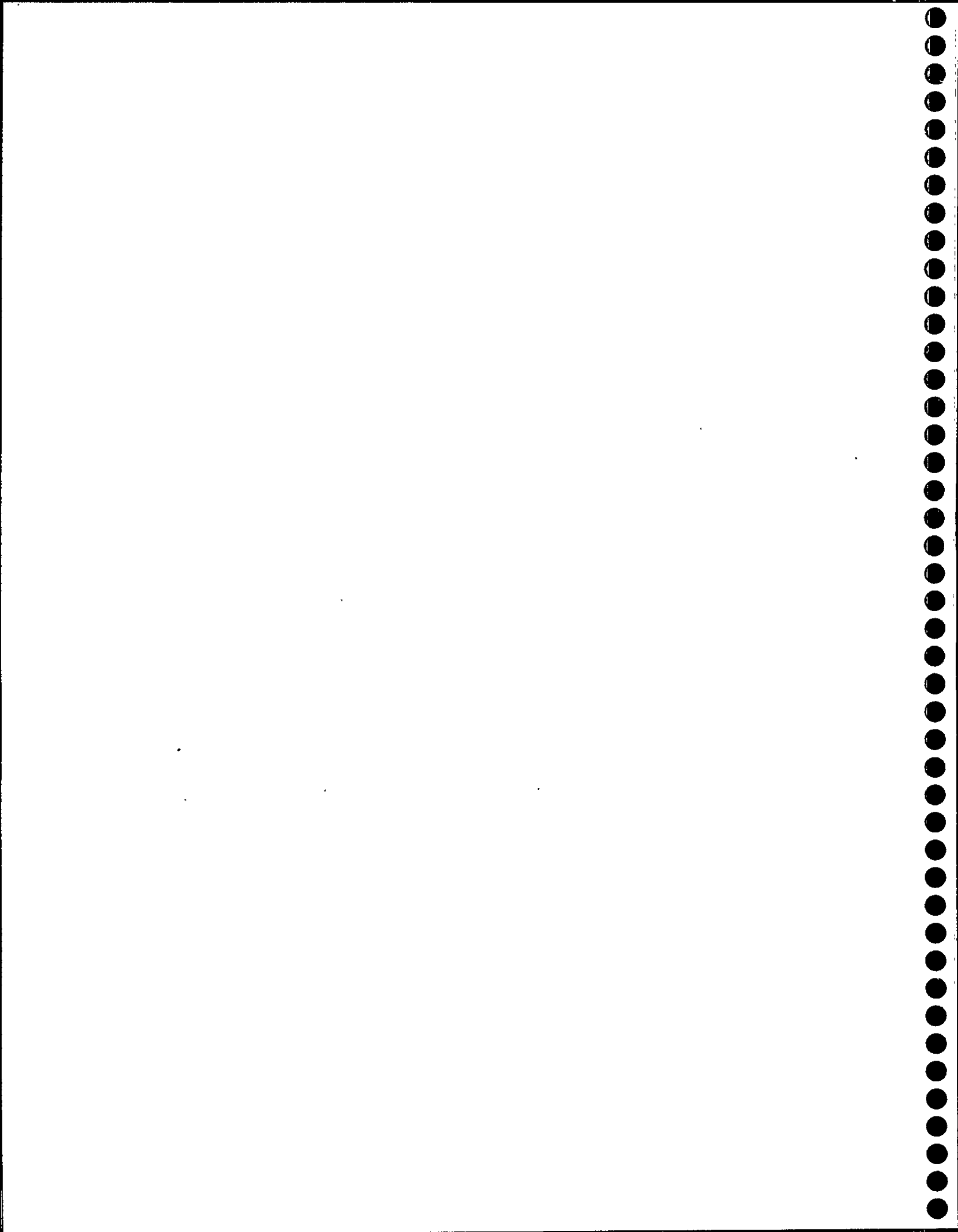


2. ORDERED, that child support in the amount of \$592 per month be paid beginning August 1, 2007 pursuant to an agreement of the parties, who waive a child support guidelines calculation.
3. ORDERED, that in addition to the \$7091.64 in arrears as of March 2006 already reduced to judgment by Judge Martinotti, an additional \$7106.64 in arrears have accrued through April 2007. (This does not include any earlier judgment not to be collected by Probation). These total arrears of \$14,198.28 as of today's date are to be paid at the rate of \$50 per month until the oldest unemancipated child is emancipated, at which point the basic child support will be reduced to \$296 per month and the arrears payment will be increased to \$296 per month. When the final child is emancipated, the arrearage payment will be increased to \$592 per month. Said payment to be made to the New Jersey Family Support Payment Center and to be enforced in the county of venue via income withholding on all current and future employers; and it is further
4. ORDERED, that defendant pay to plaintiff the sum of \$2,404.35 for medical insurance as arrears for child support and that this amount be added to the child support arrears. Said payment to be made to the New Jersey Family Support Payment Center and to be enforced in the county of venue via income withholding on all current and future employers; and it is further
5. ORDERED that plaintiff waives any obligation on behalf the Defendant for future medical expense on behalf of the children with prejudice.



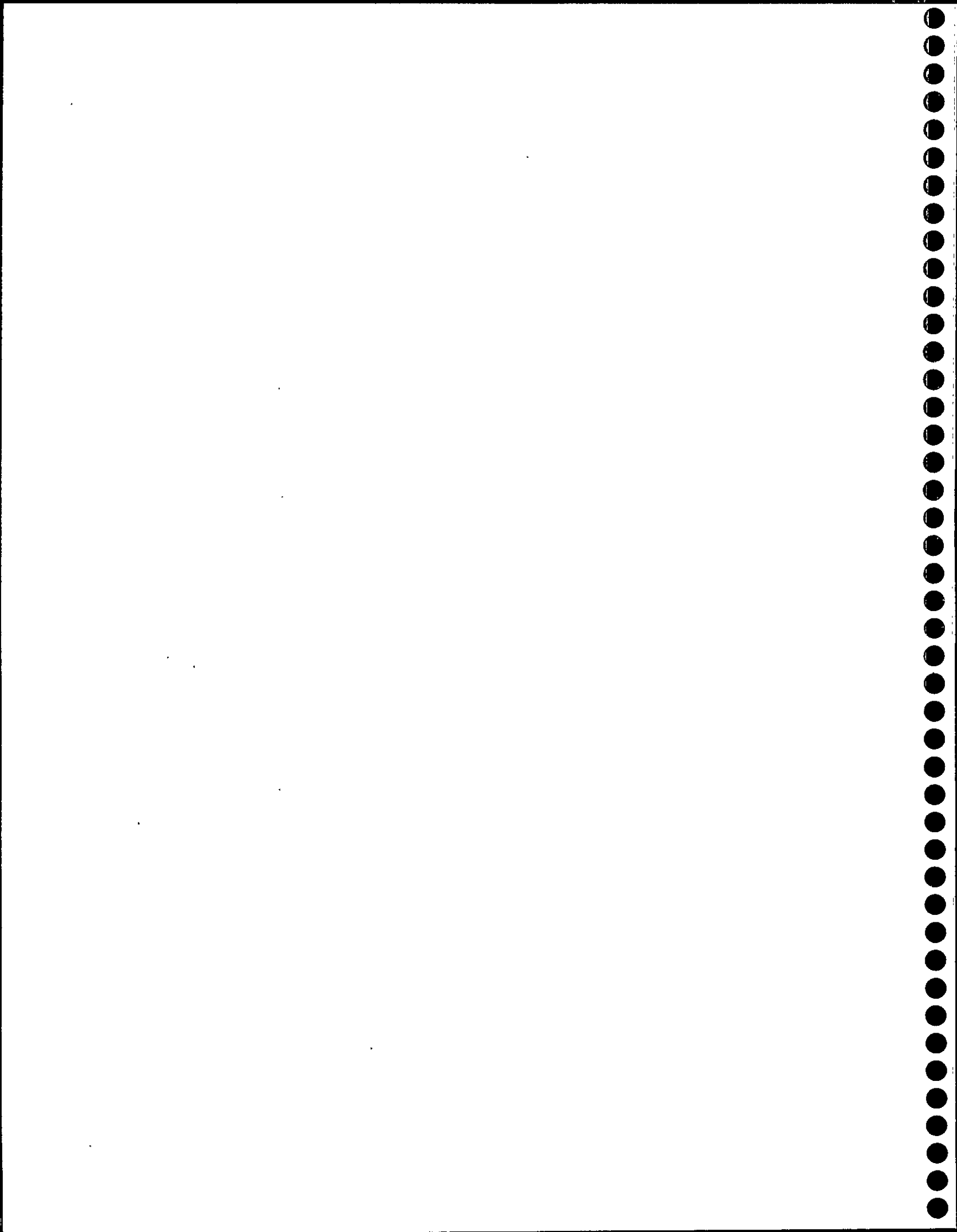
6. ORDERED that by consent, plaintiff to provide the defendant in writing the date of graduation of when each child becomes emancipated.

  
Ellen Koblitz, P.J.F.P.



-23 a-





FILED

MAR 17 2006

BRIAN R. MARTINOTTI  
J.S.C.

GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

BARBARA MANNING, now known  
as Barbara Carroll,

Plaintiff,

vs.

JOHN MANNING,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
Docket No. FM-02-6706-93

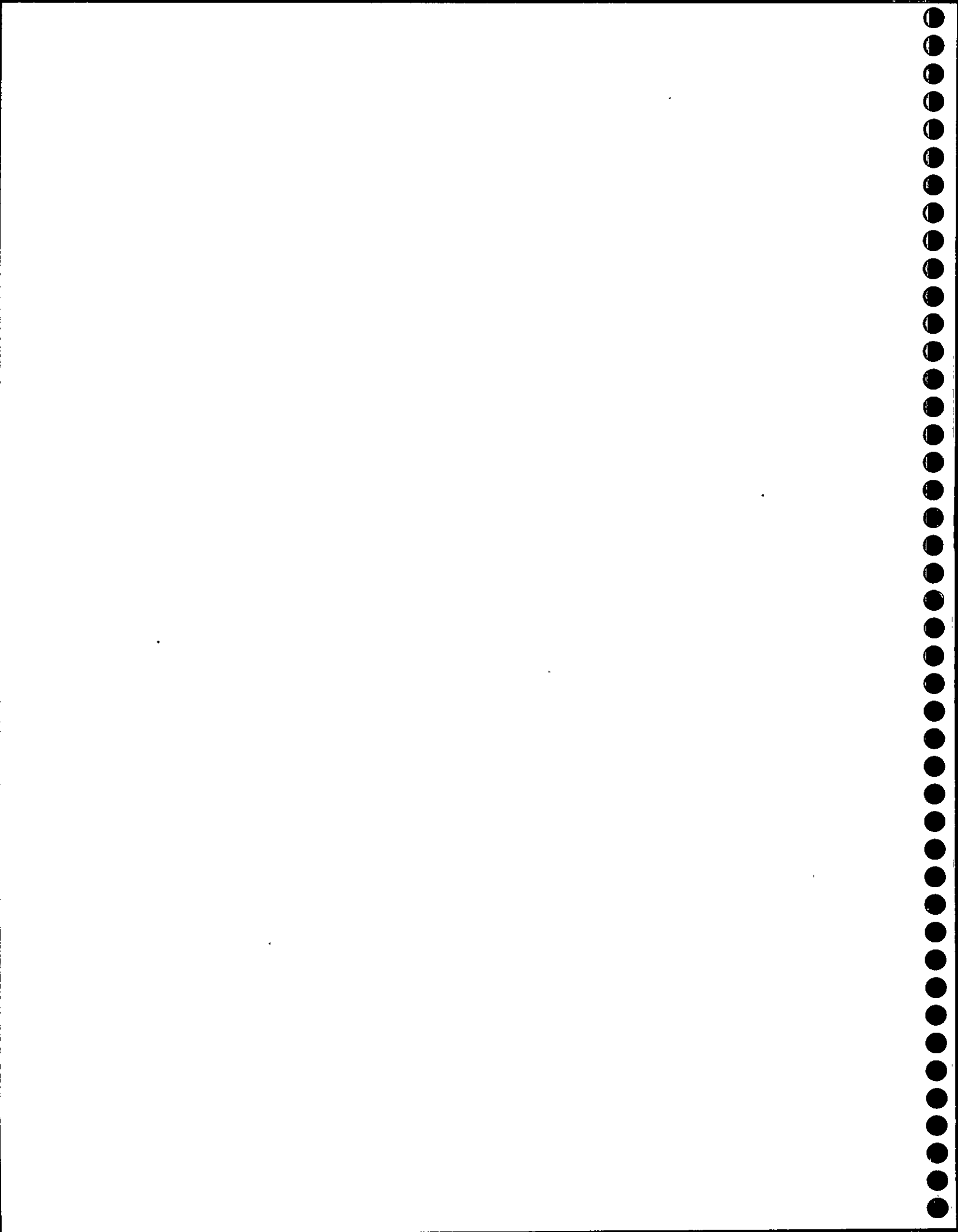
Civil Action

ORDER ENTERING JUDGMENT  
COMPELLING DEFENDANT TO COMPLY  
WITH FINAL JUDGMENT OF DIVORCE

This matter being opened to the Court by George B. Wolfe, Esq., attorney for the plaintiff, Barbara Manning, now known as Barbara Carroll, and due notice having been given to the defendant, John Manning, via regular and Certified Mail, Return Receipt Requested, and the Court having read and considered the submissions, and for good cause shown; *\*See Attached Rider*

IT IS ON THIS *17<sup>th</sup>* DAY OF *March*, 2006;

ORDERED, that a judgment as to all past medical bills due and owing from the defendant to the plaintiff is hereby entered in the amount of \$ *12,034.53*, and defendant is



hereby directed to comply with the terms of the Final Judgment of Divorce entered on June 30, 1994, by The Honorable Donald W. deCordova, in regard to the timely payment of his half of the unreimbursed medical bills; and it is further

ORDERED, the defendant pay half of the college expenses incurred for the three children of the marriage in the amount of \$ 39,615.82 for monies already expended, and in the future; and it is further

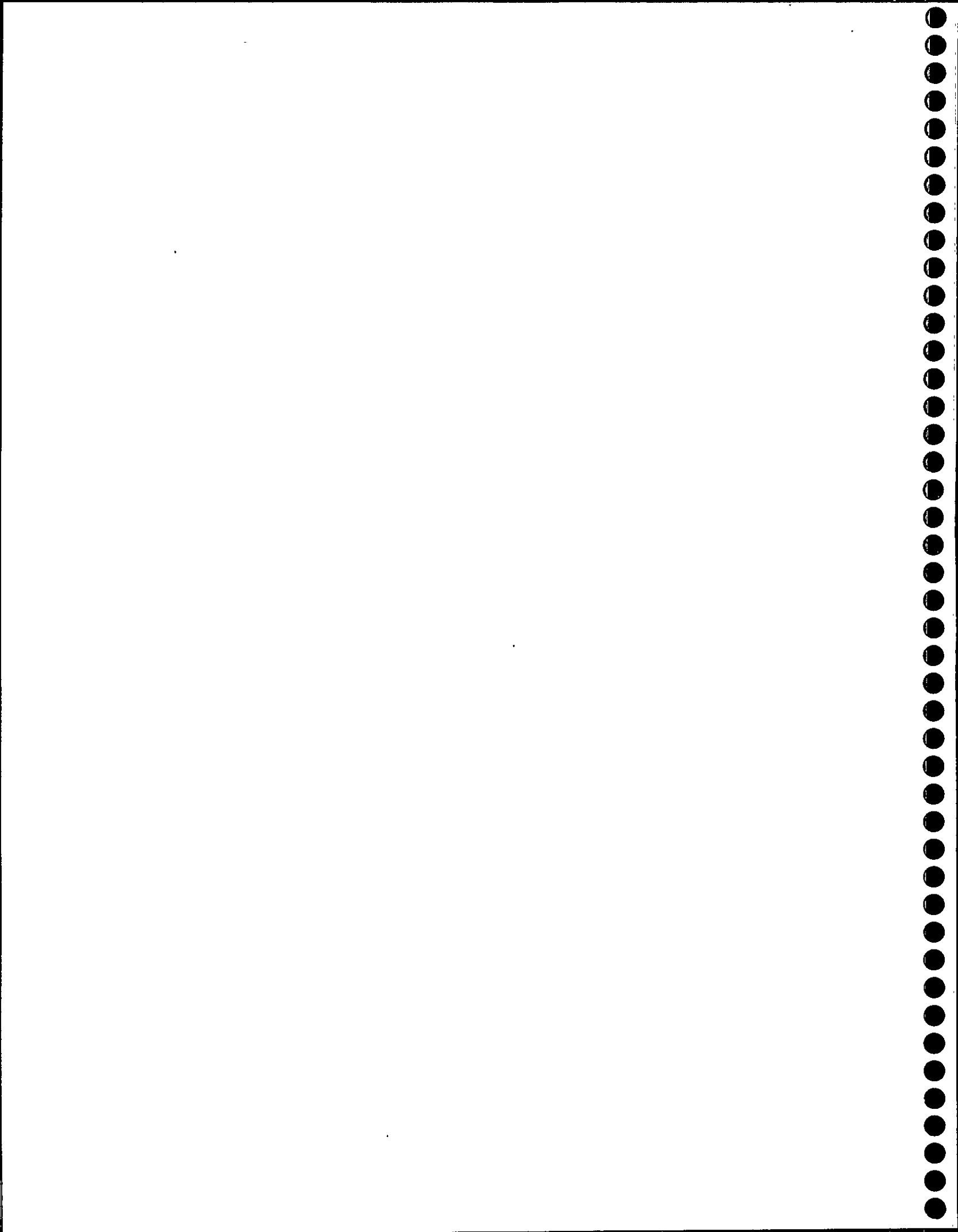
ORDERED, that the defendant reimburse the plaintiff for medical insurance provided by her for the children of the marriage in the amount of \$ 2,404.35 and to reimburse plaintiff in a timely fashion in the future for his share of the medical insurance as provided in the Judgment of Divorce; and it is further

ORDERED, that the defendant pay all arrears in child support in the amount of \$ 7,091.64 as of the date of the filing of this Motion; and it is further


ORDERED, that the defendant provide proof of life insurance as per the Judgment of Divorce; and it is further

ORDERED, that defendant be directed to pay plaintiff's counsel fees as a result of the plaintiff's necessity to prepare and file said Motion and that George B. Wolfe be directed to

~~DENIED~~

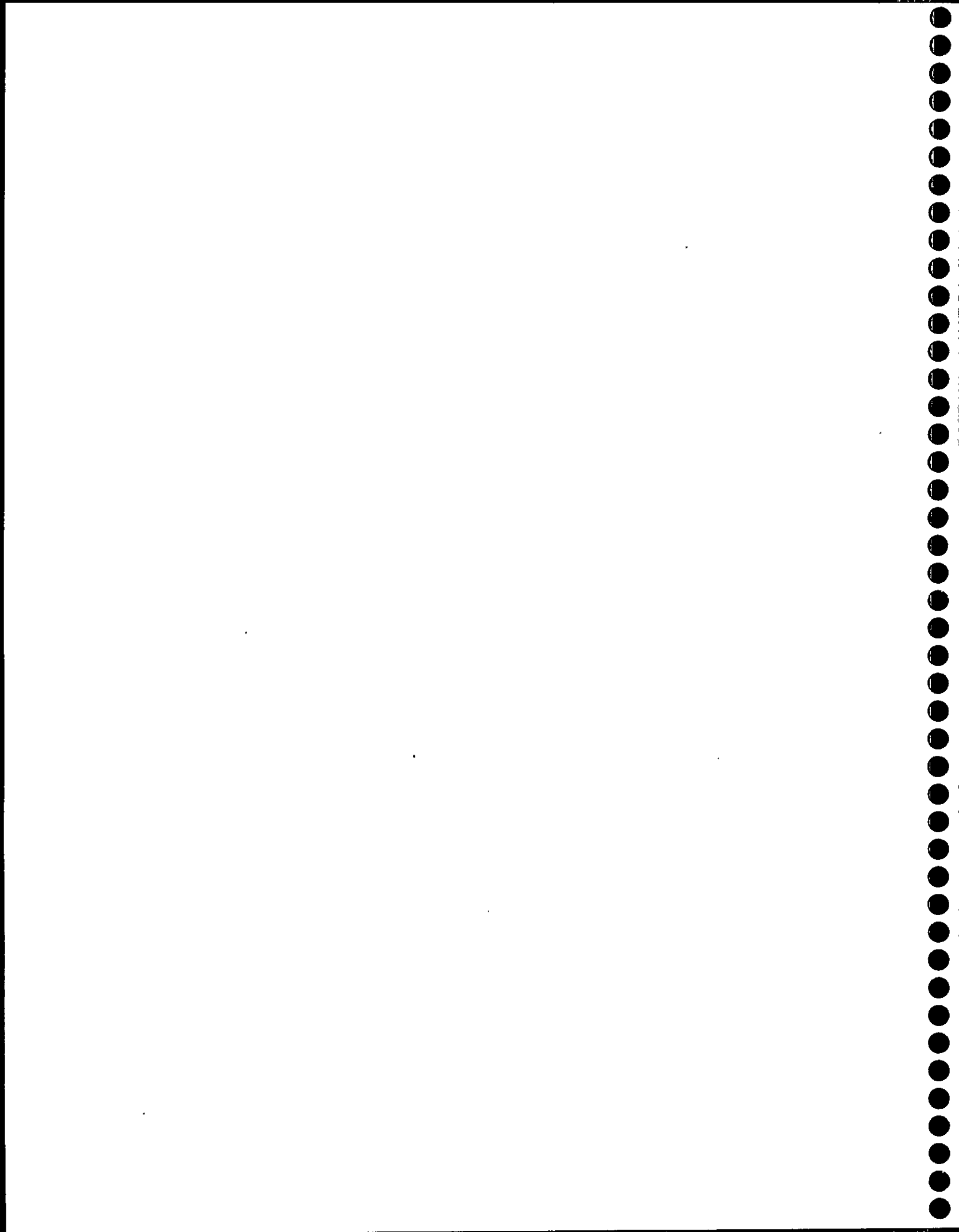


prepare a Certification of Services so that the Court may determine the amount of the ~~counsel~~ fees to be awarded.

  
\_\_\_\_\_  
J.S.C.

CHECKLIST OF PAPERS CONSIDERED BY JUDGE

1.  Notice of Motion returnable. / /
2.  Movant's Affidavit/Certification dated / /
3.  Movant's Brief dated / /
4.  Answering Affidavit/Certification dated / / , submitted on behalf of \_\_\_\_\_
5.  Answering Brief dated / / , submitted on behalf of \_\_\_\_\_
6.  Notice of Cross Motion returnable / / filed by \_\_\_\_\_
7.  Movant's Reply dated / /
8. \_\_\_\_\_ Other:

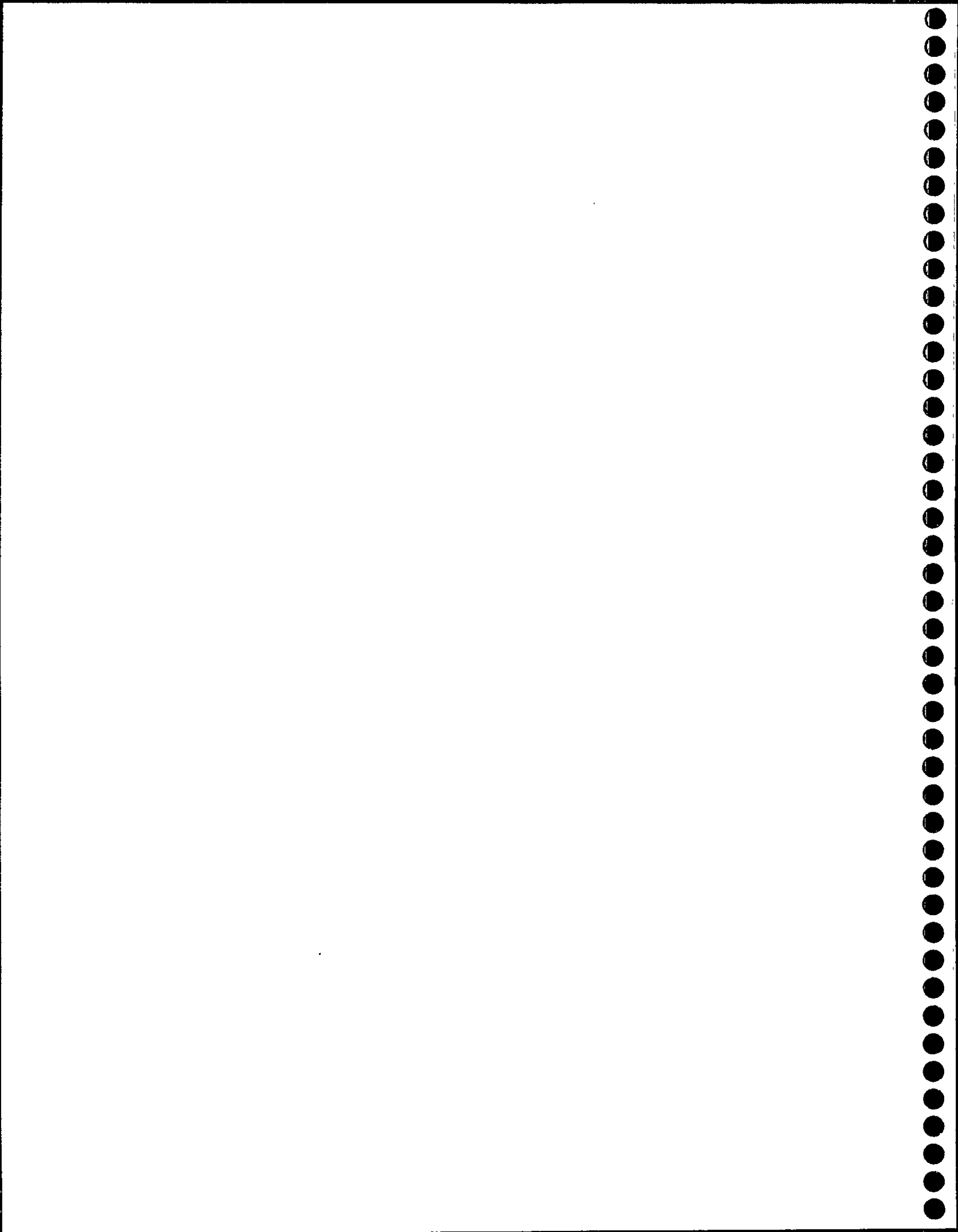


RIDER TO ORDER (FINDINGS OF FACT)

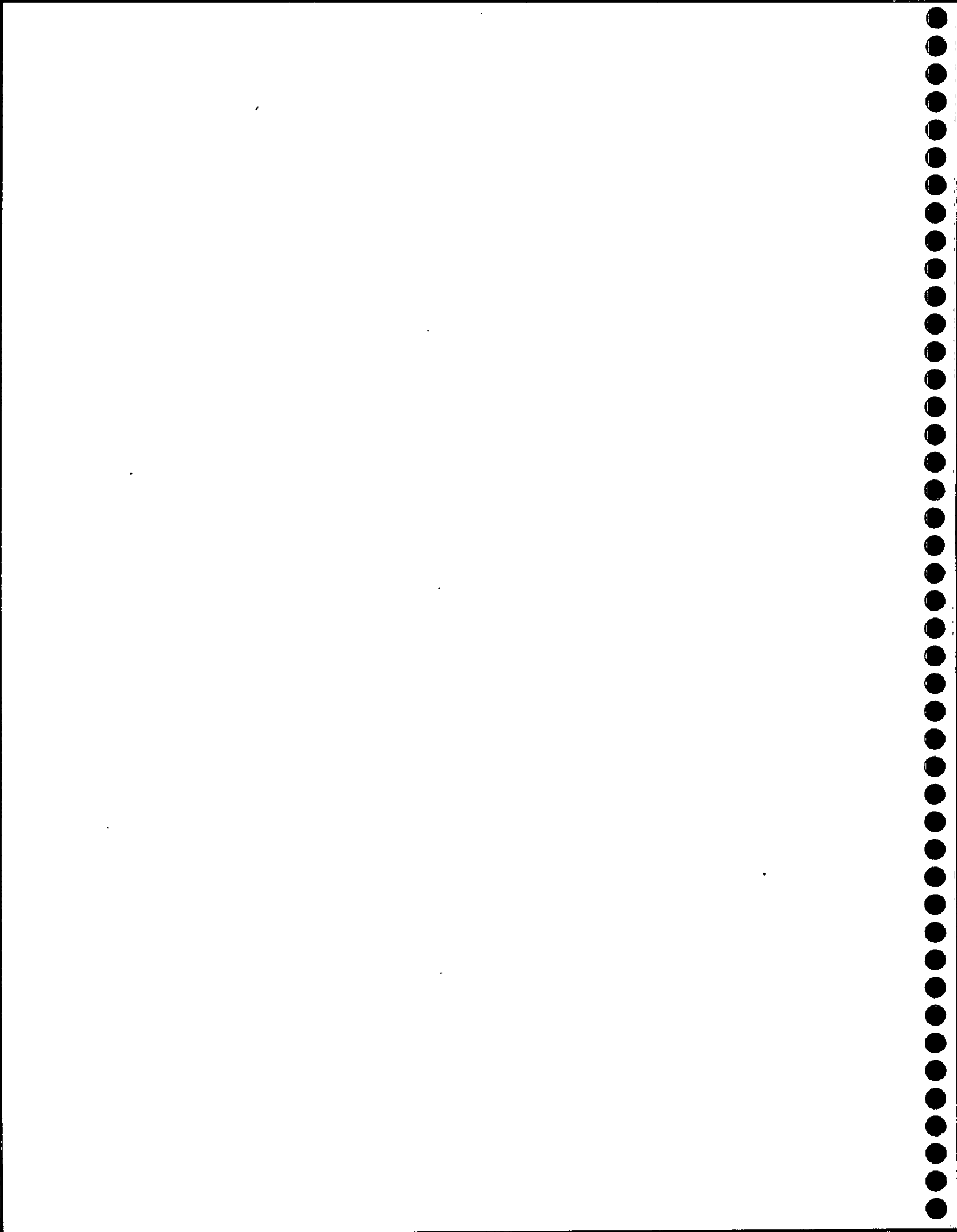
- Pursuant to the Judgment of Divorce, defendant is to pay  $\frac{1}{2}$  of all medical bills. The \$12,034.53 represents defendant's share of past medical bills.
- Defendant was directed to pay \$205 per week beginning June 6, 1994. Defendant unilaterally reduced the support payments commencing June 2005 to \$592.22 per month. Because there was no consent to same or Court Order modifying the child support, the \$205 per week remains unchanged, and arrearages have accumulated amounting to \$7,091.64.
- Pursuant to the Judgment of Divorce, defendant is to contribute to the medical insurance for plaintiff and the children. The \$2,404.35 represents reimbursement owed to the plaintiff as contribution to the payment of medical insurance.
- Defendant has a responsibility to contribute to his children's college education. "In appropriate circumstances, parental responsibility includes the duty to assure children of a college and even of a postgraduate education such as law school." Newburgh v. Arrigo, 88 N.J. 529 (1982). The court has considered the Newburgh factors and concludes the defendant has an obligation to contribute, both retroactively and prospectively, to the education of his three children.

B





- 28a -



LAW OFFICES  
**SMITH & DORAN**  
A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

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JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

December 29, 2009

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

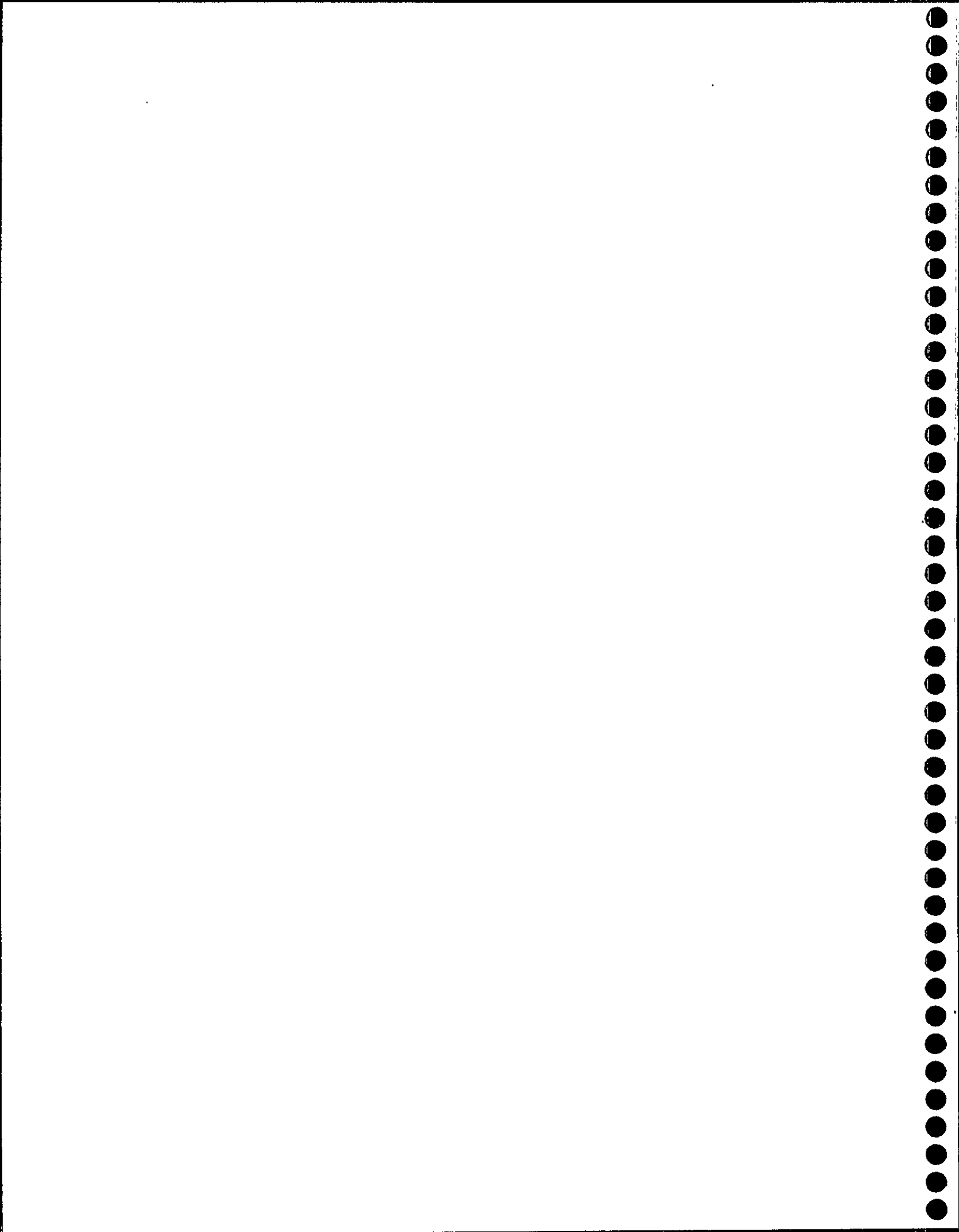
Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

Dear Mr. Wolfe:

As you are aware, this firm has been retained in connection with post-judgment proceedings on behalf of Mr. Manning. It is my understanding that you are continuing to act as counsel to Ms. Carroll. In the event this is not accurate, I would ask that you immediately advise my office so that communication may be forwarded directly to Ms. Carroll without delay.

Pursuant to the July 20, 2007 Order entered by the Honorable Ellen L. Koblitz, specifically paragraph 6, Ms. Carroll had an affirmative obligation to provide my client, in writing, the date of graduation when each child becomes emancipated. I have been advised by my client that despite the clear terms of this Order, Ms. Carroll has failed to do so, yet it is Mr. Manning's understanding that all three of the parties' children are now emancipated and working full time. As a result of Ms. Carroll's failure to timely notify Mr. Manning, Probation has not accurately been crediting his account.

Pursuant to paragraph 3 of the July 20, 2007 Order, when the parties' youngest child was emancipated, Mr. Manning's \$592 monthly payment was to be applied toward his outstanding arrears. Unfortunately, since no confirmation as to the emancipation of the parties' youngest child was received and provided to Probation, they in turn have continued to garnish his unemployment



George B. Wolfe, Esq.  
December 29, 2009  
Page 2

wages in the amount of \$592 per month as an ongoing support obligation rather than applying any portion of same toward his arrears.

Mr. Manning wishes to resolve this matter as expeditiously and amicably as possible. To that end, I would ask that upon your receipt of this correspondence, you advise as to the exact date Samantha was deemed emancipated consistent with the aforementioned Order so that an appropriate accounting of Mr. Manning's Probation account can be done as soon as possible.

Given the severity of this situation, I would ask that you give this matter your immediate attention.

Thanking you for your anticipated cooperation, I am,

Very truly yours,

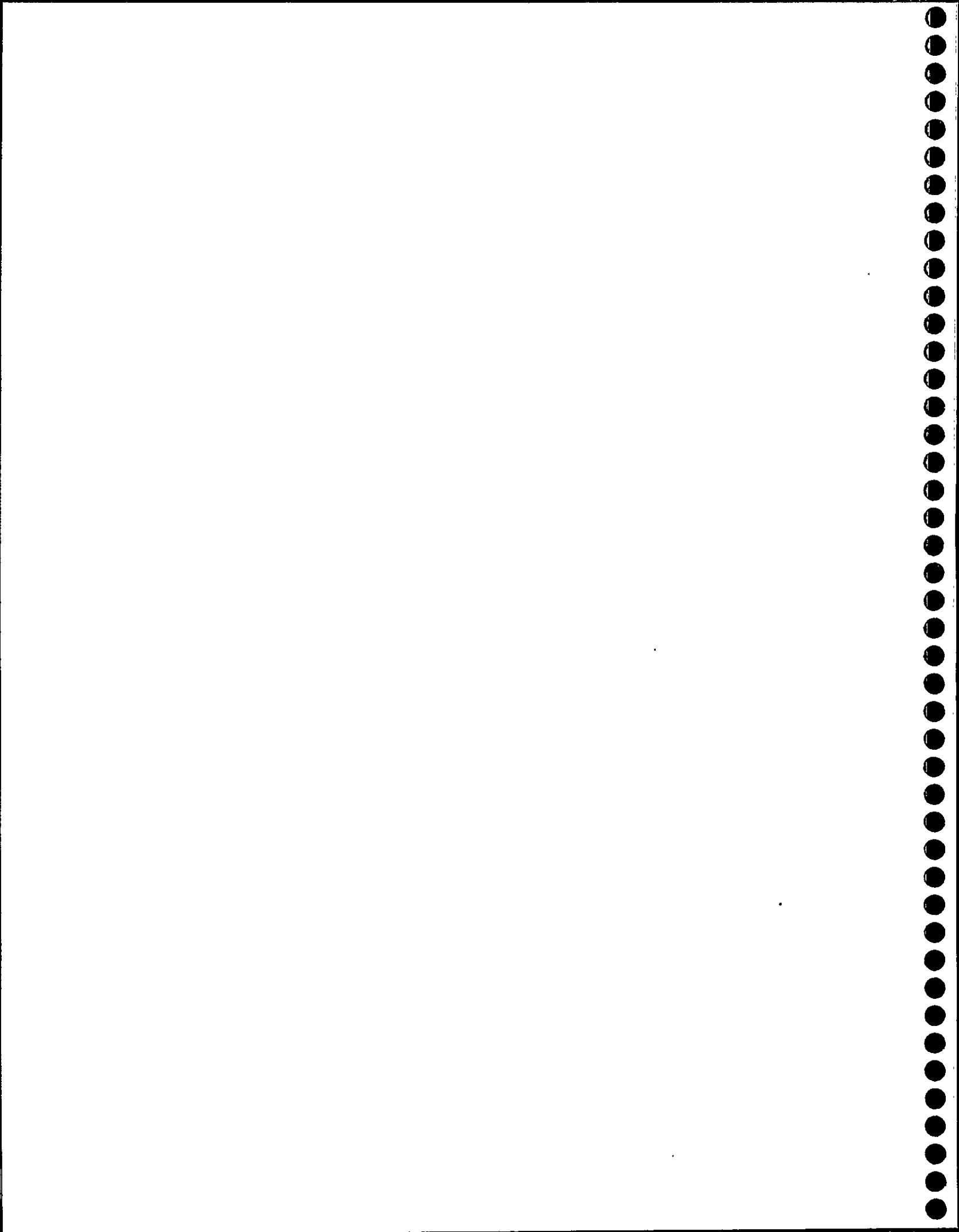
SMITH & DORAN, P.C.



JENNIFER S. DeSIMONE

JSD:jl

c: Mr. John Manning



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JENNIFER S. SIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
‡ SUMMIT, NJ & NY BAR

December 29, 2009

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

Dear Mr. Wolfe:

As you are aware, this firm has been retained in connection with post-judgment proceedings on behalf of Mr. Manning. It is my understanding that you are continuing to act as counsel to Ms. Carroll. In the event this is not accurate, I would ask that you immediately advise my office so that communication may be forwarded directly to Ms. Carroll without delay.

Pursuant to the July 20, 2007 Order entered by the Honorable Ellen L. Koblitz, specifically paragraph 6, Ms. Carroll had an affirmative obligation to provide my client, in writing, the date of graduation when each child becomes emancipated. I have been advised by my client that despite the clear terms of this Order, Ms. Carroll has failed to do so, yet it is Mr. Manning's understanding that all three of the parties' children are now emancipated and working full time. As a result of Ms. Carroll's failure to timely notify Mr. Manning, Probation has not accurately been crediting his account.

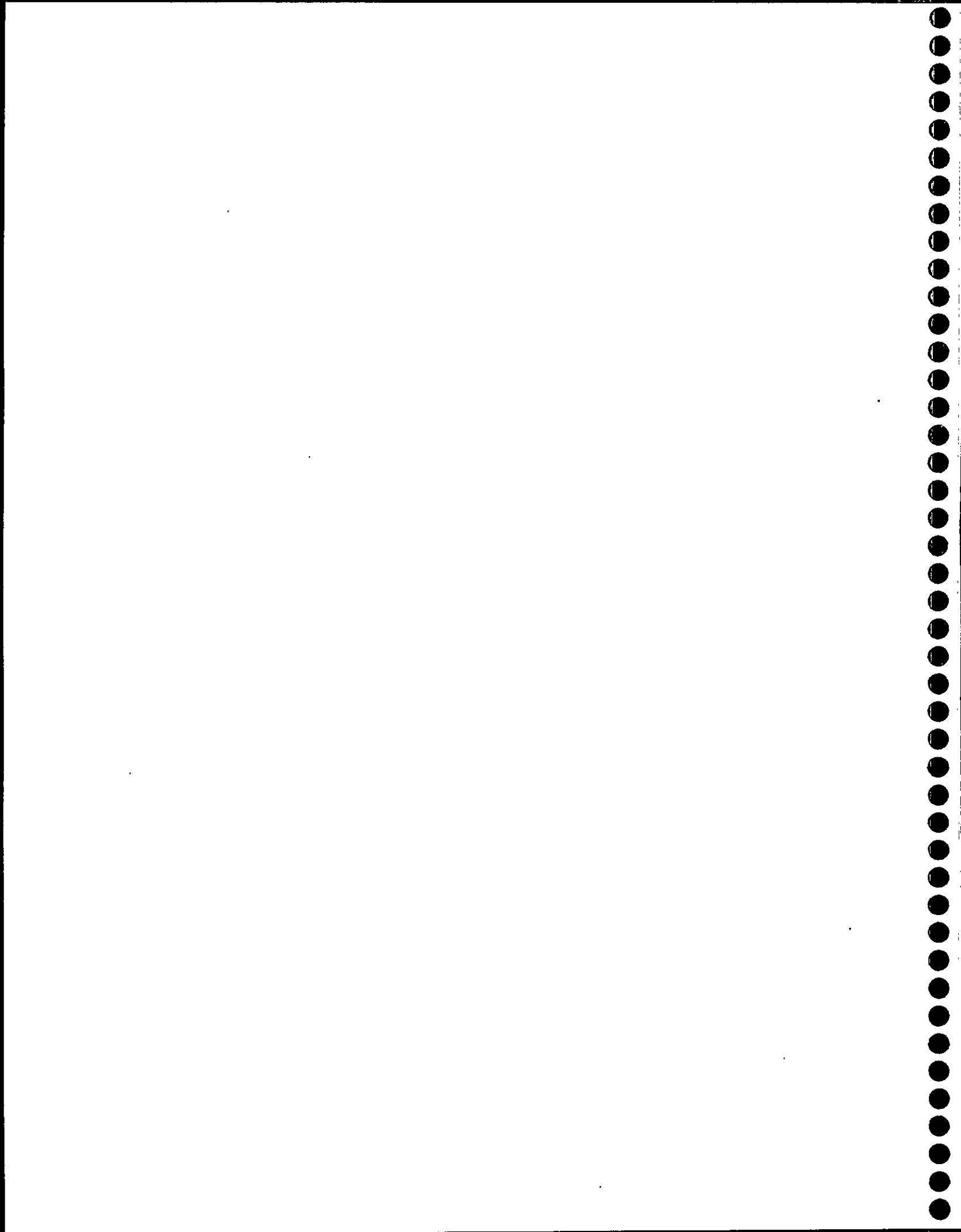
Pursuant to paragraph 3 of the July 20, 2007 Order, when the parties' youngest child was emancipated, Mr. Manning's \$592 monthly payment was to be applied toward his outstanding arrears. Unfortunately, since no confirmation as to the emancipation of the parties' youngest child was received and provided to Probation, they in turn have continued to garnish his unemployment.

TX RESULT REPORT

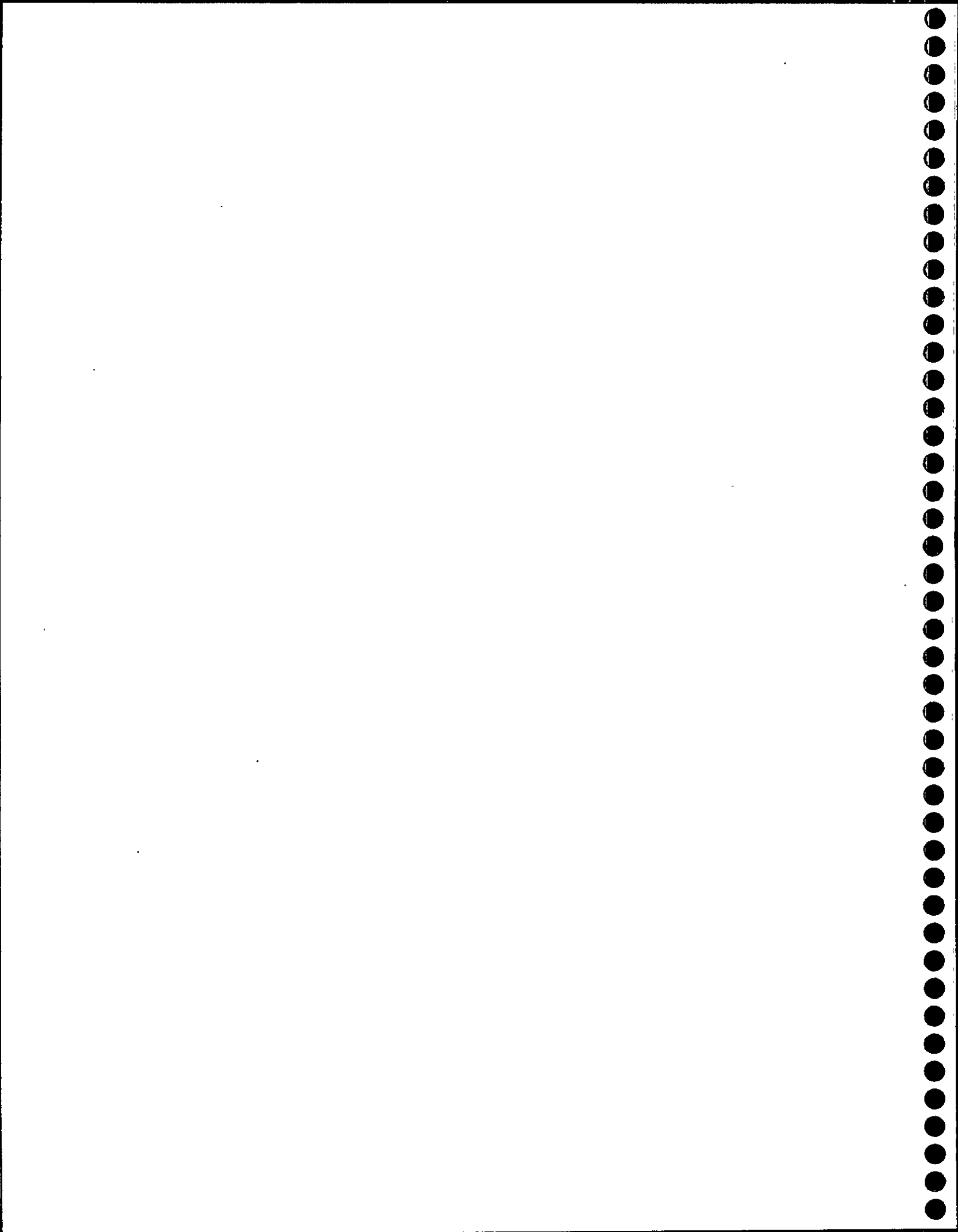
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TEL : 9732929168  
DATE : DEC.29.2009 15:00

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- 32 a -



LAW OFFICES  
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ROBERT A. SMITH†  
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JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

January 7, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
Docket No. FM-02-6706-93

Dear Mr. Wolfe:

To date I have yet to receive a response to my prior correspondence dated December 29, 2009 wherein I requested the exact date on which the parties' daughter, Samantha, became emancipated. As indicated in my correspondence, Ms. Carroll has failed to comply with the terms and provisions of Judge Koblitz's July 20, 2007 which obligated her to advise my client in writing as to the date of graduation of each of their children.

I again ask that you immediately advise as to the exact date Samantha became emancipated so that Probation can be notified and the appropriate adjustments made to Mr. Manning's account.

Thanking you for your prompt attention to the within, I am,

Very truly yours,

SMITH & DORAN, P.C.

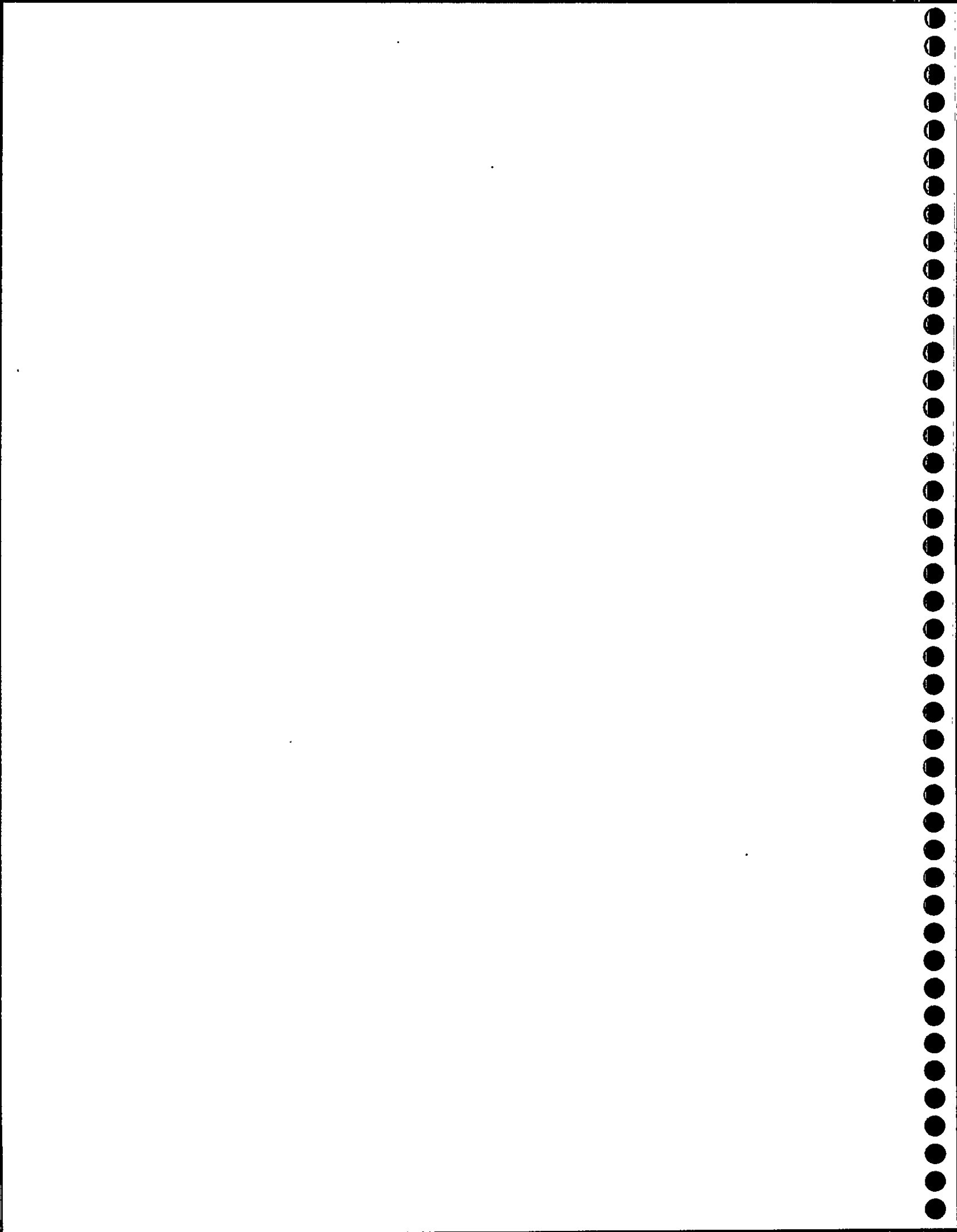


JENNIFER S. DeSIMONE

JSD:jl

c: Mr. John Manning

- 33 a -



LAW OFFICES  
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JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

January 7, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

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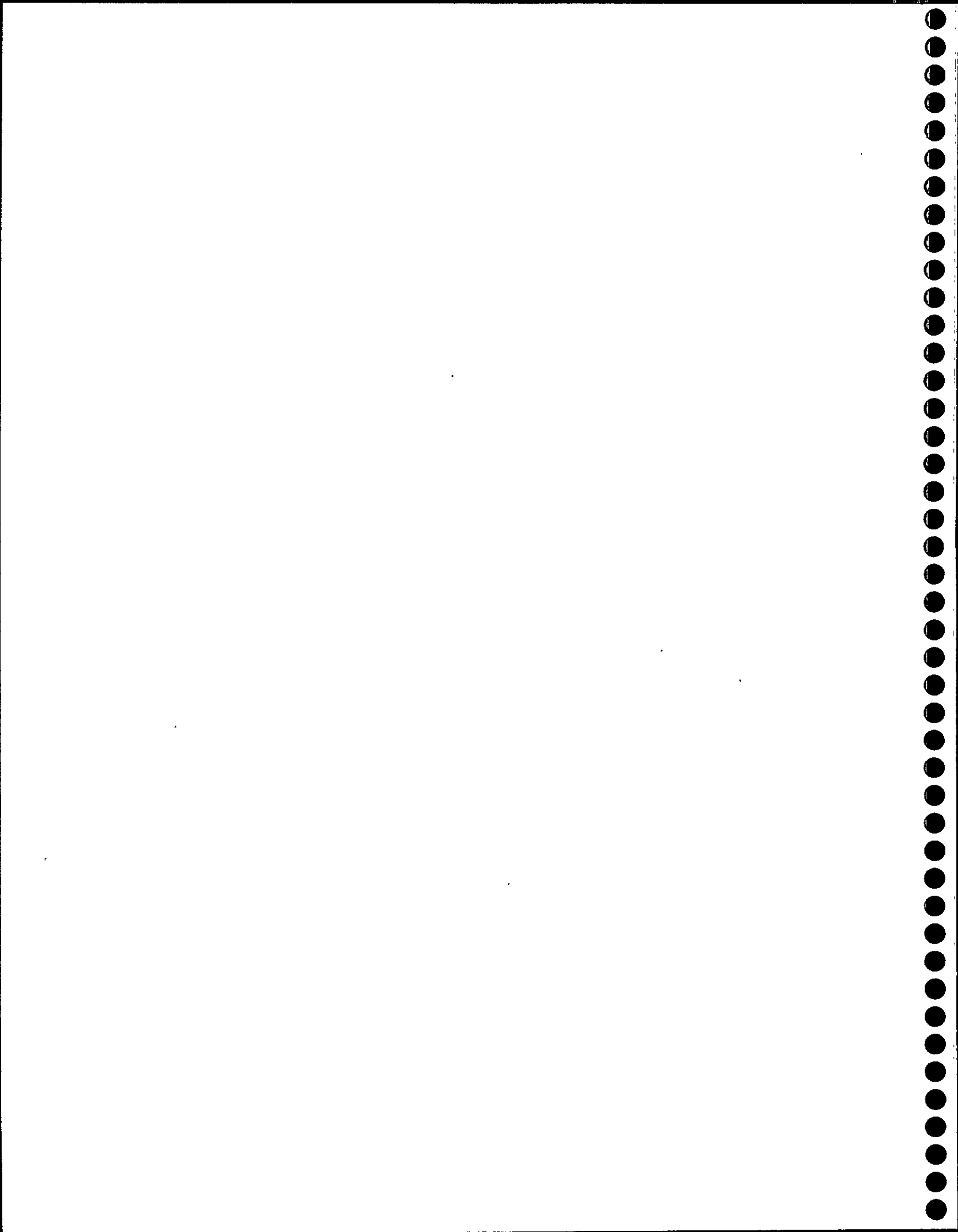
SMITH & DORAN, P.C.  
  
JENNIFER S. DeSIMONE

JSD:jl

TX RESULT REPORT

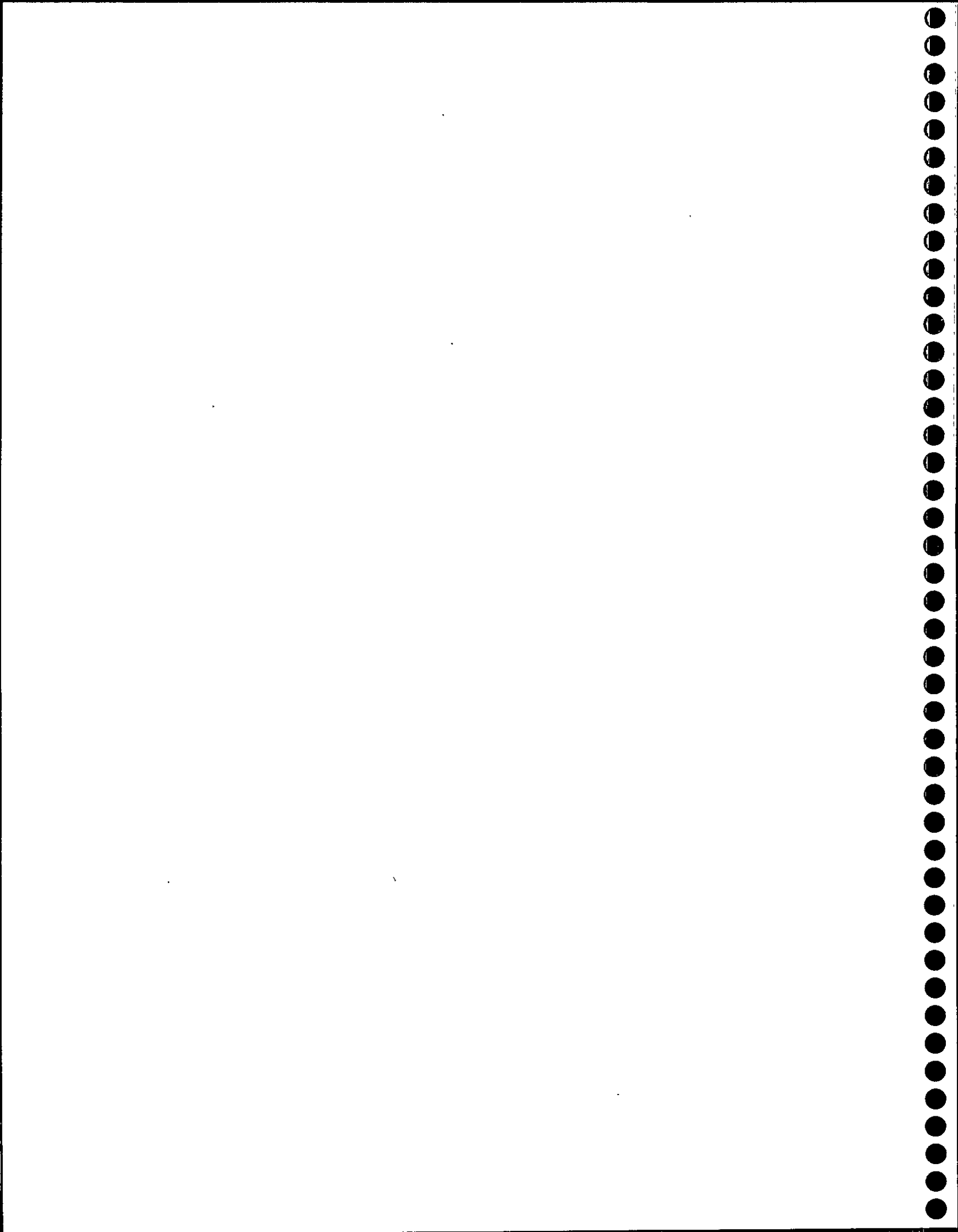
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TEL : 9732929168  
DATE : JAN.07.2010 13:59

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- 35a -





**GEORGE B. WOLFE**

ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

MEMBER OF  
NEW JERSEY & NEW YORK BARS

TELEPHONE (201) 291-9030  
FACSIMILE (201) 291-8620

January 7, 2010

Jennifer S. DeSIMONE, Esq.  
Law Offices of Smith & Doran  
60 Washington Street  
Morristown, NJ 07960

RE: Barbara Carroll (formerly Manning) v. John Manning  
Docket No.: FM-02-6706-93

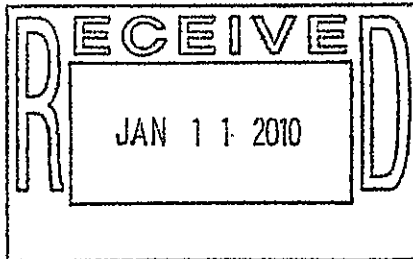
Dear Ms. DeSIMONE:

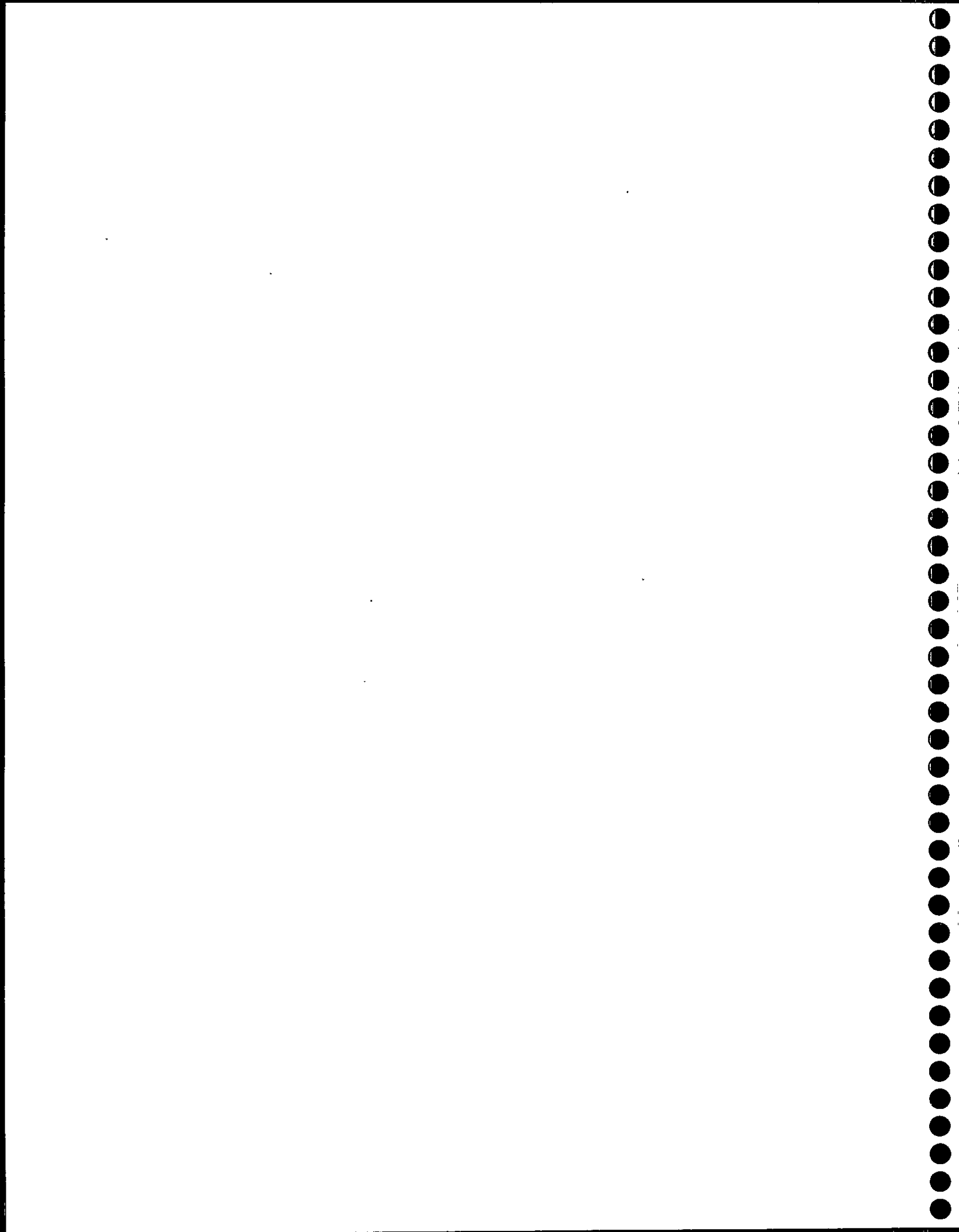
Please be advised that the above referenced parties' daughter,  
Samantha Manning, graduated on May 20, 2009.

Very truly yours,

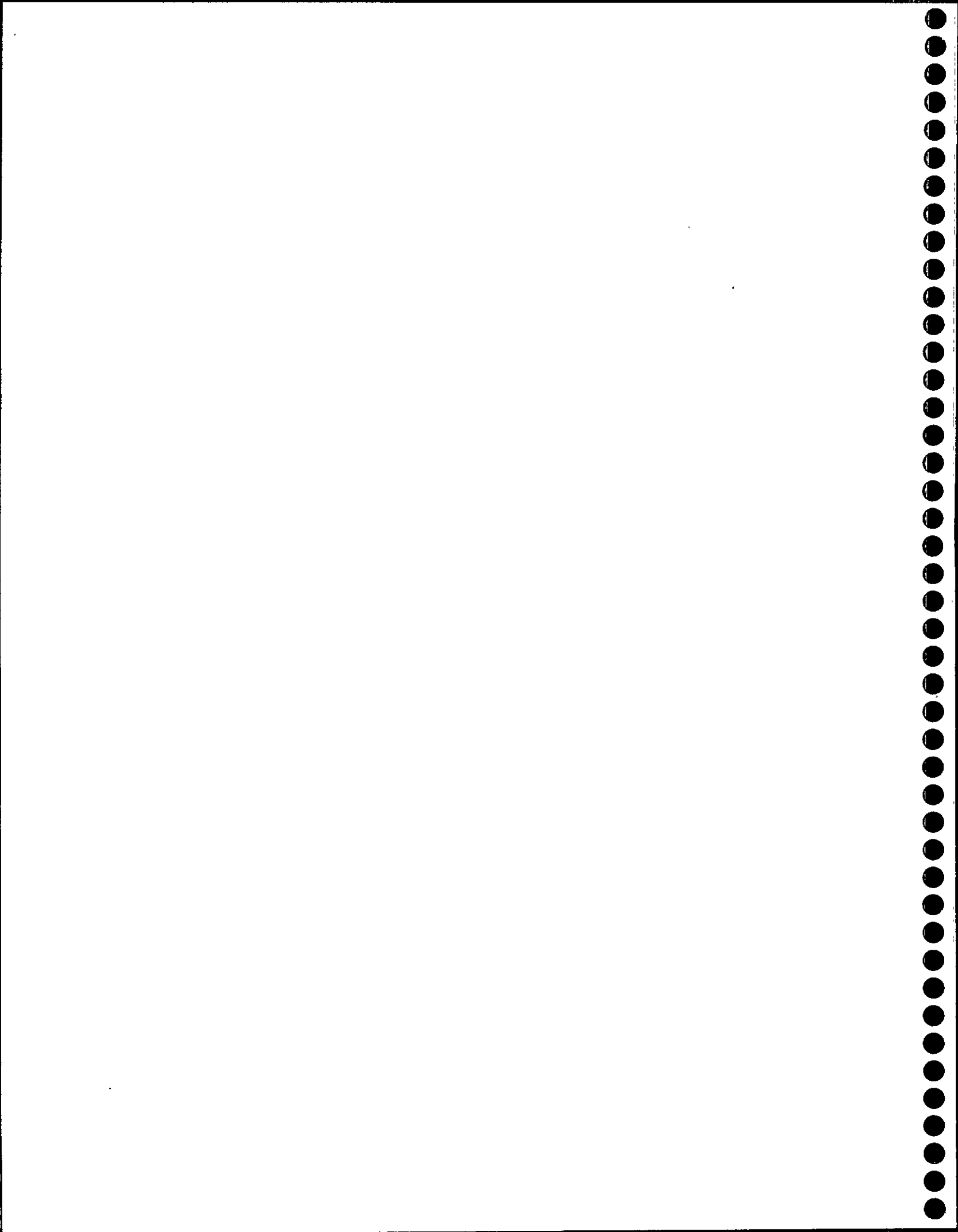
  
George B. Wolfe

GBW/jrr





- 37 a -



LAW OFFICES  
**SMITH & DORAN**  
A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH†  
JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

January 19, 2010

Facsimile: 201-291-8620

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

*Re: Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

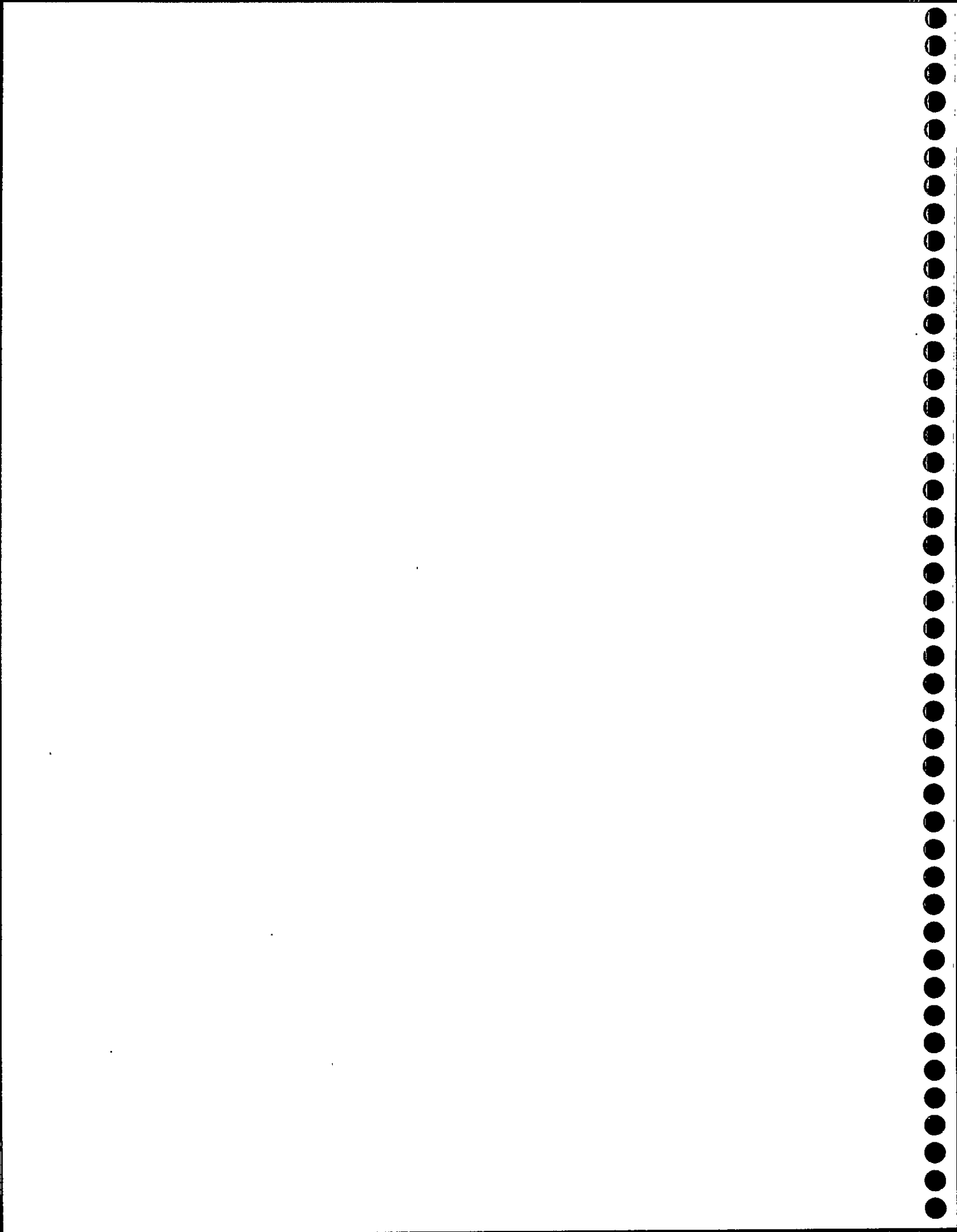
Dear Mr. Wolfe:

I am in receipt of your recent correspondence indicating that the parties' youngest child, Samantha, was emancipated effective May 20, 2009. Unfortunately, your correspondence failed to indicate the date on which Amy became emancipated. Pursuant to the July 20, 2007 Court Order entered by the Honorable Ellen Koblitz, Ms. Carroll maintained an obligation to inform Mr. Manning of said date at the time it occurred. In fact, paragraph 6 of said Order specifically imposed upon Ms. Carroll an affirmative obligation to provide, in writing, the date of graduation of each child. At this point in time, Ms. Carroll's refusal to comply with the terms and provisions of the Court's Order is causing Mr. Manning significant financial hardship.

In an effort to avoid a formal application to the Court wherein we will be seeking counsel fees and costs, as well as any other financial consequences Mr. Manning may have suffered as a result of Probation not being properly informed of the children's emancipation dates, I would ask that you provide, by the end of business today, the date on which Amy became emancipated so that the appropriate Consent Order can be prepared and forwarded to the Court for filing.

As you are aware, Probation will not be able to adjust their records unless and until they receive an appropriate Order from the Court. It is my intention to prepare a Consent Order indicating that an accounting must be performed on Mr. Manning's Probation Account so as to

-38a-



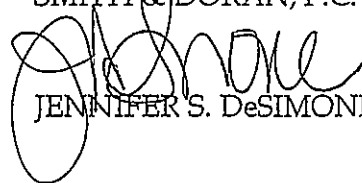
George B. Wolfe, Esq.  
January 19, 2010  
Page 2

appropriately apply the payments he has made toward his arrears, as opposed to an ongoing child support obligation, which Ms. Carroll has clearly continued to refuse.

Thanking you for your anticipated cooperation in this regard, I am,

Very truly yours,

SMITH & DORAN, P.C.

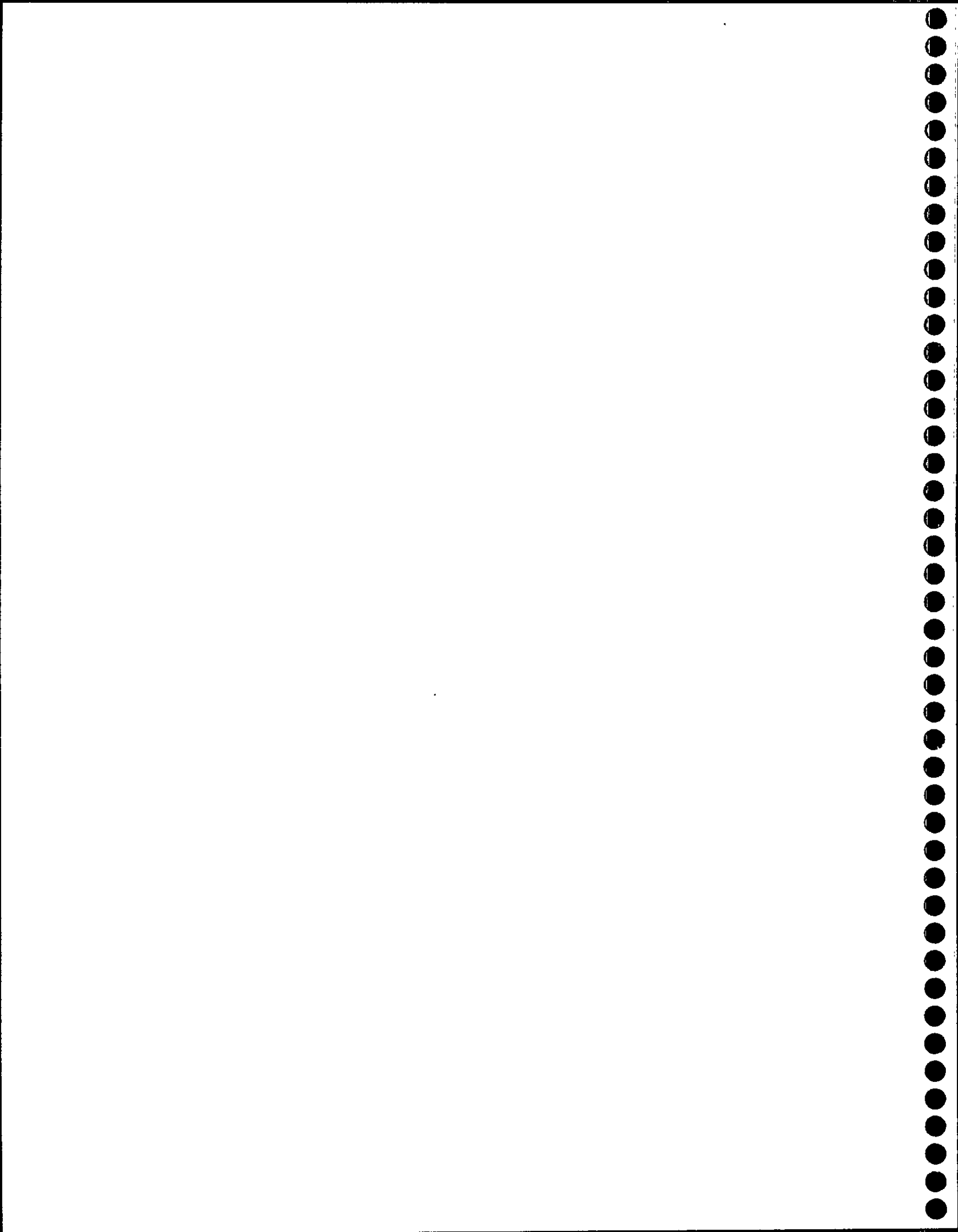


JENNIFER S. DeSIMONE

JSD:jl

c: Mr. John Manning





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 60 WASHINGTON STREET  
 MORRISTOWN, NJ 07960  
 (973) 292-0016

ROBERT A. SMITH  
 JANE ELLEN DORAN\*  
 THOMAS J. UAYNOR  
 RICHYEA M. ORATHER

FAX NO. (973) 292-9168  
 E MAIL: JDESIMONE@SMITH-DORAN.COM  
 WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

\* CERTIFIED CIVIL TRIAL ATTORNEY  
 \* MEMBER NJ & NY BAR

January 19, 2010

Facsimile: 201-291-8620

George B. Wolfe, Esq.  
 The Sherbrooke Office Center II  
 201 West Passaic Street, Suite 104  
 Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
 Docket No. 1'M-02-6706-93

Dear Mr. Wolfe:

I am in receipt of your recent correspondence indicating that the parties' youngest child, Samantha, was emancipated effective May 20, 2009. Unfortunately, your correspondence failed to indicate the date on which Amy became emancipated. Pursuant to the July 20, 2007 Court Order entered by the Honorable Ellen Koblitz, Ms. Carroll maintained an obligation to inform Mr. Manning of said date at the time it occurred. In fact, paragraph 6 of said Order specifically imposed upon Ms. Carroll an affirmative obligation to provide, in writing, the date of graduation of each child. At this point in time, Ms. Carroll's refusal to comply with the terms and provisions of the Court's Order is causing Mr. Manning significant financial hardship.

In an effort to avoid a formal application to the Court wherein we will be seeking counsel fees and costs, as well as any other financial consequences Mr. Manning may have suffered as a result of Probation not being properly informed of the children's emancipation dates, I would ask that you provide, by the end of business today, the date on which Amy became emancipated so that the appropriate Consent Order can be prepared and forwarded to the Court for filing.

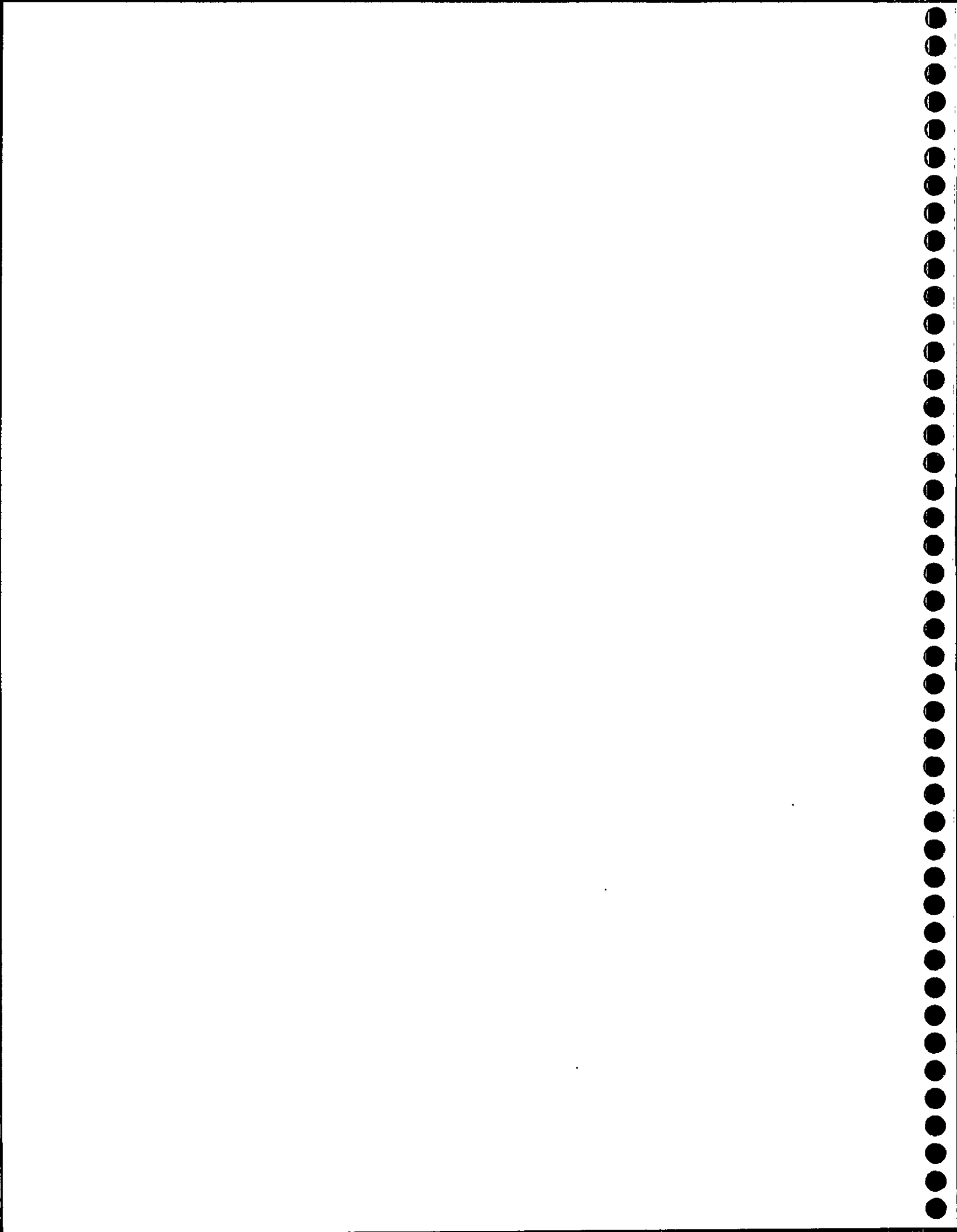
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TX RESULT REPORT

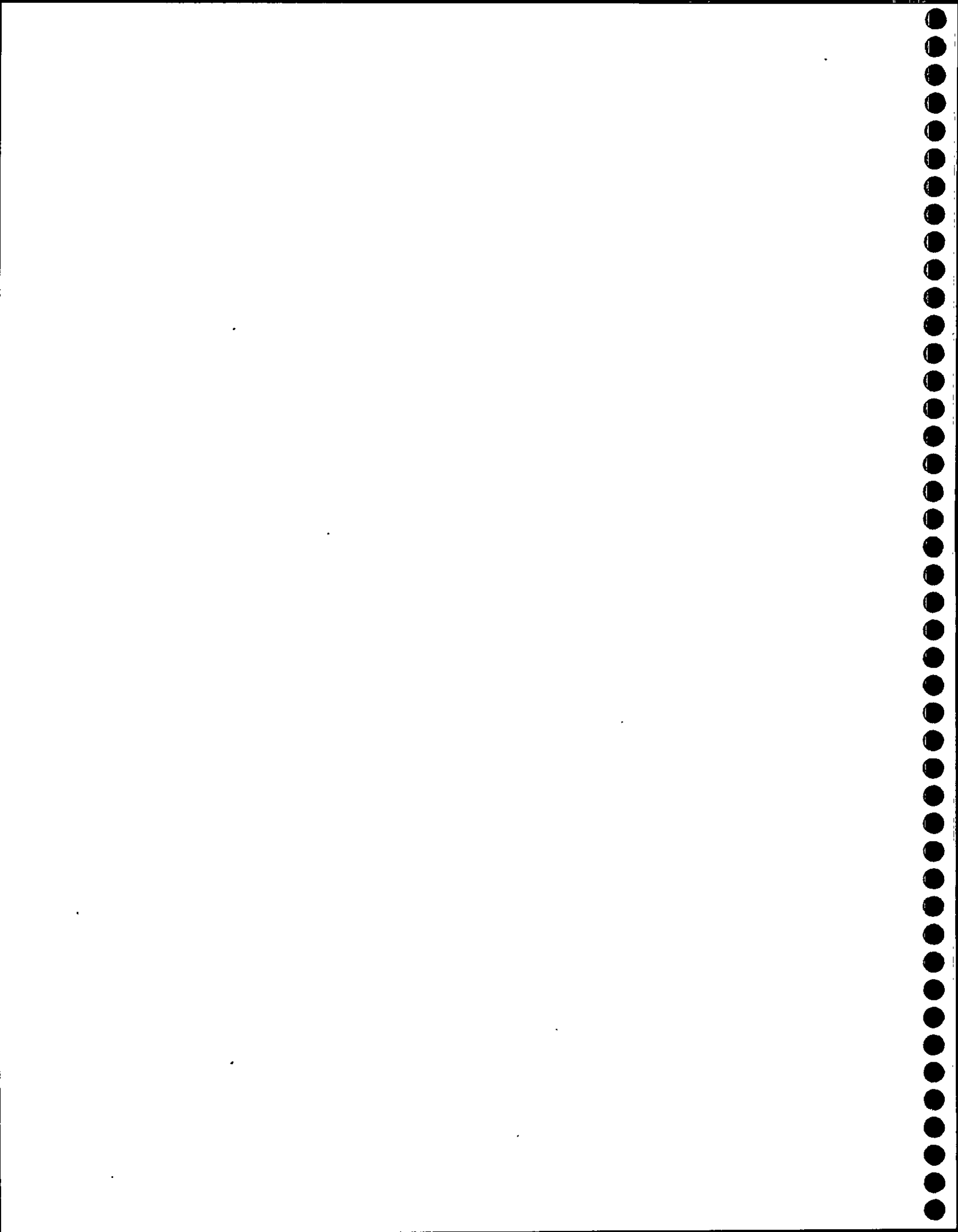
NAME : SMITH DORAN  
 TEL : 9732929168  
 DATE : JAN.19.2010 11:51

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- 40 a -



-41 a-



**GEORGE B. WOLFE**

ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

MEMBER OF  
NEW JERSEY & NEW YORK BARS

TELEPHONE (201) 291-9030  
FACSIMILE (201) 291-8620

January 19, 2010

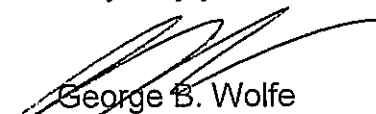
Jennifer S. DeSimone, Esq.  
Law Offices of Smith & Doran  
60 Washington Street  
Morristown, NJ 07960

RE: . Barbara Carroll (formerly Manning) v. John Manning  
Docket No.: FM-02-6706-93

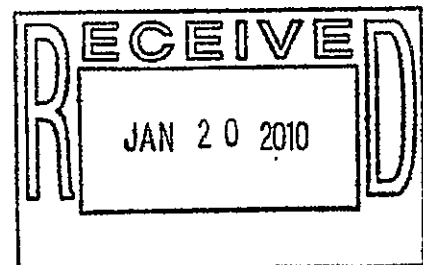
Dear Ms. DeSimone:

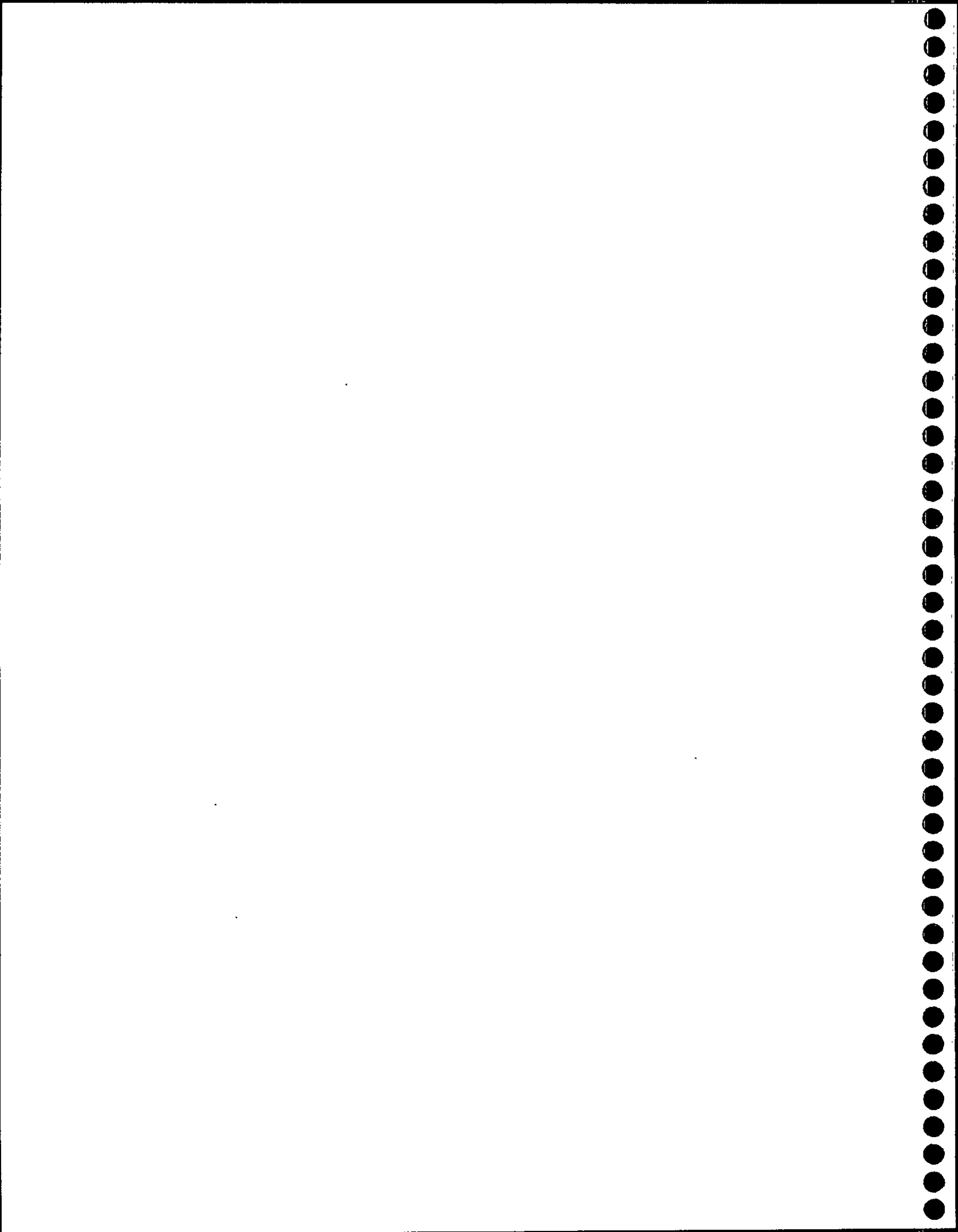
Please be advised that the above referenced parties' daughter,  
Amy Manning, graduated on May 18, 2008.

Very truly yours,

  
George B. Wolfe

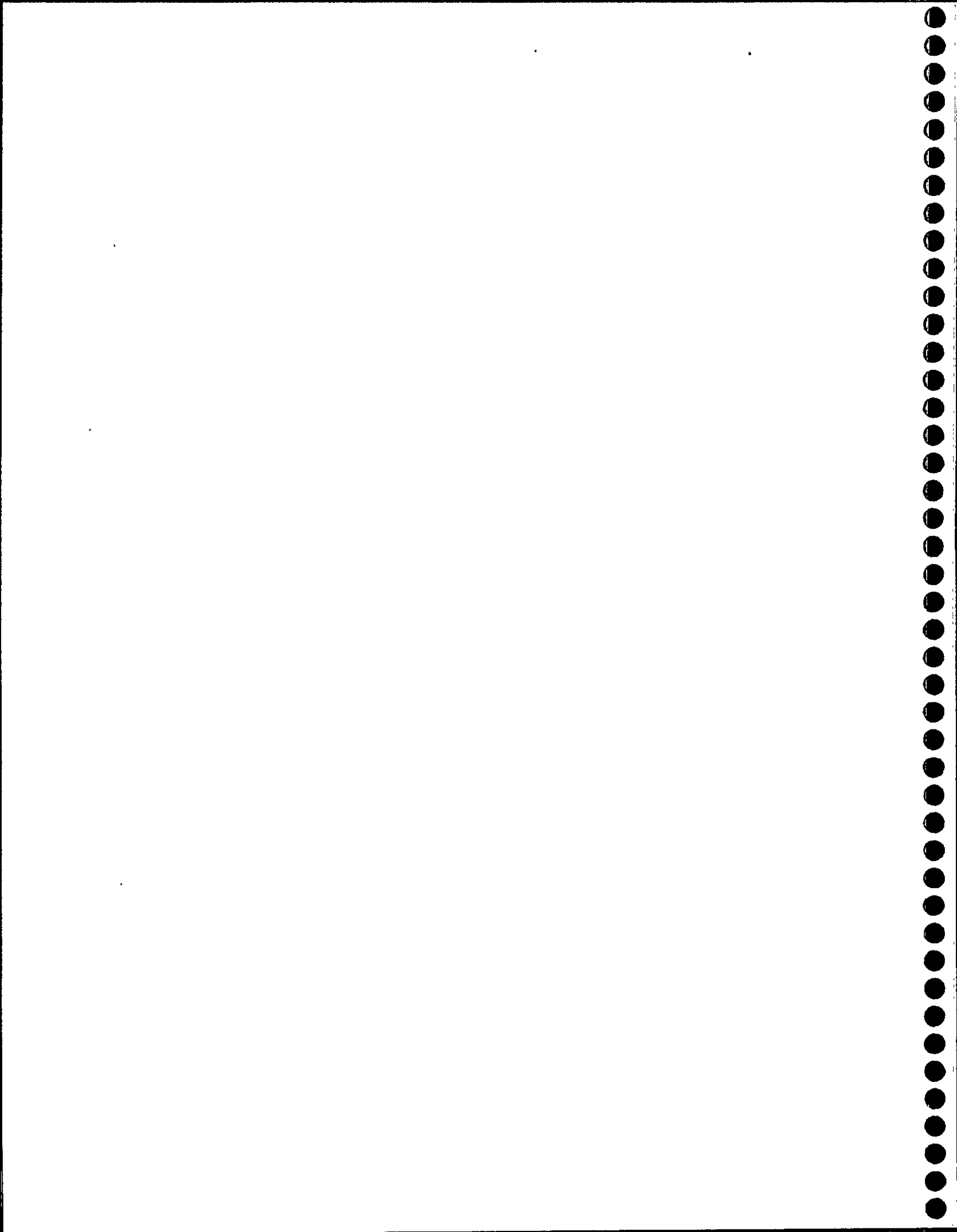
GBW/jrr





-43a-





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60 WASHINGTON STREET  
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ROBERT A. SMITH†  
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JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

January 25, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

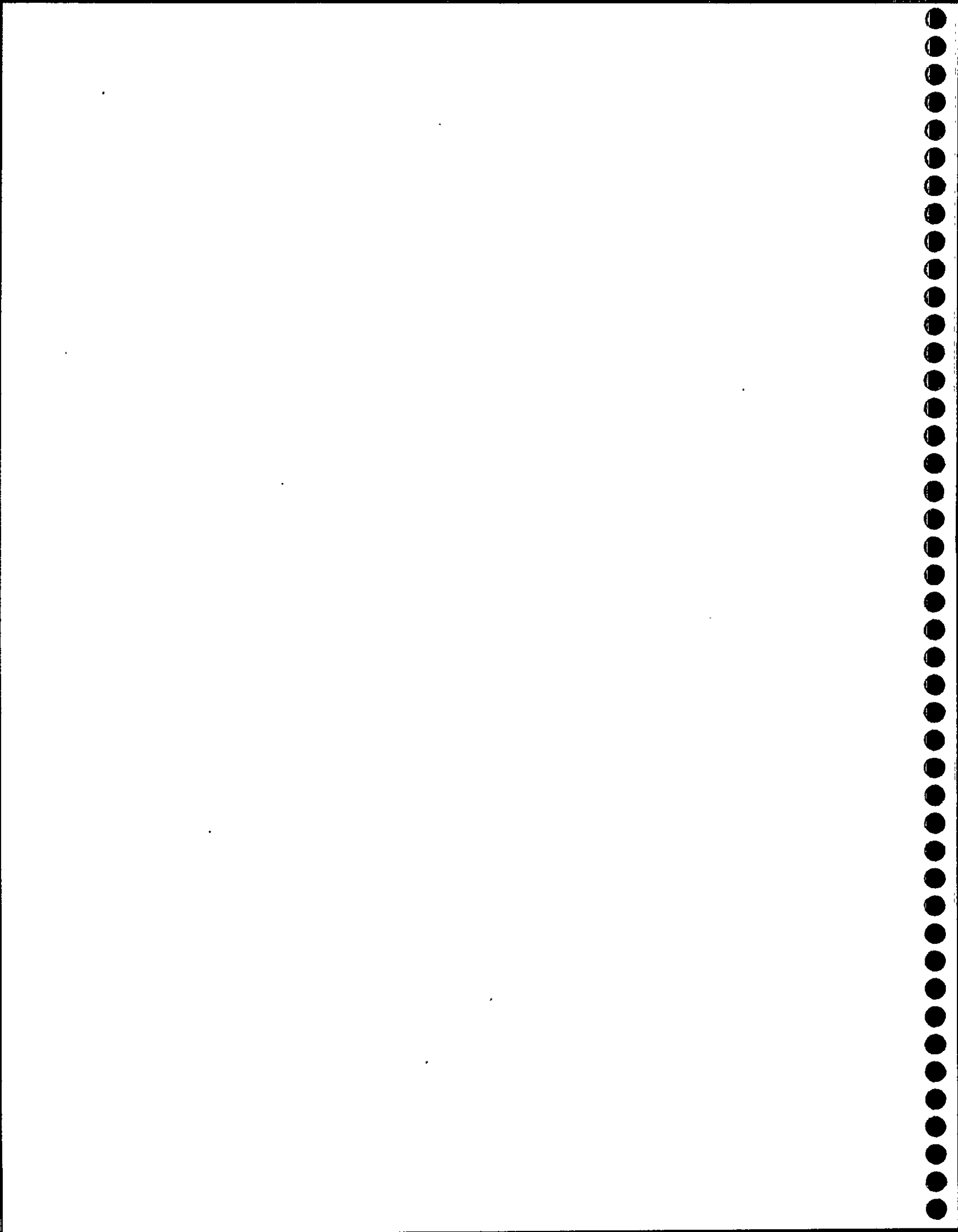
Dear Mr. Wolfe:

In furtherance of my recent correspondence, in an effort to resolve this matter as expeditiously as possible, my client has authorized me to make the within offer of settlement to fully and finally resolve this matter.

This proposal is submitted without prejudice and for settlement purposes only. This does not constitute a waiver, surrender or abandonment, expressed or implied, of any rights or entitlements to which my client may have in this matter. Acceptance of any part or aspect of this proposal does not constitute a final, binding or enforceable agreement between the parties until a written agreement is executed by both parties. This correspondence may not be used to bind my client to the value of any assets or liabilities and may not be used in this litigation or any other litigation for any purpose whatsoever except as may be relevant to my client's request for counsel fees.

This correspondence and everything and anything written herein may not be reproduced, excerpted, paraphrased, cited or relied upon in any way in this matter or any other litigation for any reason whatsoever, except as may be relevant to my client's request for counsel fees. That being said, we offer the following as a full and final settlement of the economic issues in this matter.

- 44a -

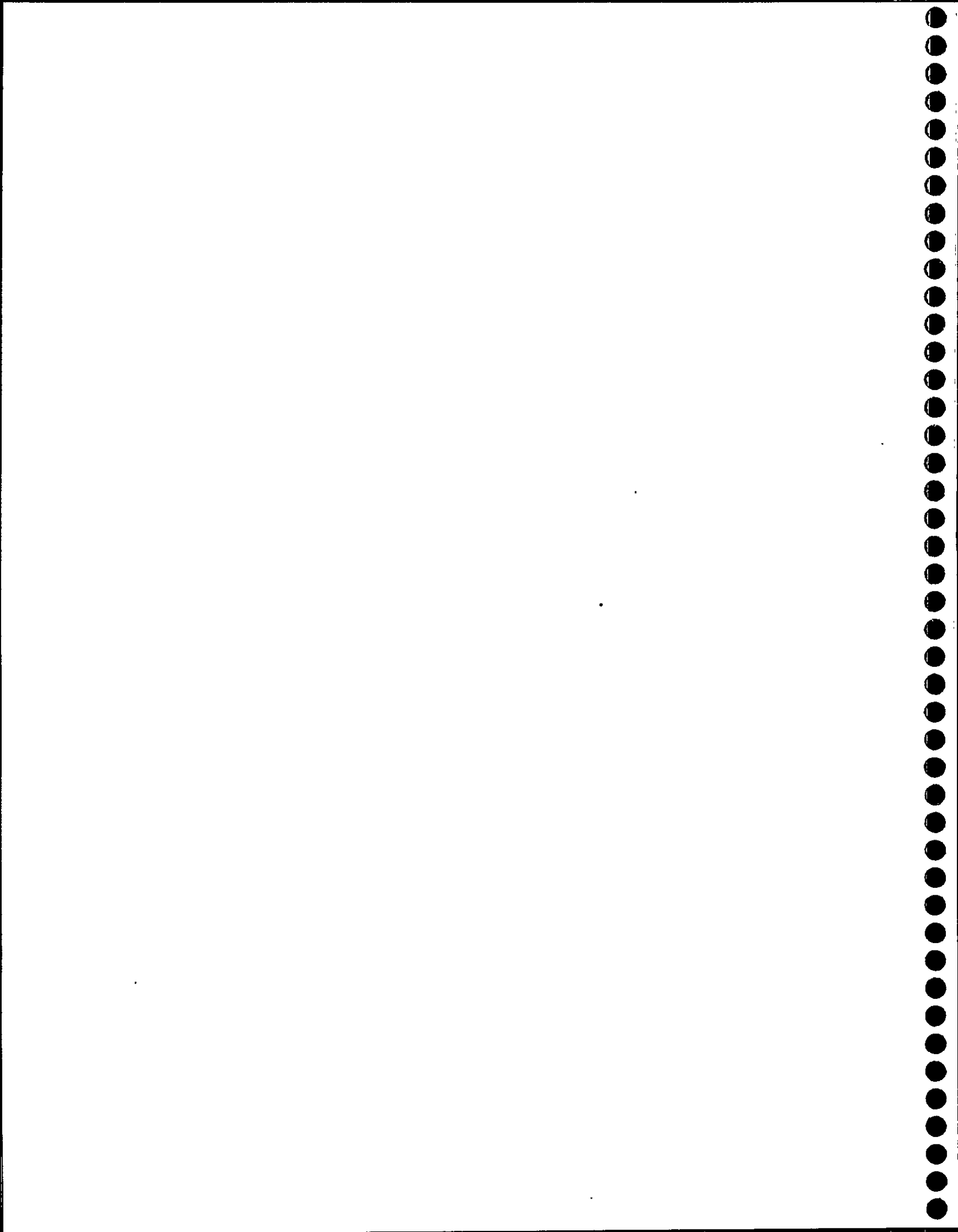


George B. Wolfe, Esq.  
January 25, 2010  
Page 2

Pursuant to the Order dated July 20, 2007, as of that date Mr. Manning's total support arrears totaled \$16,602.63. This figure included \$7,091.64 of arrears as of March 2006, already reduced to judgment, and \$7,106.64 in support arrears which had accrued through April of 2007. In addition to the aforementioned, Mr. Manning owed the sum of \$2,404.35 as and for medical insurance which was to be added to his child support arrears, bringing the grand total to \$16,602.63.

Assuming the parties' daughter, Amy, graduated and/or was otherwise emancipated as of May 2008, I have prepared the following calculations and credits Mr. Manning should have received as and for his arrears payments consistent with the terms and provisions of the July 20, 2007 Order.

Mr. Manning is proceeding in this fashion in good faith and in an effort to resolve this matter without the necessity of Court intervention. As stated in my prior correspondence, given Ms. Carroll's blatant refusal to comply with the July 20, 2007 Court Order, we will advance a request for a contribution to any and all counsel fees and costs incurred by Mr. Manning in having to once again address this post-judgment matter.



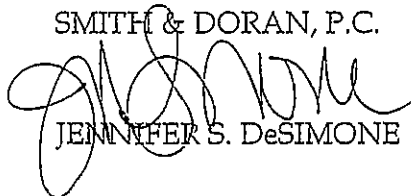
George B. Wolfe, Esq.  
January 25, 2010  
Page 3

Once you have had the opportunity to discuss the within with your client, kindly advise. I would be happy to draft the necessary and appropriate Consent Order.

Thanking you for your anticipated prompt attention to the within, I am,

Very truly yours,

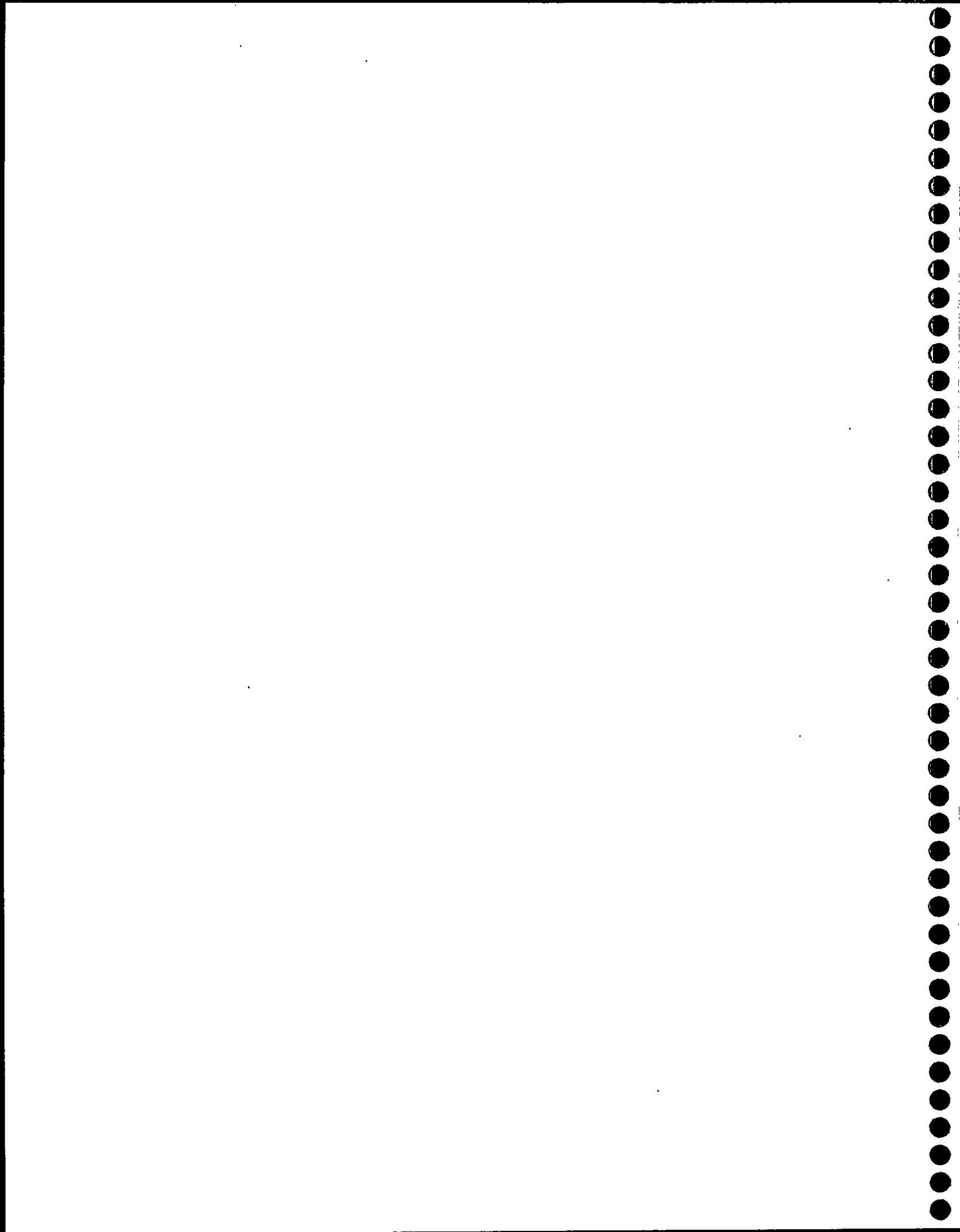
SMITH & DORAN, P.C.



JENNIFER S. DeSIMONE

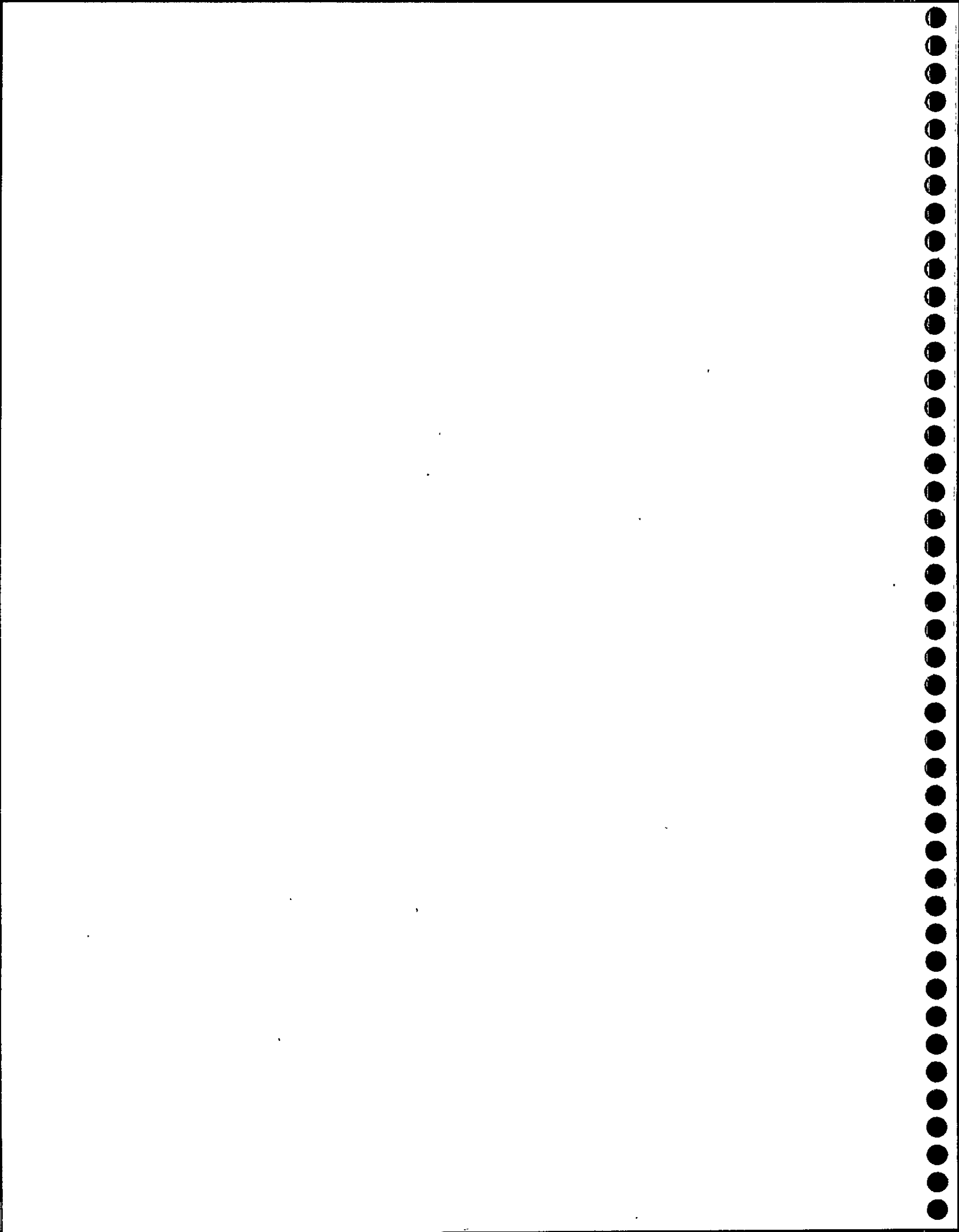
JSD:jl

c: Mr. John Manning



- 47a -





LAW OFFICES  
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60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH†  
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THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
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WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

February 3, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
Docket No. FM-02-6706-93

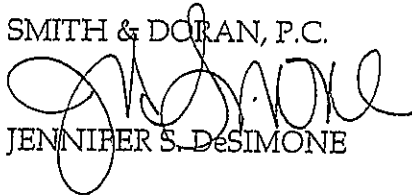
Dear Mr. Wolfe:

By correspondence dated January 25, 2010 I forwarded to you a proposal for settlement in this matter. To date I have yet to receive any response from you in this regard.

May I hear from you please?

Very truly yours,

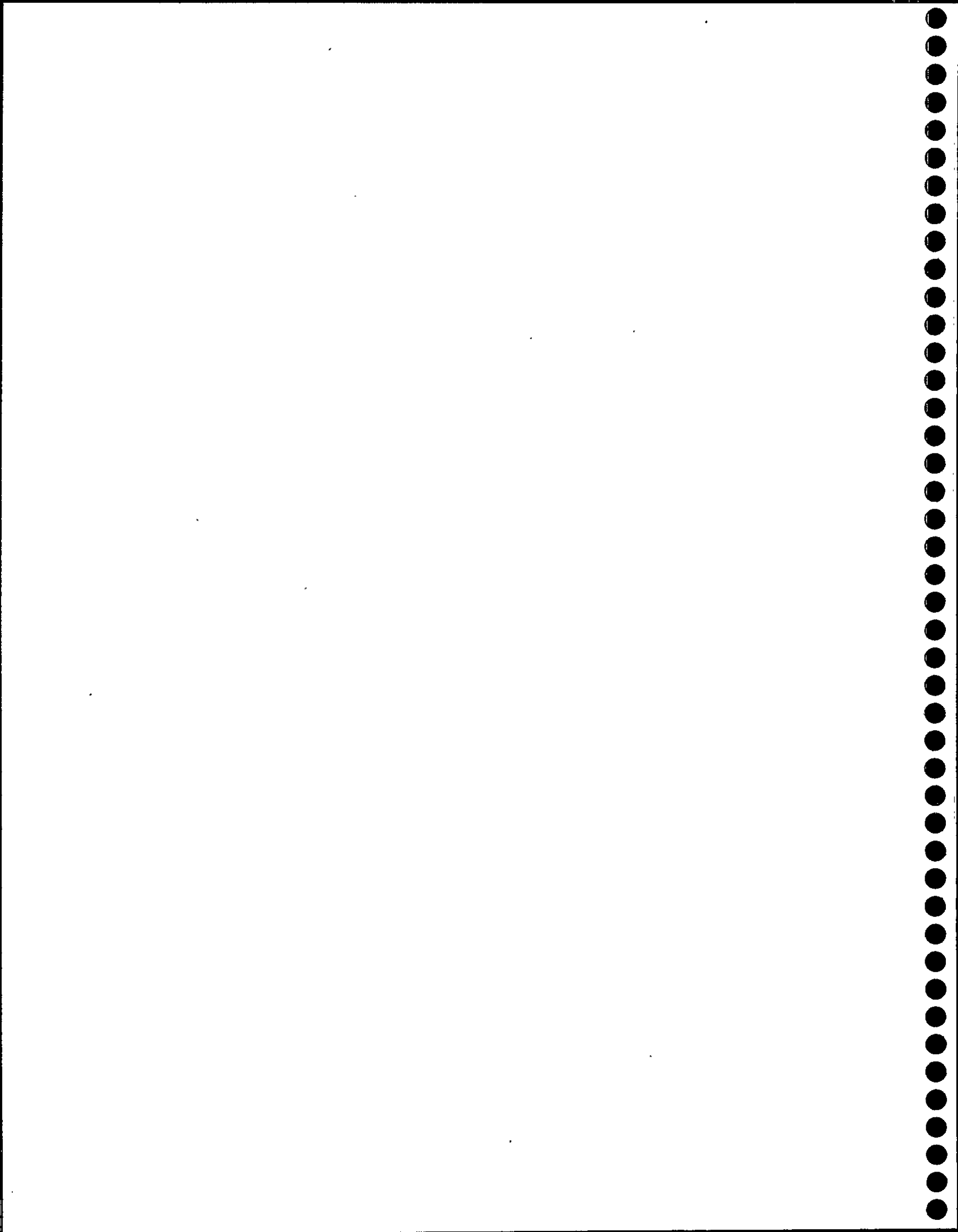
SMITH & DORAN, P.C.

  
JENNIFER S. DeSIMONE

JSD;jl

c: Mr. John Manning

-48a-



LAW OFFICES  
**SMITH & DORAN**  
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60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
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ROBERT A. SMITH  
JAN ELLEN DORAN  
THOMAS J. GAYNOR  
REBECCA M. CRATHIER

FAX NO. (973) 292-0164  
E-MAIL: JDSIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BARS

February 3, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
Docket No. FM-02-6706-93


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May I hear from you please?

Very truly yours,

SMITH & DORAN, P.C.

  
JENNIFER S. DESIMONE

JSD:jl

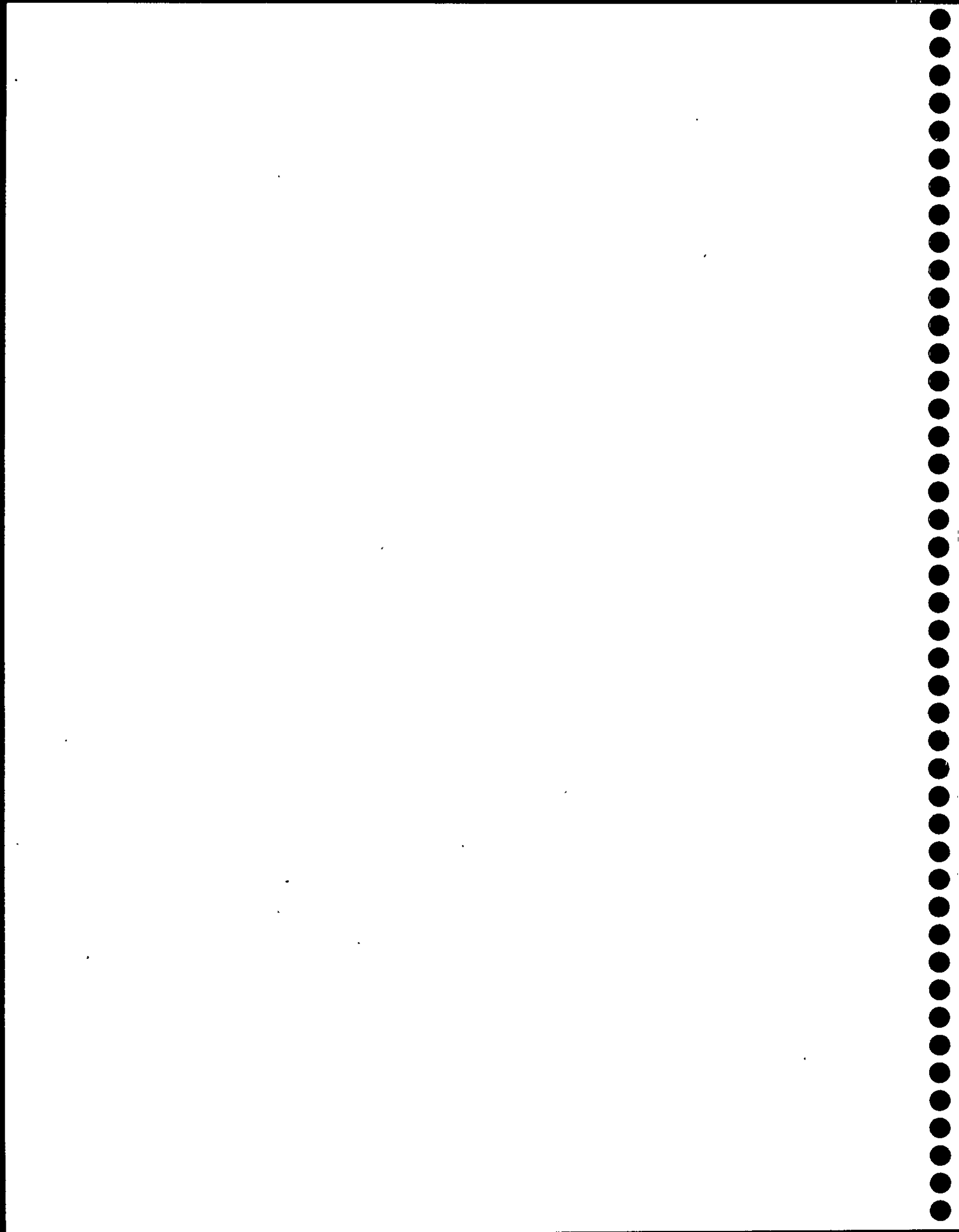
c: Mr. John Manning

TX RESULT REPORT

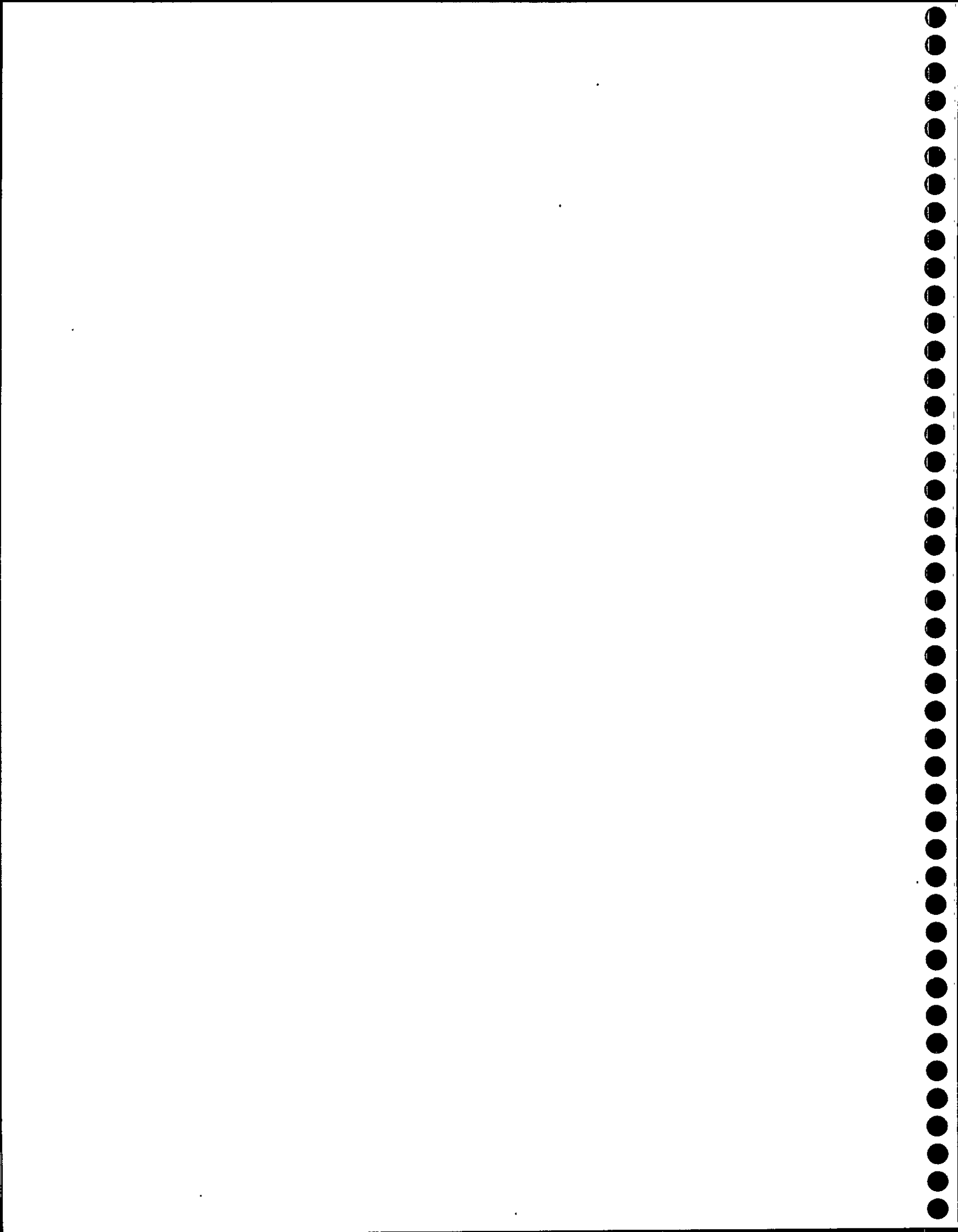
NAME : SMITH DORAN  
TEL : 9732929168  
DATE : FEB.03.2010 12:06

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- 49 a -



- 50 a -



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E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

February 18, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
Docket No. FM-02-6706-93

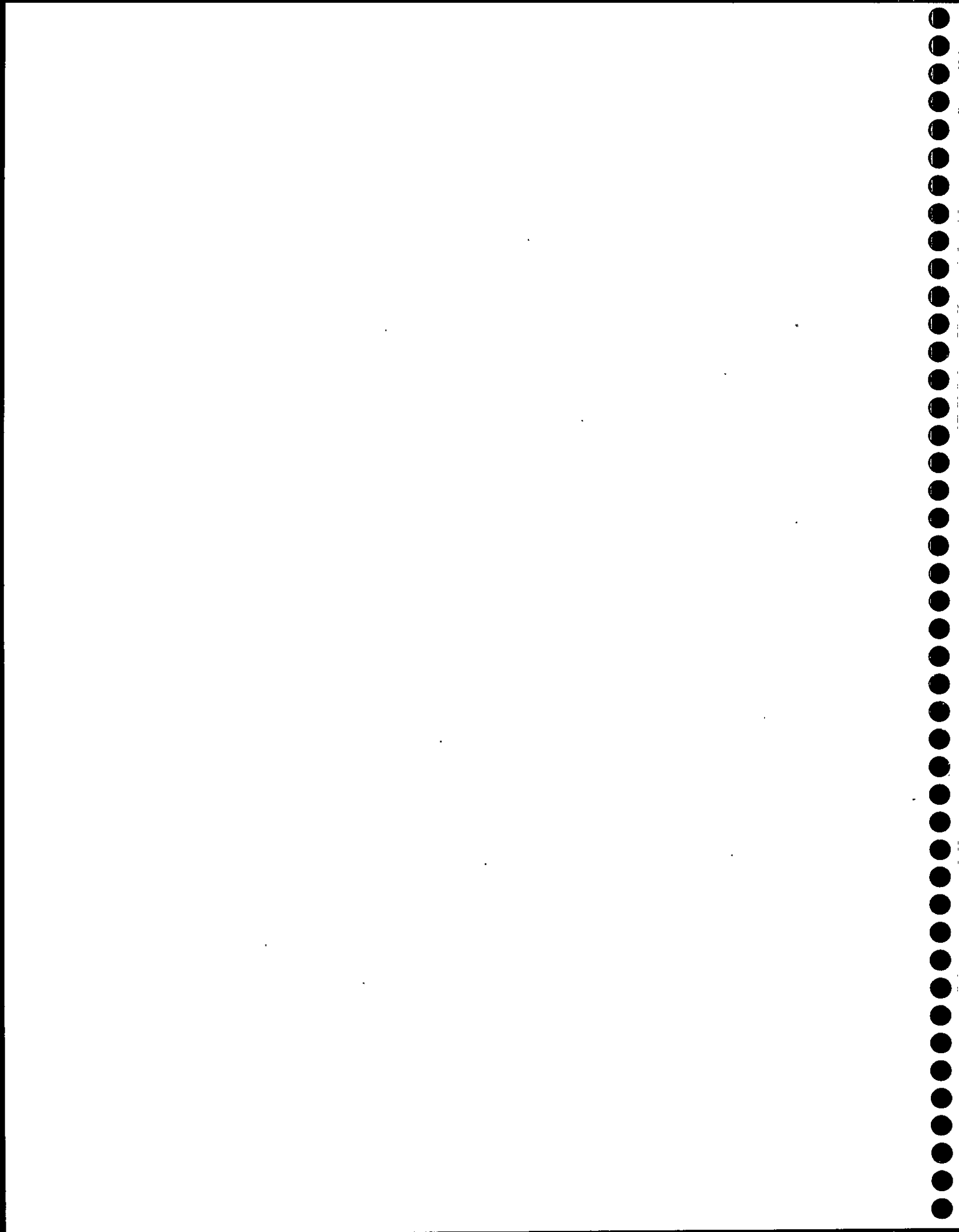
Dear Mr. Wolfe:

Under cover of letter dated January 25, 2010 I forwarded to you a proposed Consent Order addressing the outstanding issues in this matter. When no response was received, I forwarded additional correspondence dated February 3, 2010 requesting a response from you in this regard. As of the writing of this correspondence I have yet to receive any communication from your office acknowledging receipt of the proposal for settlement. I would ask that upon your receipt of this correspondence you contact my office and advise as to Ms. Carroll's position.

In the event I do not receive a response from you concerning this matter, we will without further notice file the appropriate Notice of Motion wherein we will be seeking counsel fees and costs out of necessity. Please know that all communications addressed to your office and forwarded in an effort to resolve this matter without the necessity of court intervention will certainly be utilized and relied upon.

- 51 a -





George B. Wolfe, Esq.  
February 18, 2010  
Page 2

Again, may I hear from you please?

Very truly yours,

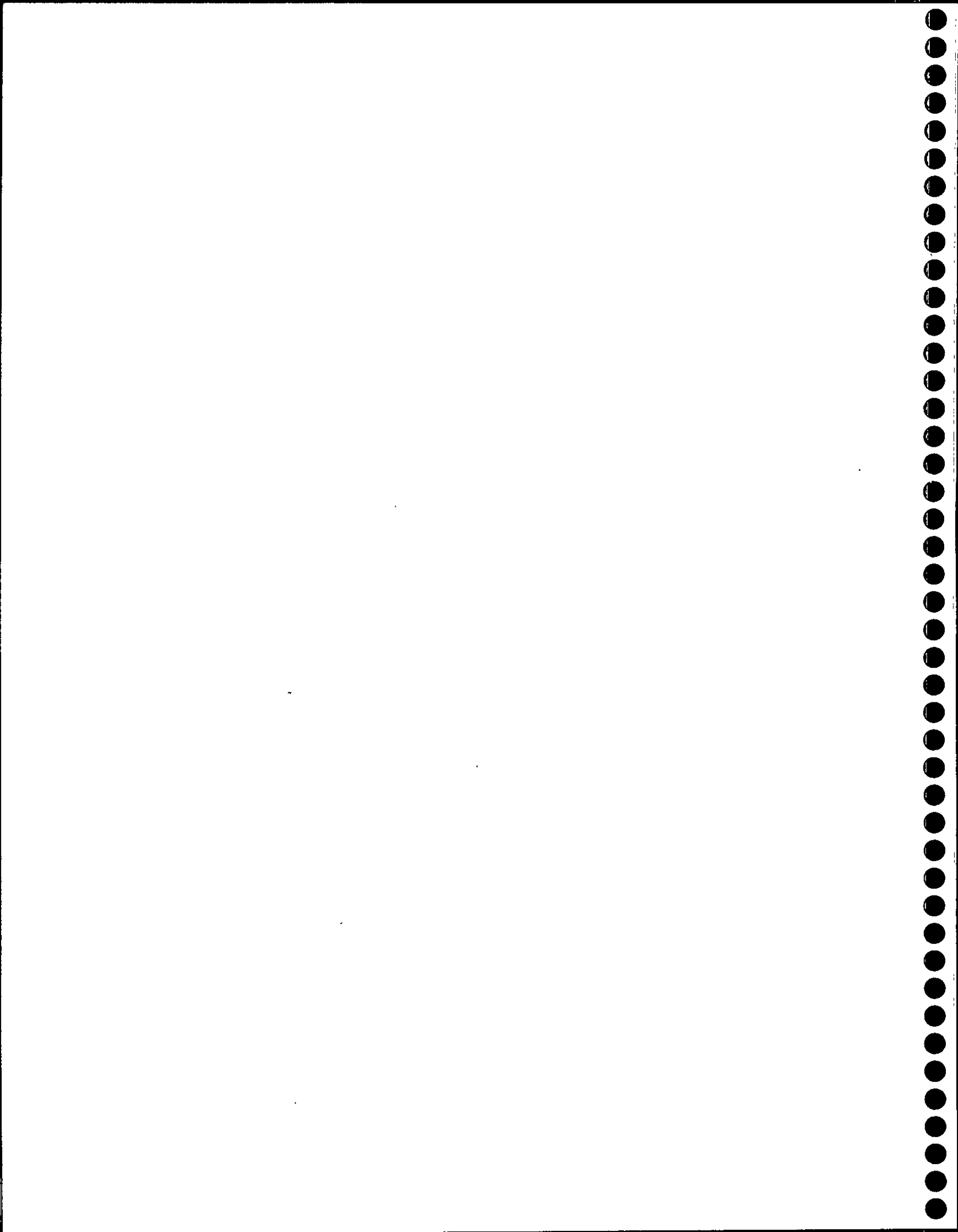
SMITH & DORAN, P.C.



JENNIFER S. DeSIMONE

JSD:jl

c: Mr. John Manning



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 MORRISTOWN, NJ 07960  
 (973) 292-0016

ROBERT A. SMITH  
 JANE ELLEN DORAN  
 THOMAS J. GAYNOR  
 REBECCA M. GRANTHER

FAX NO: (973) 292-0166  
 E-MAIL: JD@SIMONE@SMITH-DORAN.COM  
 WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
 \* MEMBER NJ & NY BAR

February 18, 2010

Facsimile: 201-291-8620  
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George B. Wolfe, Esq.  
 The Sherbrooke Office Center II  
 201 West Passaic Street, Suite 104  
 Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

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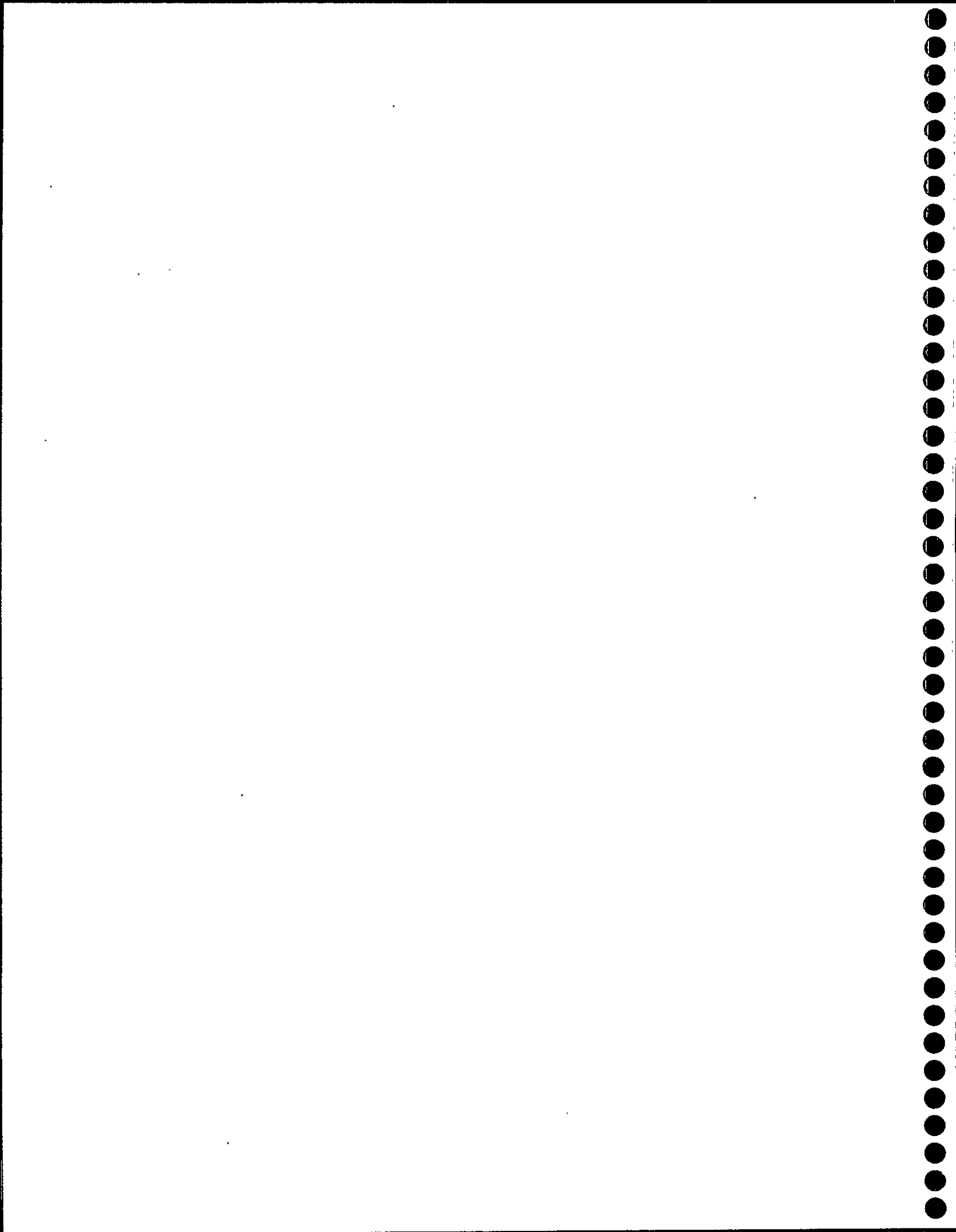
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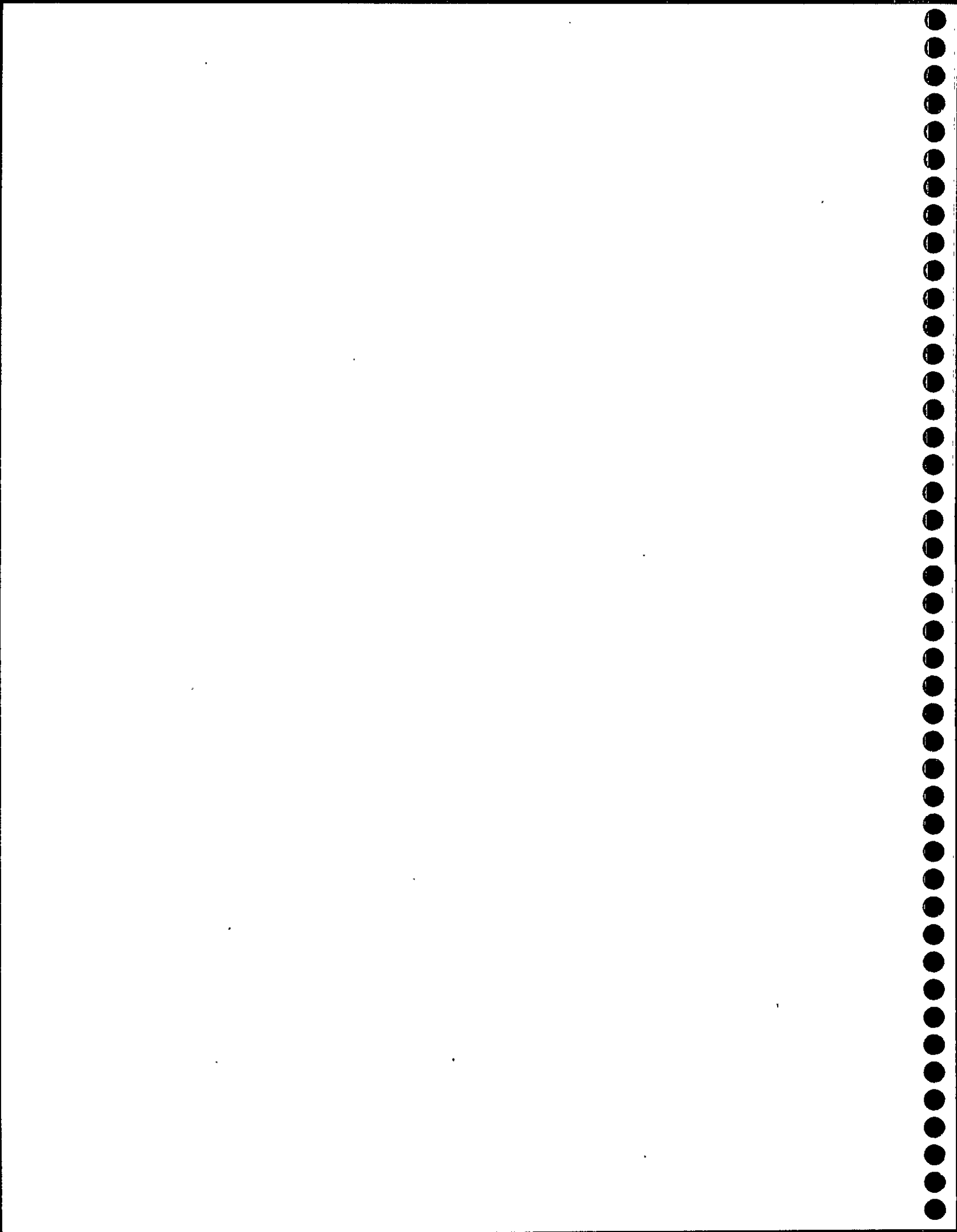
TX RESULT REPORT

NAME : SMITH DORAN  
 TEL : 9732929168  
 DATE : FEB.18.2010 10:26

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- 54 a -



**GEORGE B. WOLFE**

ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

MEMBER OF  
NEW JERSEY & NEW YORK BARS

TELEPHONE (201) 291-9030  
FACSIMILE (201) 291-8620

February 17, 2010

Smith & Doran  
Attn.: Jennifer S. DeSimone, Esq.  
60 Washington Street  
Morristown, New Jersey 07960

Re: Barbara Carroll v. John Manning  
Docket No. FM-02-6706-93

Dear Ms. DeSimone:

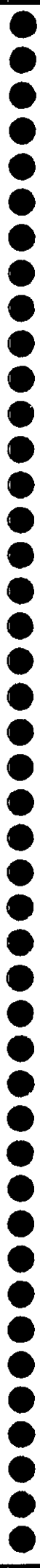
My client has considered the offer in your letter of January 25, 2010. She has also had the opportunity to review your client's payment history as maintained by the Bergen County Probation Department. Unfortunately, no amount of moral outrage or histrionics can obscure the fact that it is your client who has been notoriously and openly violating Court Orders. It is your client who violated the terms of the original Judgment of Divorce leading to the arrears set forth in the July 20, 2007, Order. It is also your client who has violated the terms of that Order by failing to make any payments since December 2009, and by making only sporadic payments during 2009. Quite frankly, had your client applied as much money and effort to meeting his financial obligations as he has in attempting to avoid them, the outstanding balance of the arrears would be far smaller than it actually is.

Any violation of the Court Order on the part of my client has been *de minimis*, and related only to the application of payments your client was expected to make. Now that you have the graduation dates for the two children, and the balance of arrears has been calculated, no harm has been done. Please note the balance of the arrears, detailed below.

The calculations related to arrears set forth in your letter are in error. The actual balance of arrears currently due is \$8,494.07. This balance has been calculated using the actual payments your client made and the amounts due pursuant to the July 20, 2007, Order. A copy of the spreadsheet calculations is enclosed for your review.

- 55a -





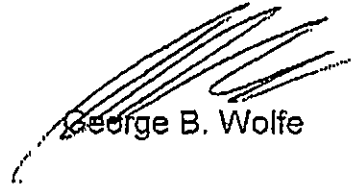
Smith & Doran  
Attn.: Jennifer S. DeSimone, Esq.

February 17, 2010  
Page 2

My client rejects your client's offer.

There is no settlement process, as that all took place prior to the Court Order of July, 20, 2007. Kindly advise whether your client intends to comply with the terms of the Court Order.

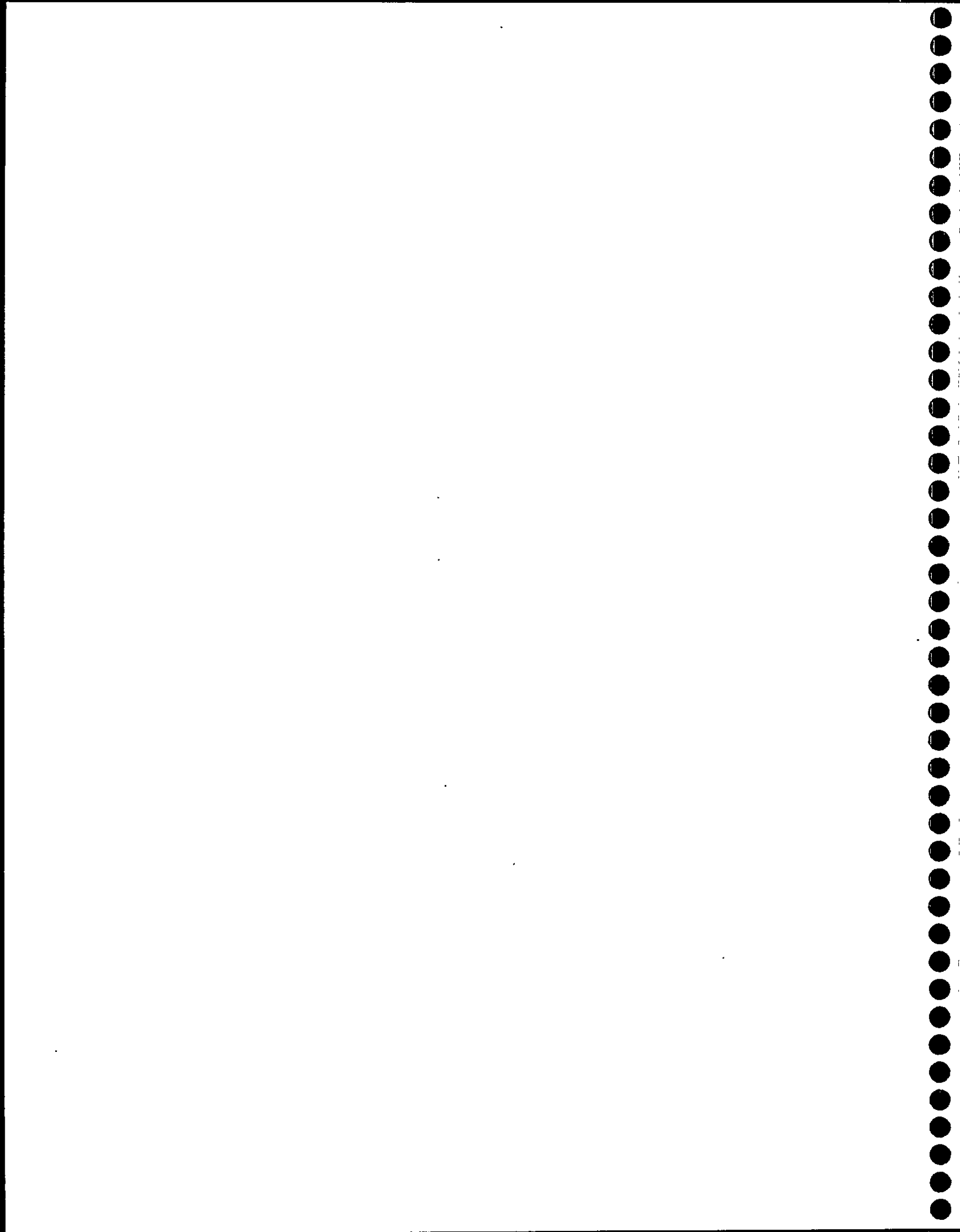
Yours very truly,



George B. Wolfe

GBW:h  
Cc: Barbara Carroll

- 56a -



- 57a -



**GEORGE B. WOLFE**

ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

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February 19, 2010

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RE: Barbara Carroll (formerly Manning) v. John Manning  
Docket No.: FM-02-6706-93

Dear Ms. DeSimone:

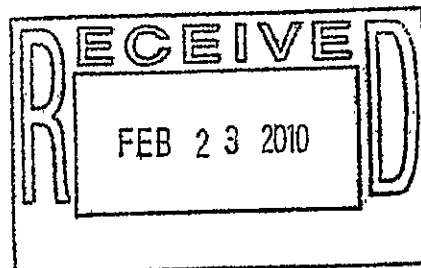
In response to your correspondence dated February 19, 2010, apparently you seem to be missing the point. I would remind you that the current arrangement was set up because your client continually missed paying support for extended periods of time.

The settlement was worked out, and under the terms of the settlement, your client would pay as per the Order. I have been informed that your client, even after the settlement, still has missed payments. All of this information is readily available to your client. All he had to do was check his own records and the probation department records. He would have seen that he still owes money and that by making empty gestures and threats, he is starting to run up legal expenses for his former wife. If this continues, I will be forced to request legal fees from Court against your client. It is suggested that your client keep paying as he is required to. There is no possible justification for his former wife to accept less than what is owed to her. Remind him that she put all three girls through college.

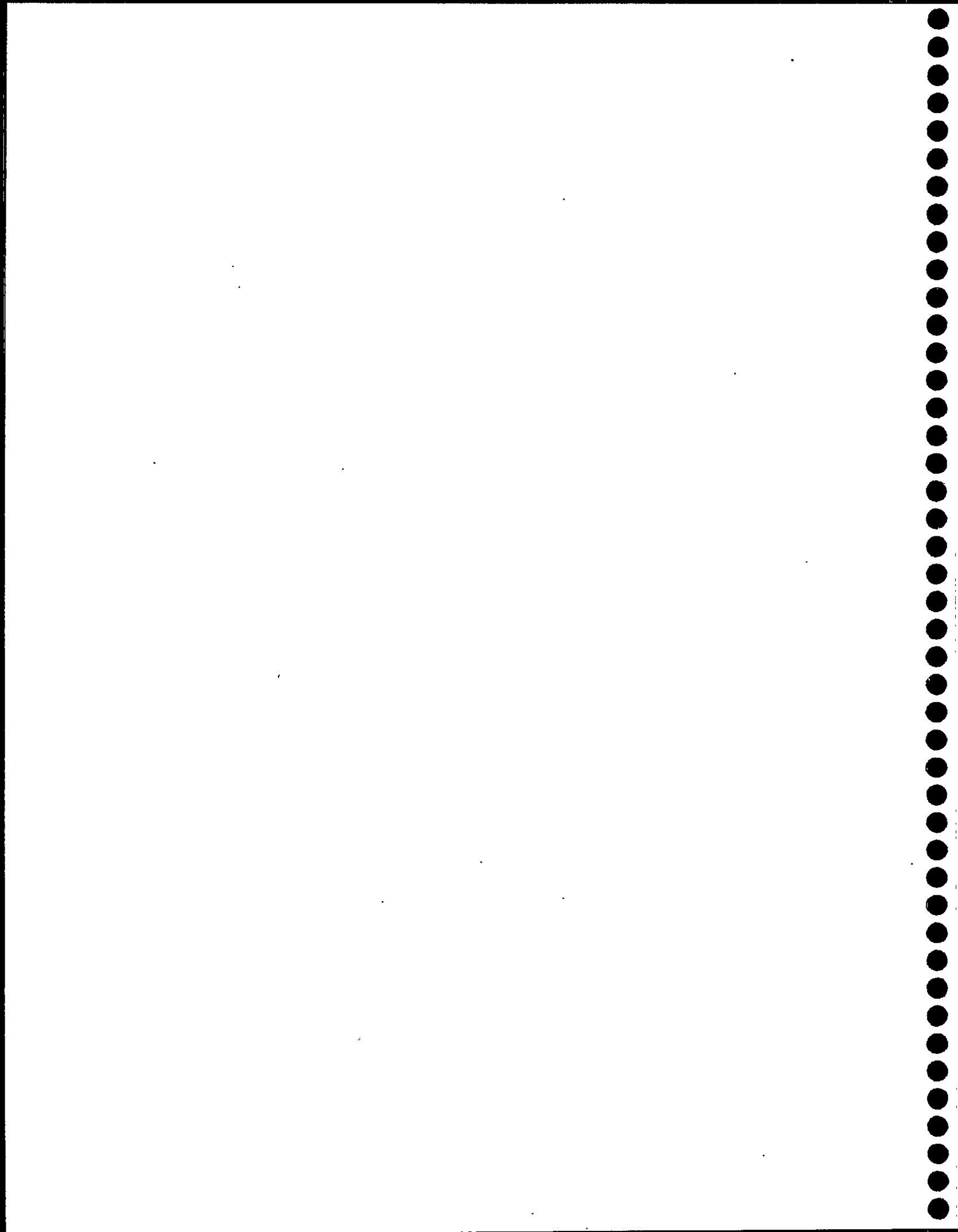
Very truly yours,

  
George B. Wolfe

GBW/jrr



-58a-



-592-





Barbara Carroll v. John Manning  
 Docket No.: FM-02-006706-93  
 Case ID: CS42816275A

### Computation of outstanding arrears

	Child Support Payments Due	Child Support Amounts Due	Actual Payments Made	Payments Applied to Arrears
2007 August - December 5 months	5 x \$592.00	\$2,960.00	\$3,654.40	\$694.40
2008 January - May June - December	5 x \$592.00 7 x \$296.00	\$2,960.00 \$2,072.00	\$3,259.30 \$4,592.65	\$299.30 \$2,520.65
2009 January - May June - December	5 x \$296.00 none due	\$1,480.00 \$0.00	\$3,111.15 \$2,963.06	\$1,631.15 \$2,963.06
Totals		<u>\$9,472.00</u>	<u>\$17,580.56</u>	<u>\$8,108.56</u>

### Calculation of Outstanding Arrears

Total arrears per  
 July 20, 2007  
 Court Order \$16,602.63

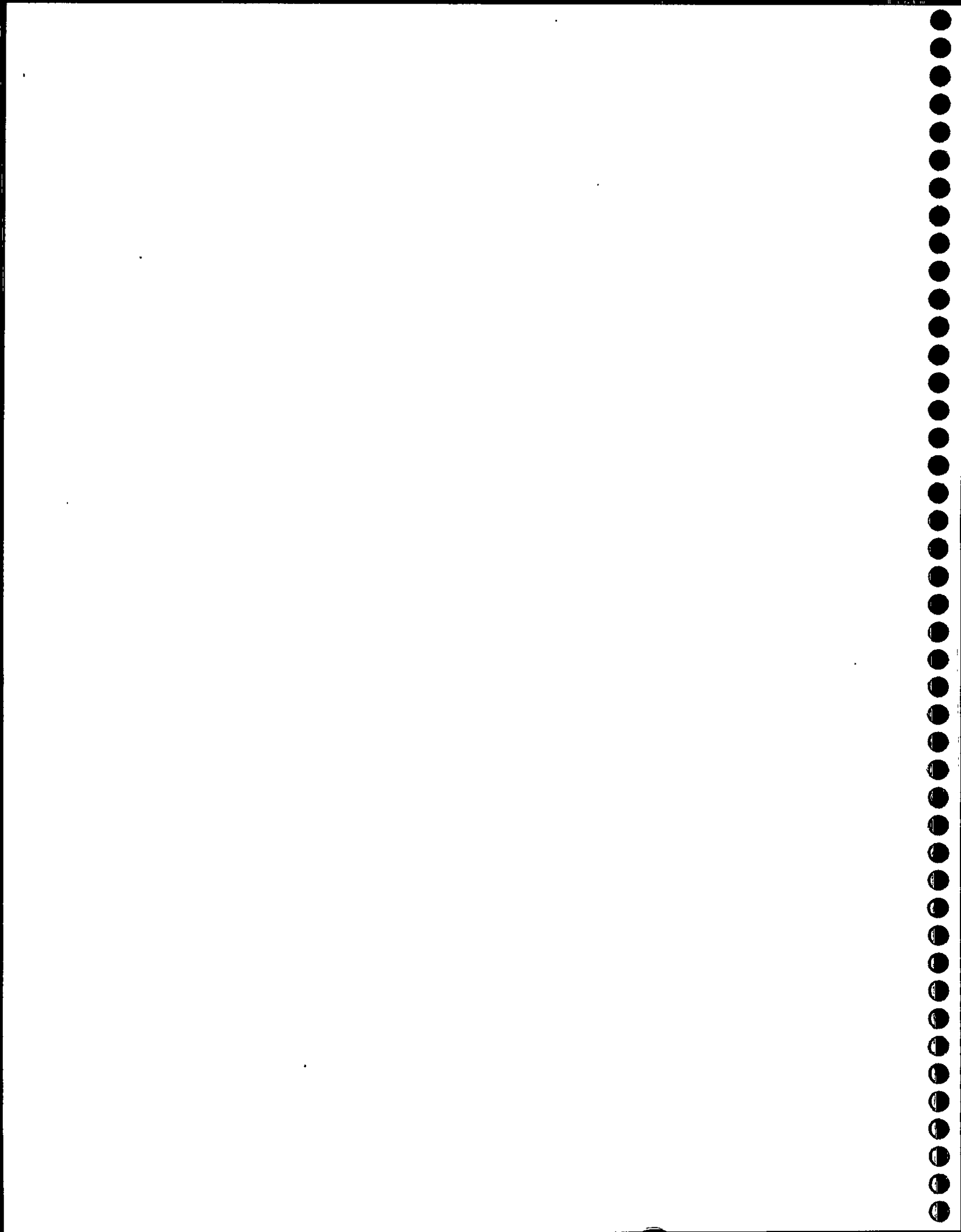
Payments applied  
 to arrears (above) (\$8,108.56)

Total arrears still  
 due as of  
 December 31, 2009 \$8,494.07

-60a-



-61a-



LAW OFFICES  
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A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH†  
JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: [JDESIMONE@SMITH-DORAN.COM](mailto:JDESIMONE@SMITH-DORAN.COM)  
WEB SITE: [WWW.SMITH-DORAN.COM](http://WWW.SMITH-DORAN.COM)

JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

March 1, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

Dear Mr. Wolfe:

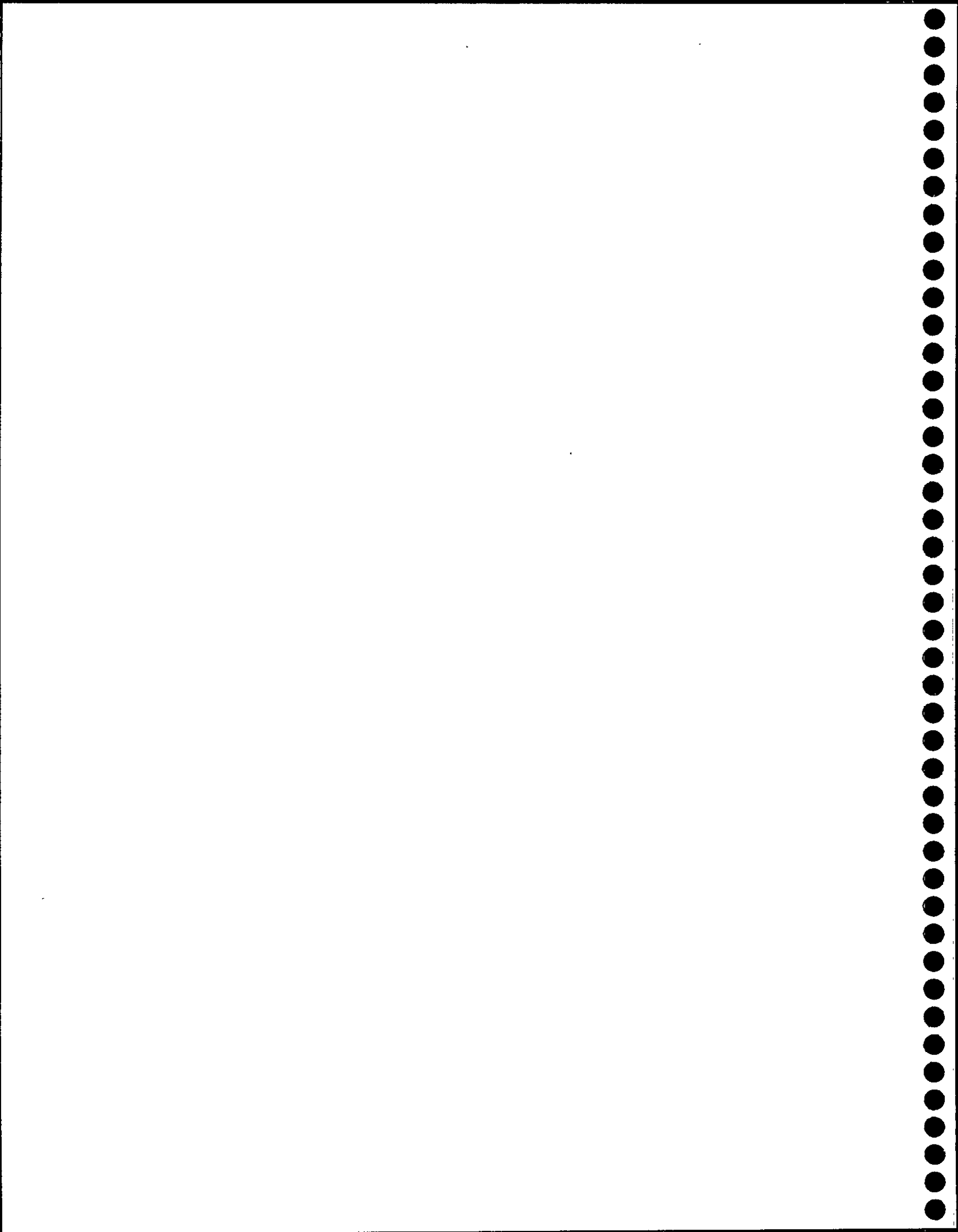
I am in receipt of your correspondence dated February 19, 2010 which was received in my office on February 23, 2010.

While I am in the process of reviewing documentation forwarded to me directly from Mr. Manning's Probation Officer, Lori Lopez, I am compelled to once again assert the fact that had your client complied with the terms and provisions of the Consent Order, we would not be in this position at this time. Instead, due to your client's failure to comply with the Order, which imposed upon her an obligation to take proactive steps at the time each child was emancipated, we are now left to reconstruct the payments that Mr. Manning was obligated to pay and, in fact, had paid to the best of his ability.

I will be forwarding to you copies of the printouts I received from Ms. Lopez setting forth the fact and further substantiating Mr. Manning's assertion that for the past eighteen months, his payments have been made from his disability income. Therefore, your implication that Mr. Manning was somehow deficient in making his payments is misplaced.

That being said, a review of the documentation received from Probation indicates that they, for reasons unknown to the undersigned, changed Mr. Manning's support obligation from the

-62a-



George B. Wolfe, Esq.  
March 1, 2010  
Page 2

agreed upon \$592 as set forth in the Order, to as much as \$609 per month based upon a cost of living increase to which Mr. Manning should not have been subjected in light of the fact that the children were emancipated.

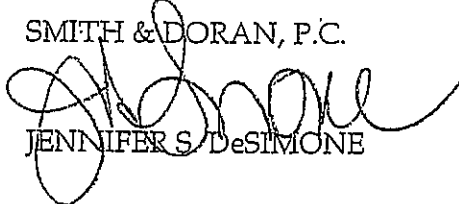
Based on the aforementioned, I again submit that it is Mr. Manning who would likely prevail in a request for counsel fees and costs given the fact that same are only being incurred at this juncture due to your client's failure to comply with the Court Order.

I am in the process of preparing a proposed Consent Order setting forth the accurate amount which Mr. Manning is in arrears based on the terms and provisions of the agreement you so accurately referenced in your February 19, 2010 correspondence. I will be forwarding same to you once I have had the opportunity to review the figures with my client. I do anticipate being able to do within the next day or so to avoid Mr. Manning's disability benefits being further garnished in excess of the amount agreed upon.

Please be guided accordingly.

Very truly yours,

SMITH & DORAN, P.C.

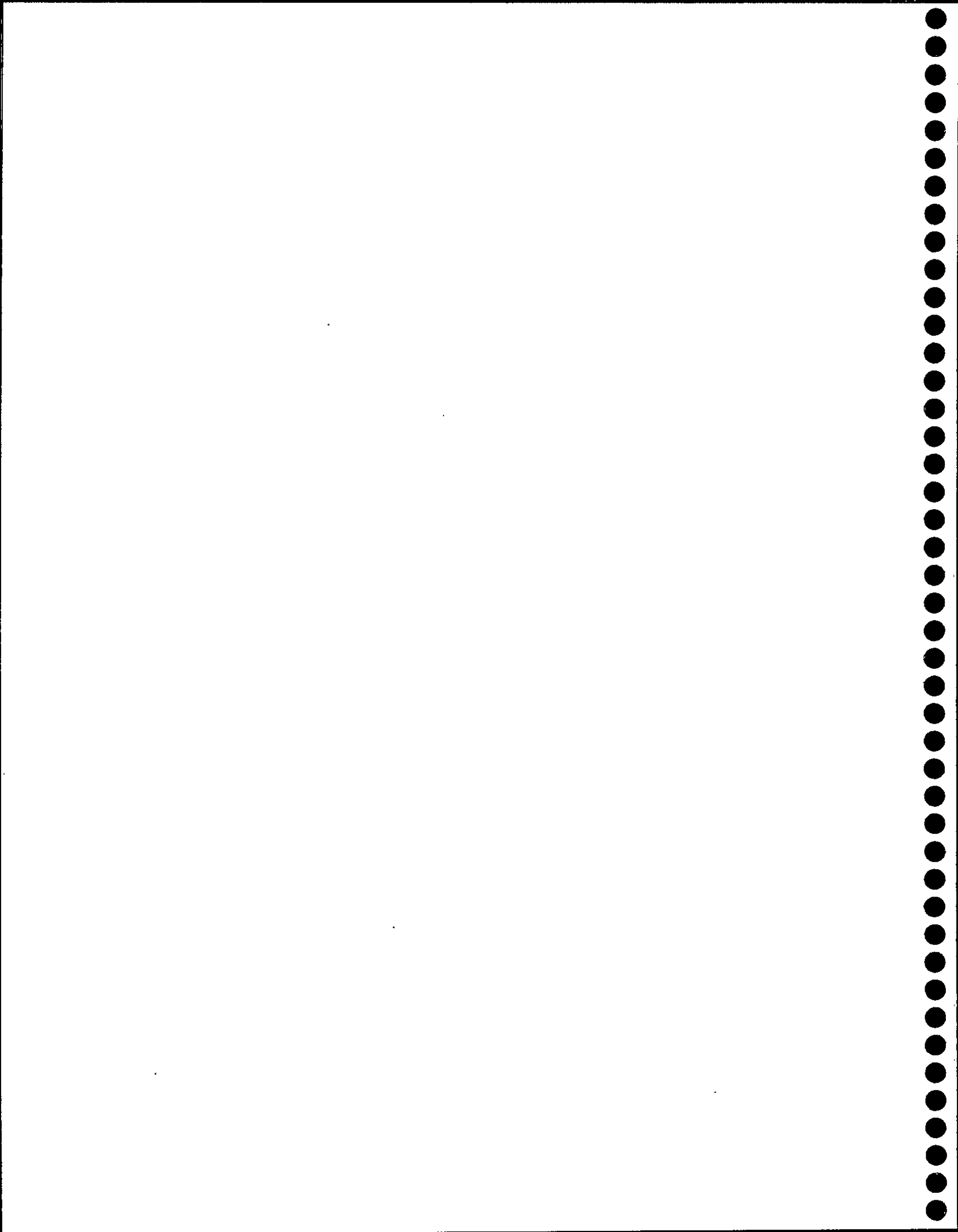


JENNIFER S. DeSIMONE

JSD:jl

c: Mr. John Manning





LAW OFFICES  
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A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH  
JANN ELLEN DORAN  
THOMAS J. GAYNOR  
JENNIFER M. GRATHBRI

FAX NO. (973) 292-0168  
E-MAIL: JED@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

March 1, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-5706-93*

Dear Mr. Wolfe:

I am in receipt of your correspondence dated February 19, 2010, which was received in my office on February 23, 2010.

While I am in the process of reviewing documentation forwarded to me directly from Mr. Manning's Probation Officer, Lori Lopez, I am compelled to once again assert the fact that had your client complied with the terms and provisions of the Consent Order, we would not be in this position at this time. Instead, due to your client's failure to comply with the Order, which imposed upon her an obligation to take proactive steps at the time each child was emancipated, we are now left to reconstruct the payments that Mr. Manning was obligated to pay and, in fact, had paid to the best of his ability.

I will be forwarding to you copies of the printouts I received from Ms. Lopez setting forth the fact and further substantiating Mr. Manning's assertion that for the past eighteen months, his payments have been made from his disability income. Therefore, your implication that Mr. Manning was somehow deficient in making his payments is misplaced.

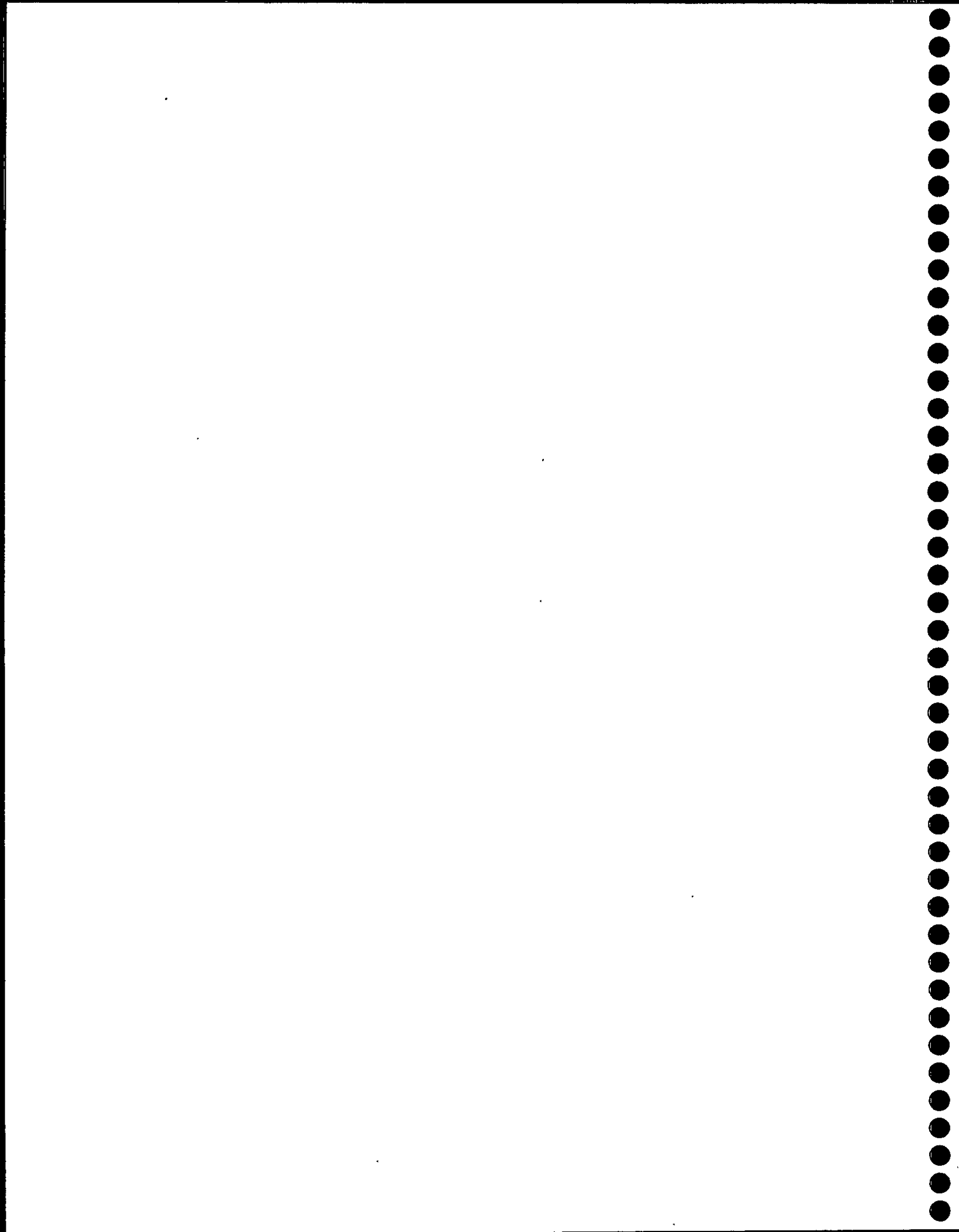
That being said, a review of the documentation received from Probation indicates that they, for reasons unknown to the undersigned, changed Mr. Manning's support obligation from the

TX RESULT REPORT

NAME : SMITH DORAN  
TEL : 9732929168  
DATE : MAR.01.2010 13:19

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
7803	TX	001	12012918620	MAR.01	13:17	002	00h01min14s	ECM	OK

-64a-



-65a-



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JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

March 24, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
Docket No. FM-02-6706-93

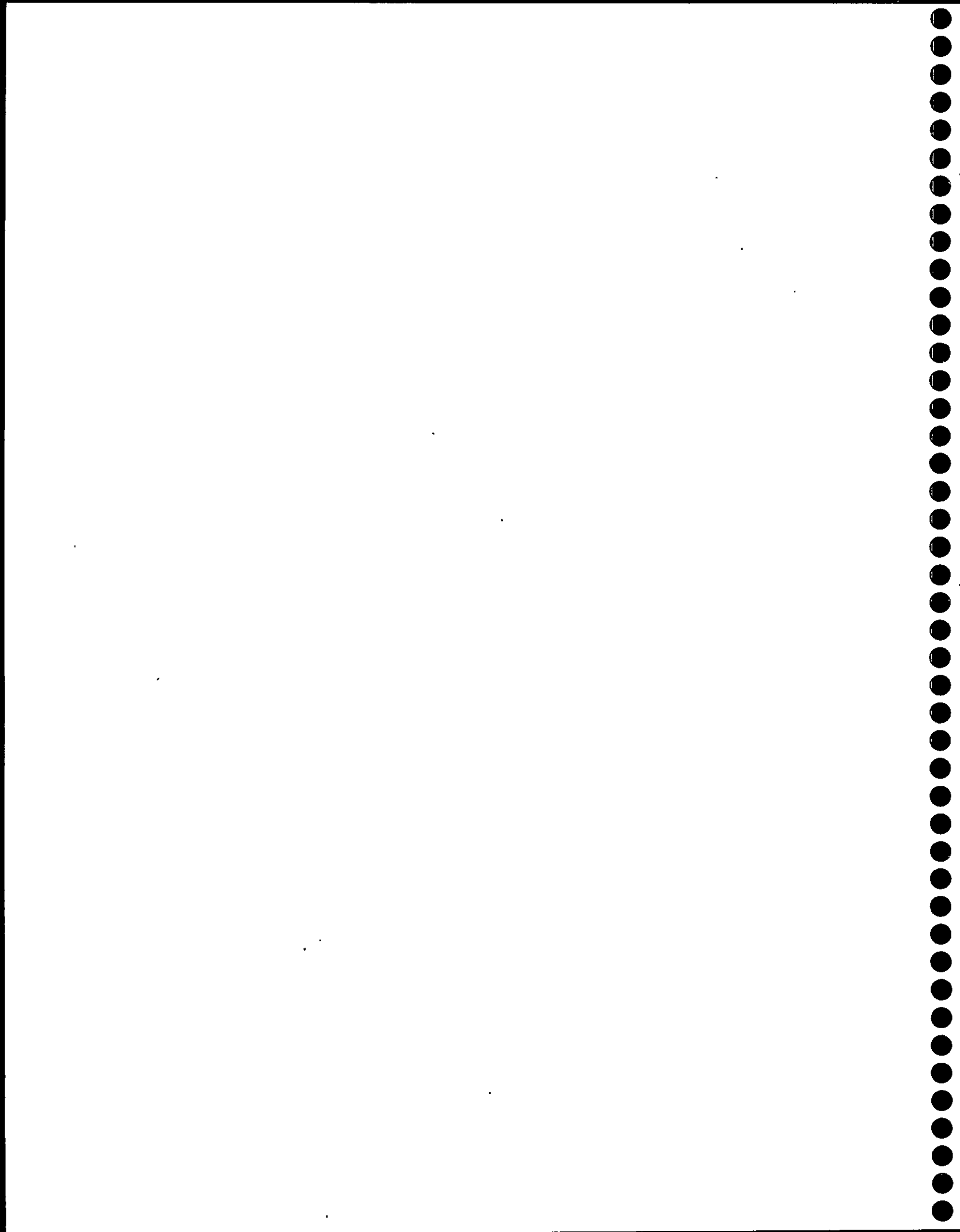
Dear Mr. Wolfe:

I have now had the opportunity to review not only your recent correspondence concerning this matter, but also a printout from the Probation Department evidencing payments actually made by Mr. Manning during the requisite period of time. I enclose a copy of that printout for your reference.

As you can see, in light of the fact that the Probation Department was never made aware of the fact that Mr. Manning's support obligations were, in fact, to be applied only toward his arrears, as the children were emancipated, based on my calculations, it appears as though Mr. Manning's present outstanding arrears total \$7,222.63. I have taken the liberty of preparing a Consent Order informing Probation of the fact that all children are emancipated and further indicating that Mr. Manning's total arrears at present are \$7,222.63 to be paid at a rate of \$592 per month as previously agreed to and set forth in the Consent Order dated July 20, 2007.

I would ask that you give this matter your prompt attention and advise if this Order is acceptable. If the Order is acceptable without modification, I would ask that you affix your signature to same and return to my office for signing and filing with the Court. I will of course copy you on my filing letter to the Court.

- 66 a -



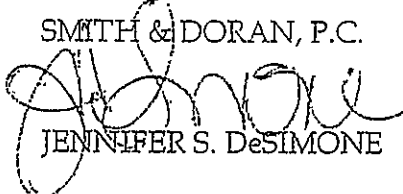
George B. Wolfe, Esq.  
March 24, 2010  
Page 2

In the event there are any minor proposed changes and/or modifications, I ask that you contact me to discuss as soon as possible.

Thanking you for your anticipated prompt cooperation in this regard, am,

Very truly yours,

SMITH & DORAN, P.C.



JENNIFER S. DeSIMONE

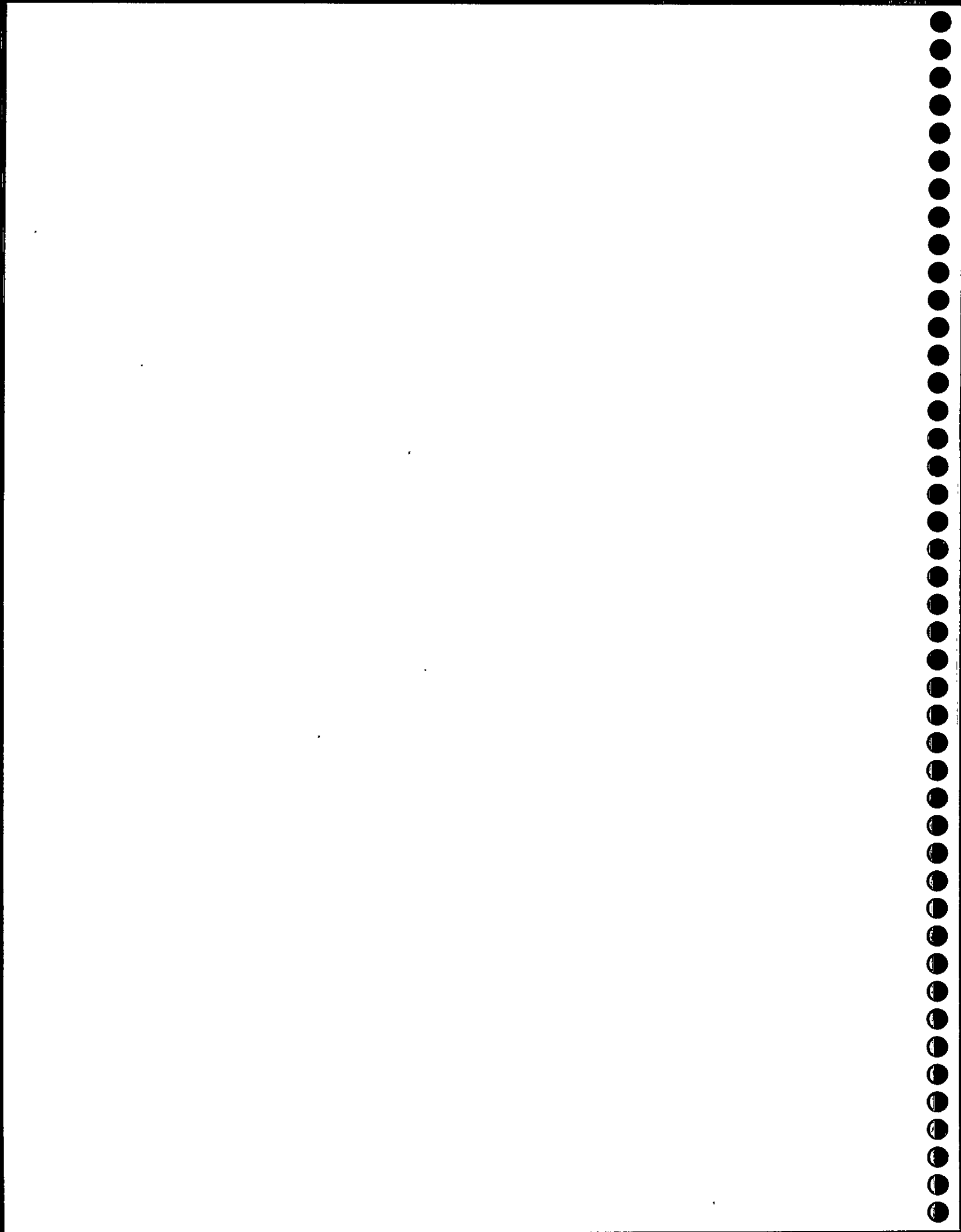
JSD:jl

Enclosures

c: Mr. John Manning

-67a-





SMITH & DORAN  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

---

BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING, Defendant.	)	Civil Action
	)	
	)	CONSENT ORDER
	)	

---

THIS MATTER, having been opened to the Court by Jennifer S. DeSimone, Esquire of the law offices of Smith & Doran, P.C., attorneys for the Defendant, JOHN MANNING, and by George B. Wolfe, Esquire, attorney for the Plaintiff, BARBARA CARROLL (formerly MANNING); and the court, having noted the consent of the parties as evidenced by the signatures of their respective counsel hereto, and for good cause being shown;

IT IS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, ORDERED as follows:

1. Effective May 18, 2008, the parties' daughter, Amy Manning, shall be deemed emancipated. Pursuant to paragraph 3 of the prior Order of this Court dated July 20, 2007, as of the date of emancipation of Amy Manning, \$296 of Defendant's \$592 monthly support obligation

-68a-



were to be applied toward his outstanding arrears as of that date, with the balance of his payment of \$296 applied toward an ongoing support obligation for the one remaining emancipated child.

2. Effective May 20, 2009, the parties' daughter, Samantha Manning, shall be deemed emancipated.

3. Effective June 1, 2009, the Defendant's child support obligations shall terminate, as all minor children have been emancipated.

4. Any and all support payments made by the Defendant from June 1, 2009 to date should have been applied, in their entirety, toward the Defendant's outstanding arrears as set forth in detail herein.

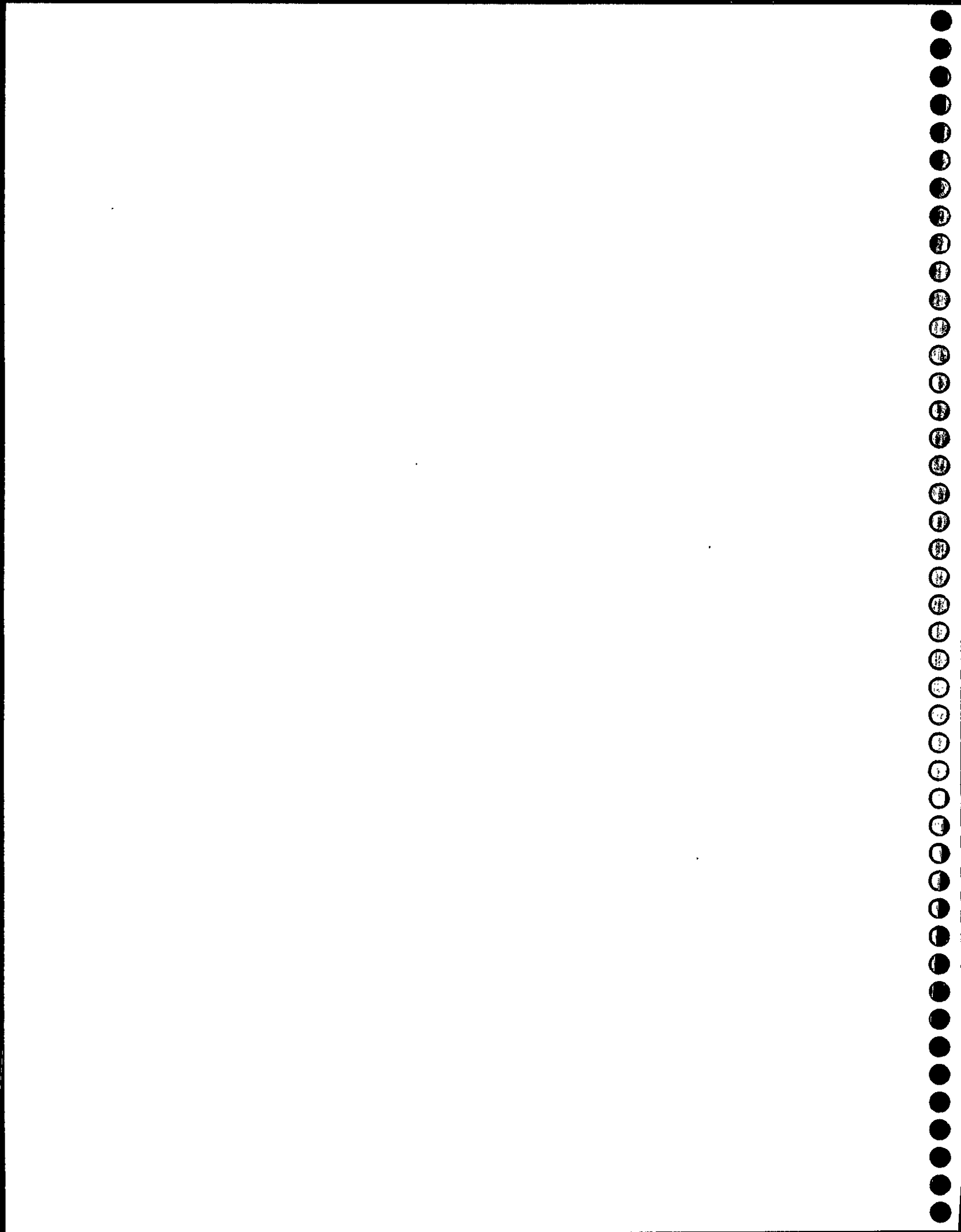
5. As of March 24, 2010, the Defendant's total outstanding arrears are \$7,222.63. The Defendant shall continue to satisfy all arrears at the rate of \$592 per month as set forth in the prior Order dated July 20, 2007.

6. All other terms and provisions of the prior Orders of the Court shall remain in full force and effect unless specifically modified herein.

IT IS FURTHER ORDERED that a copy of the within Order shall be served on opposing counsel within seven (7) days of its receipt from the Court.

---

J.S.C.



Consent is hereby given to the form and content of the within Order.

ATTORNEY FOR PLAINTIFF

---

GEORGE B. WOLFE, ESQ.

SMITH & DORAN, P.C.  
ATTORNEYS FOR DEFENDANT

---

JENNIFER S. DeSIMONE, ESQ.



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 E-MAIL: JDESIMON@SMITH-DORAN.COM  
 WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
 \* MEMBER NJ & NY BAR

March 24, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
 The Shetbrooke Office Center II  
 201 West Passaic Street, Suite 104  
 Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
 Docket No. EM-02-6706-93

Dear Mr. Wolfe:

I have now had the opportunity to review not only your recent correspondence concerning this matter, but also a printout from the Probation Department evidencing payments actually made by Mr. Manning during the requisite period of time. I enclose a copy of that printout for your reference.

As you can see, in light of the fact that the Probation Department was never made aware of the fact that Mr. Manning's support obligations were, in fact, to be applied only toward his arrears, as the children were emancipated, based on my calculations, it appears as though Mr. Manning's present outstanding arrears total \$7,222.63. I have taken the liberty of preparing a Consent Order informing Probation of the fact that all children are emancipated and further indicating that Mr. Manning's total arrears at present are \$7,222.63 to be paid at a rate of \$592 per month as previously agreed to and set forth in the Consent Order dated July 20, 2007.

I would ask that you give this matter your prompt attention and advise if this Order is acceptable. If the Order is acceptable without modification, I would ask that you affix your signature to same and return to my office for signing and filing with the Court. I will of course copy you on my filing letter to the Court.

TX RESULT REPORT

NAME : SMITH DORAN  
 TEL : 9732929168  
 DATE : MAR.24.2010 12:15

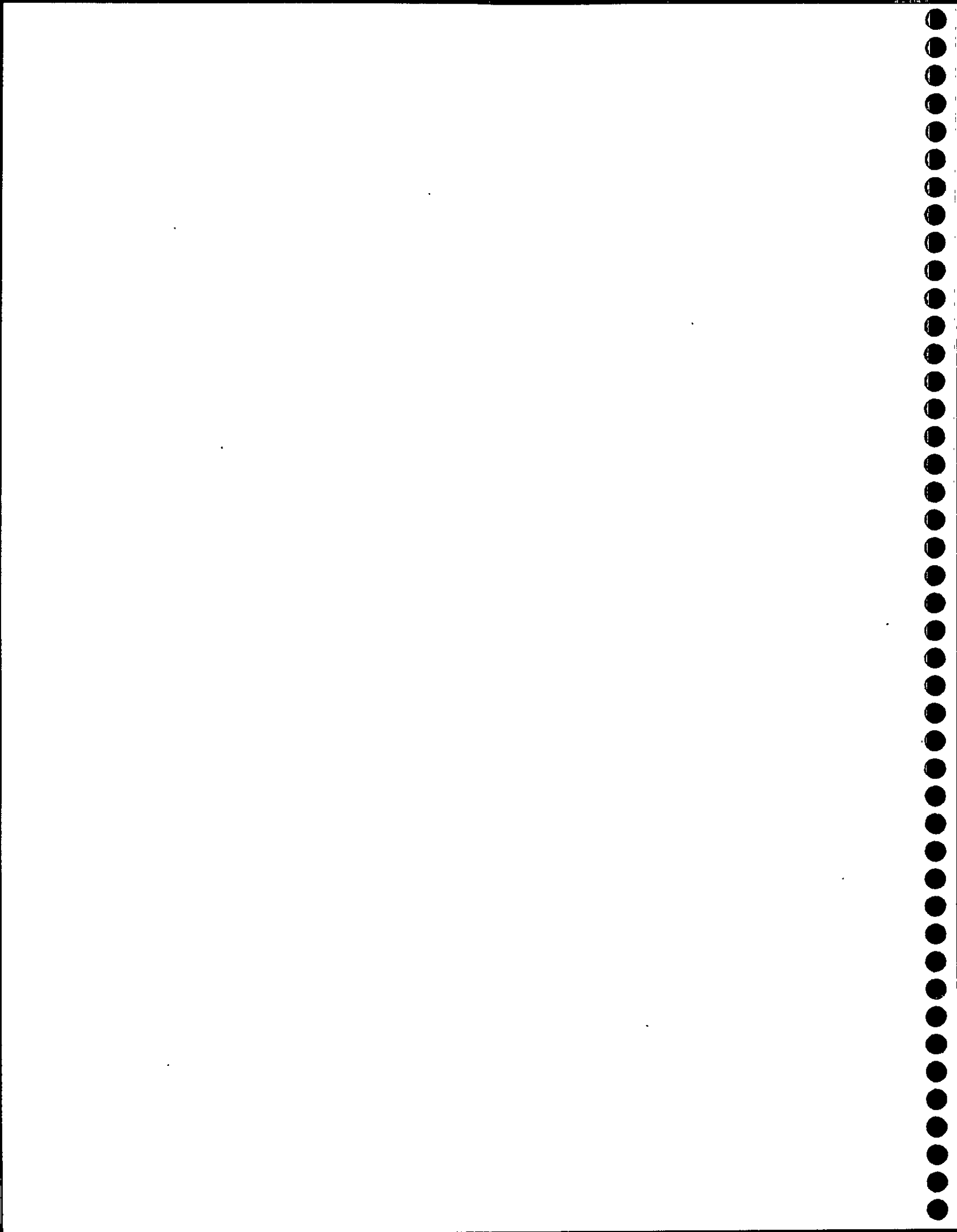
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-71a-





- 72 a -



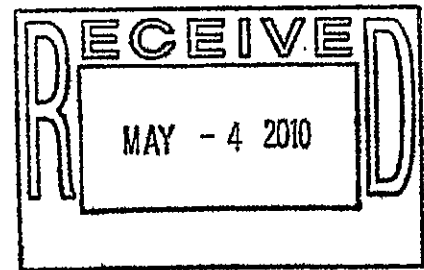
**GEORGE B. WOLFE**  
ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

MEMBER OF  
NEW JERSEY & NEW YORK BARS

TELEPHONE (201) 291-9030  
FACSIMILE (201) 291-8620

May 3, 2010

Bergen County Probation Department  
Child Support Enforcement  
Attn.: Ms. Laurie Lopez, Case Manager  
101-103 Hudson Street  
Hackensack, New Jersey 07601



Re: Barbara Carroll v. John Manning  
Docket No.: FM-02-006706-93  
Case ID: CS42816275A

Dear Ms. Lopez:

My client, Barbara Carroll, advises me that the defendant, John Manning, has made no payments on his account since March 1, 2010.

As you are aware, correspondence transpired between the defendant's attorney and this office earlier this year. My last letter, dated March 24, 2010, has gone unanswered and unacknowledged by the defendant's attorney. A copy of that letter, together with a copy of my latest calculations as to the amount of arrears is enclosed for your use. It is my belief that my calculations as to the arrears are correct.

It is our position that the last Court Order controls, and the only question at this time is calculation and payment of arrears by the defendant. Please take all necessary steps to compel the defendant's compliance with the Court Order. According to our knowledge, the defendant's last known address was in Ft. Myers, Florida.

I look forward to hearing from you.

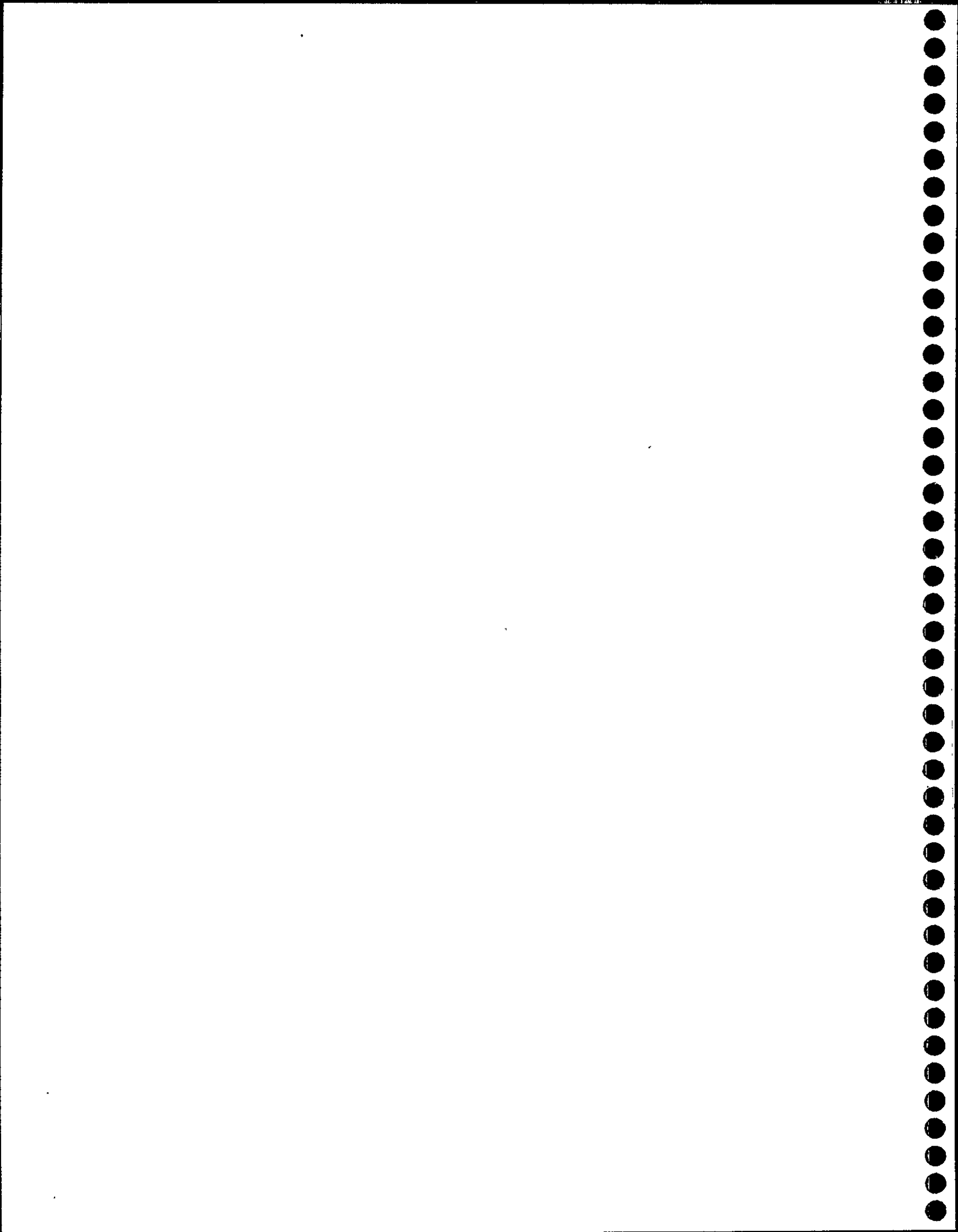
Yours very truly,

A handwritten signature in dark ink, appearing to read "George B. Wolfe".

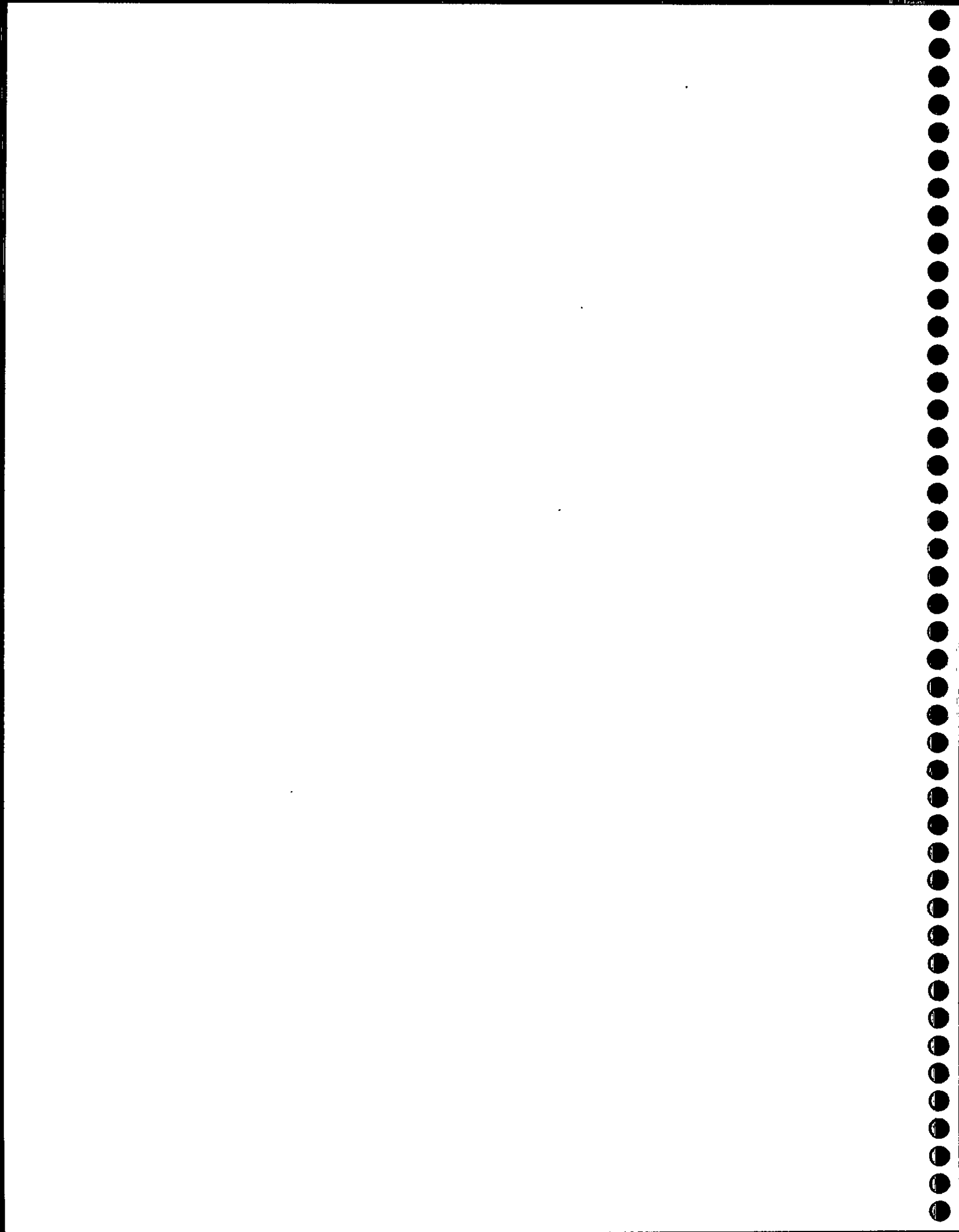
George B. Wolfe

GBW:h  
Cc: Jennifer S. DeSimone, Esq.

- 73 a -



- 74a -



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A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH†  
JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

May 6, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

Dear Mr. Wolfe:

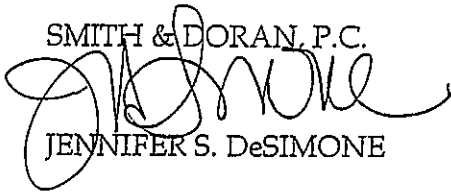
I am in receipt of your correspondence dated May 3, 2010 addressed to Laurie Lopez, Case Manager at the Bergen County Probation Department. I take particular issue with your assertion that the Court Order controls when, in fact, it is your client's refusal to comply with same that has resulted in my client's probation account still indicating he has a child support obligation for two children who are now admittedly emancipated.

If any enforcement proceedings are instituted as a direct result of your correspondence, please know that an application to the Court will be filed wherein we will be seeking sanctions, counsel fees and costs out of necessity.

Please be guided accordingly.

Very truly yours,

SMITH & DORAN, P.C.

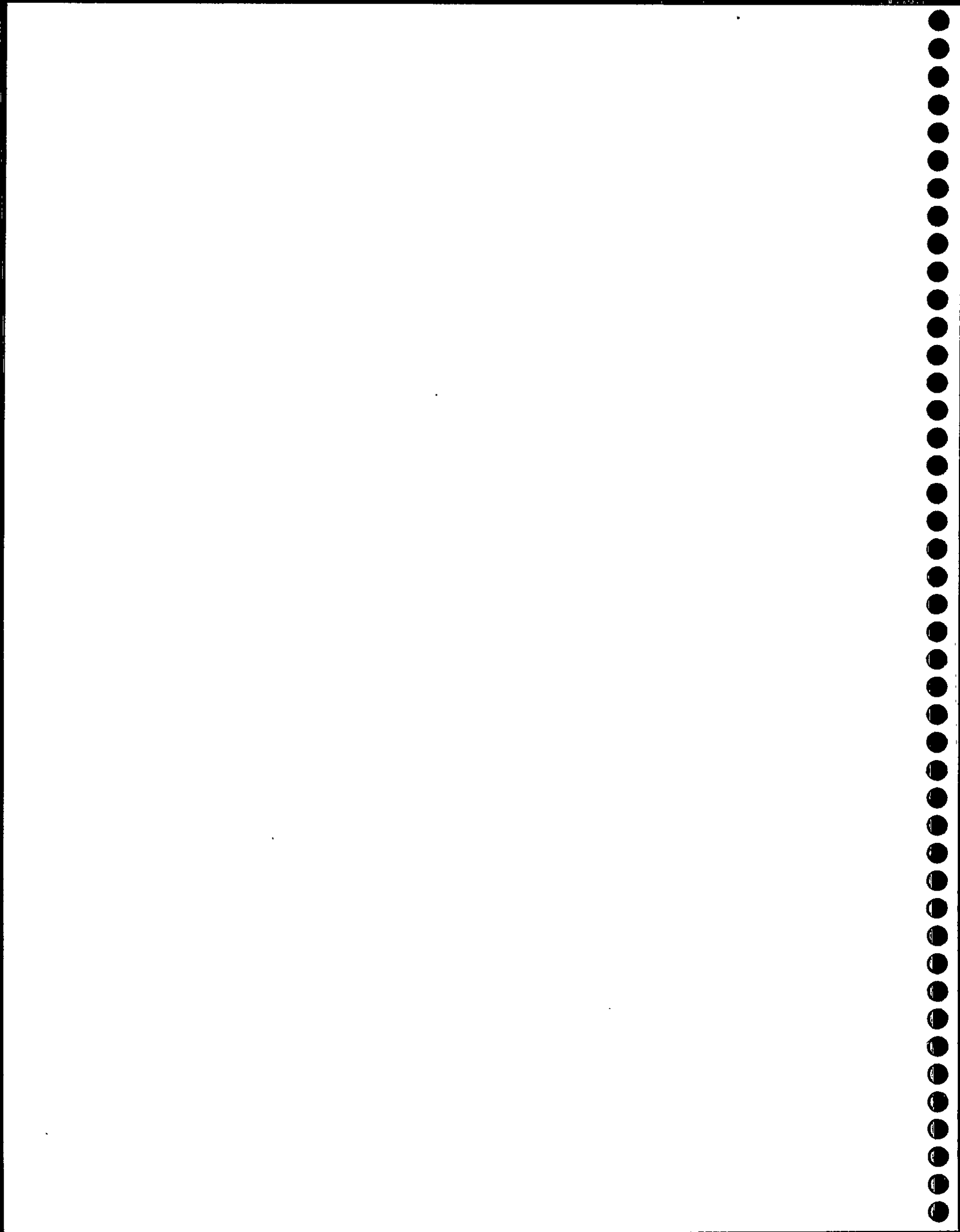
  
JENNIFER S. DeSIMONE

JSD:jl

c: Mr. John Manning

-75a-





LAW OFFICES  
**SMITH & DORAN**  
A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
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(973) 292-0016

ROBERT A. SMITH  
JANE ELLEN DORAN  
THOMAS J. GAYNOR  
REBECCA M. CRATHEK

FAX NO. (973) 292-0168  
E-MAIL: JDSIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE  
CERTIFIED CIVIL TRIAL ATTORNEY  
MEMBER NJ & NY BAR

May 6, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
Docket No. FM-02-6706-93

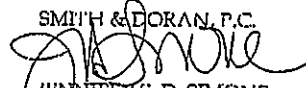
Dear Mr. Wolfe:

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Please be guided accordingly.

Very truly yours,

SMITH & DORAN, P.C.  
  
JENNIFER S. DESIMONE

JSD:jl

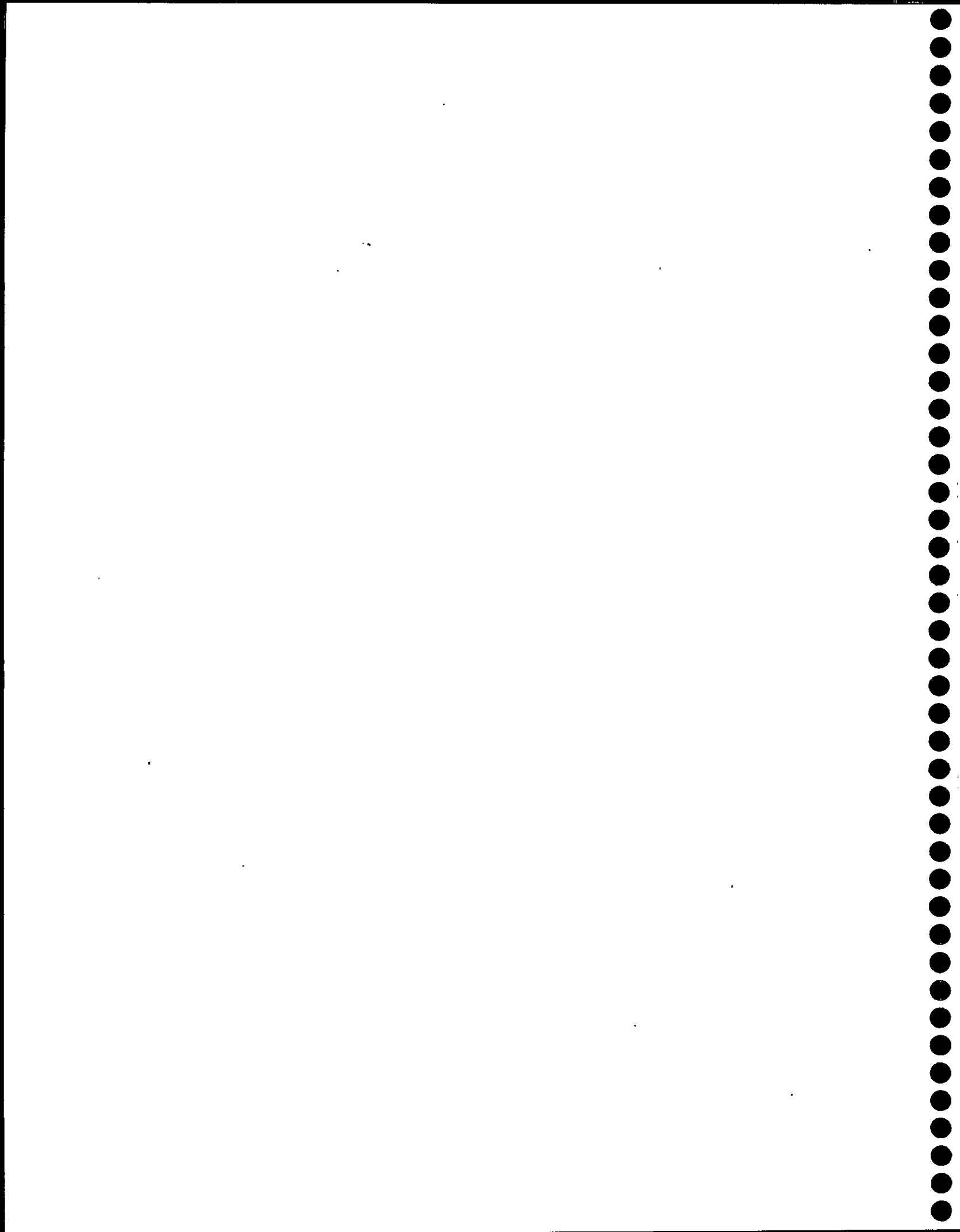
cc: Mr. John Manning

TX RESULT REPORT

NAME : SMITH DORAN  
TEL : 9732929168  
DATE : MAY.06.2010 14:00

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-76 a-



-77a-



LAW OFFICES  
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60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

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JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

May 13, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

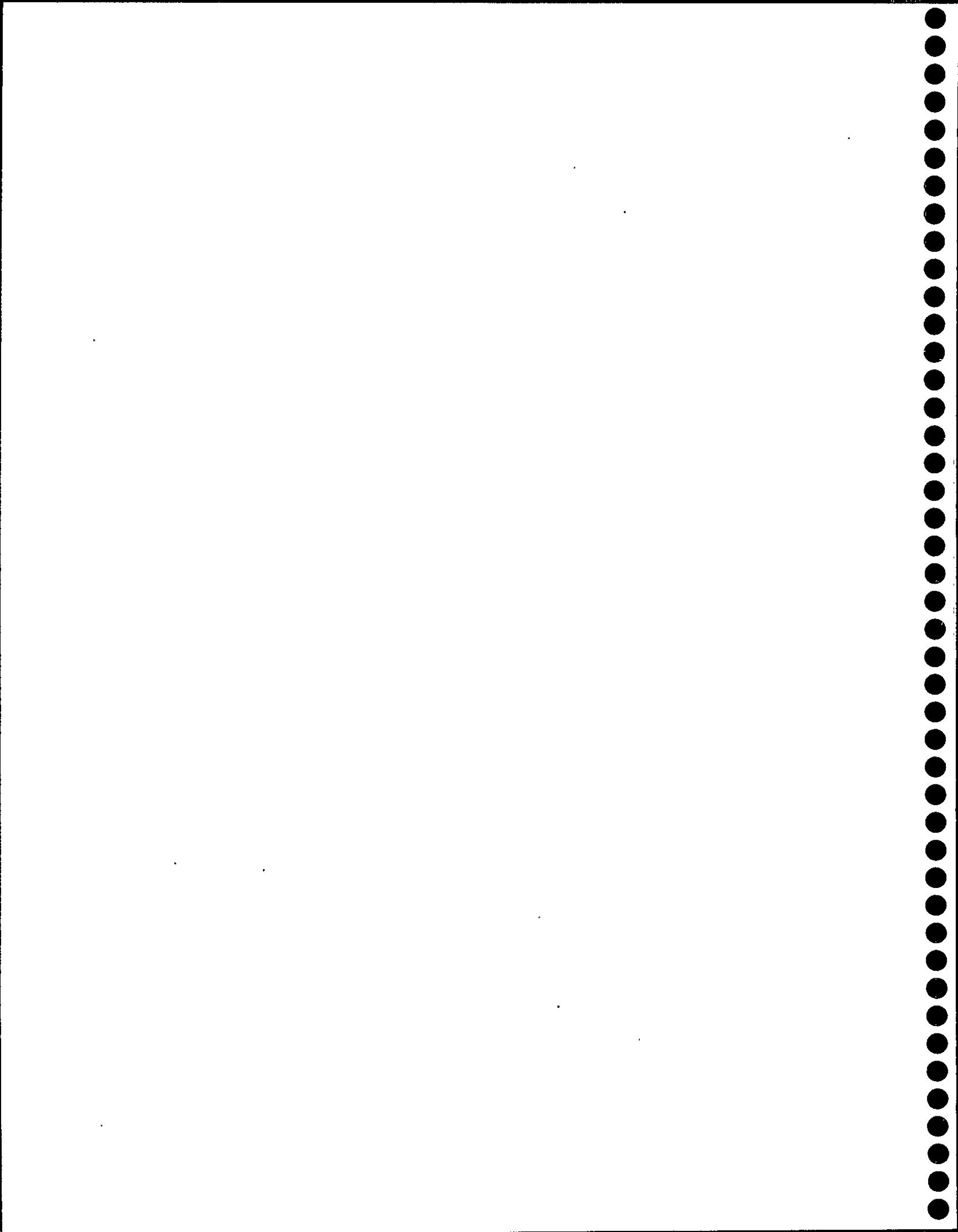
Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

Dear Mr. Wolfe:

I have once again contacted Ms. Lopez at the Bergen County Probation Department for purposes of obtaining evidence of all payments made by Mr. Manning to his account in this matter. After reviewing the printouts received from Ms. Lopez and preparing calculations correctly indicating that portion of each of Mr. Manning's payments which should have been applied to his arrears, it is our position that Mr. Manning's total arrears as of June 1, 2010 are \$6,216.61. I will set forth in detail herein how I arrived at this calculation.

Please be advised that unless we receive confirmation from your office by the end of business on Monday, May 17, 2010 that Ms. Carroll is in agreement with the calculations set forth herein, we will, without further notice to your office, file the appropriate application with the Court wherein we will be seeking counsel fees and costs incurred by Mr. Manning from July 17, 2009 through and including any and all costs incurred in connection with the Notice of Motion. Ms. Carroll intentionally, willfully and continuously neglected her obligation under Judge Koblitz's Order of July 20, 2007, wherein she maintained an affirmative obligation to advise Mr. Manning, in writing, of the date of graduation of each child. Had Ms. Carroll done what she was court ordered to do, Mr. Manning would not have had to incur the expense associated with reconstructing his Probation account.

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George B. Wolfe, Esq.  
May 13, 2010  
Page 2

The following are my calculations based upon payments made by Mr. Manning and the terms and provisions of the July 20, 2007 Court Order entered by the Honorable Ellen L. Koblitz.

Pursuant to paragraphs 3 and 4 of the July 20, 2007 Order, Mr. Manning's total outstanding arrears as of August 1, 2007 were \$16,602.63.

As of August 1, 2007, Mr. Manning maintained a child support obligation for two of the parties' three children since their eldest daughter was previously emancipated. Pursuant to paragraph 2 of the July 20, 2007 Order Mr. Manning's total support obligation was \$592 per month. Consistent with paragraph 3 of the July 20, 2007, of that \$592 monthly support obligation, the sum of \$50 was to be applied toward his outstanding arrears at that time. This was to remain in effect until one of the remaining two children was emancipated.

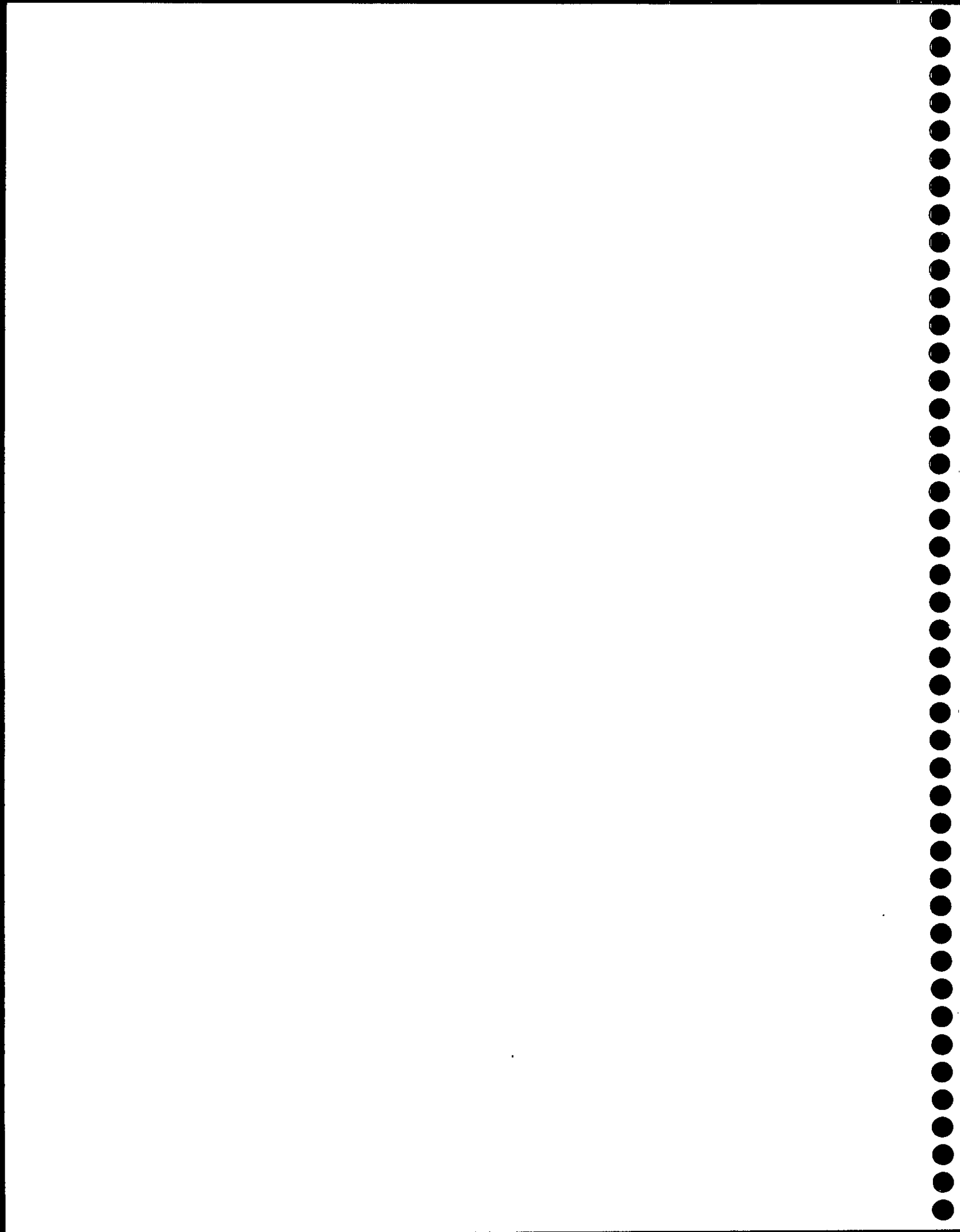
Despite Ms. Carroll's refusal to provide this information, we now know that the parties' daughter, Amy, was emancipated as of May 18, 2008. Therefore, from August 1, 2007 up to June 1, 2008, Mr. Manning had an obligation to pay \$5,920, of which \$500 should have been applied toward his arrears. Therefore, as of June 1, 2008, Mr. Manning's arrears should have been reduced to \$16,102.63. However, a review of Exhibit A enclosed herewith for your review indicates that Mr. Manning overpaid his support obligation from August 1, 2007 up to June 1, 2008 in the amount of \$993.30. Therefore, it is our position that Mr. Manning's arrears should have been further reduced by this amount, bringing his total arrears of June 1, 2008 to \$15,109.33.

Commencing June 1, 2008, Mr. Manning's monthly support obligation remained at \$592; however, as of that date, the sum of \$296 per month of that amount should have been applied toward his outstanding arrears until such time as their youngest and final remaining child was emancipated. Again, despite Ms. Carroll's refusal to comply with her obligations under the June 20, 2007 Court Order, we now know the parties' youngest daughter, Samantha, was emancipated effective May 20, 2009. Therefore, as of June 1, 2009, Mr. Manning's arrears should have been reduced by \$3,552. However, a review of the document enclosed herewith as Exhibit B clearly reflects that during the period of June 1, 2008 through June 1, 2009, Mr. Manning's payments totaled \$7,703.80, indicating he again overpaid his support obligation by \$599.80. Therefore, it is again our position that this overpayment should have been applied, in its entirety, to Mr. Manning's arrears. Therefore, it is our position that Mr. Manning's total outstanding arrears as of June 1, 2009 should have been \$10,957.53.

Consistent with paragraph 3 of the July 20, 2007 Court Order, effective June 1, 2009 to date, any and all payments made by Mr. Manning should have been applied toward his outstanding arrears. A review of the document entitled Exhibit C enclosed herewith for your review indicates that from June 1, 2009 through and including the date of this correspondence, Mr. Manning's total payments equaled \$4,740.92. This sum should have been applied in its entirety toward his arrears, bringing his total outstanding arrears as of June 1, 2010 to \$6,216.61.

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George B. Wolfe, Esq.  
May 13, 2010  
Page 3

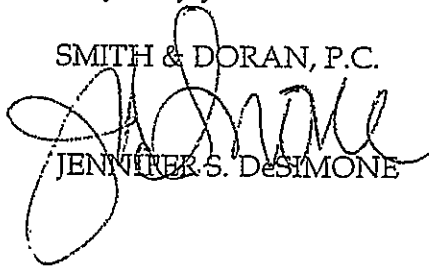
Based on the information I have received from the Probation Department, my client was erroneously subjected to a cost of living increase on or about August 1, 2009. As you are aware, all of the parties' children had been emancipated and, therefore, Mr. Manning did not maintain a child support obligation as of that date. Based upon same, there was absolutely no basis for a cost of living increase to be applied. However, since your client failed to comply with her obligations under the July 20, 2007 Order, the Court was never made aware of the fact that all of the parties' children were emancipated, said increase was implemented and is causing Mr. Manning's current arrears to incorrectly increase.

I have enclosed herewith a revised proposed Consent Order. Again, unless I receive confirmation from your office by the end of business on Monday, May 17, 2010 that Ms. Carroll will, without modification, execute the enclosed Consent Order, we will file the appropriate application to the Court seeking to hold Ms. Carroll in violation of litigant's rights for her willful failure to comply with the prior Order of the Court, as well as to hold her responsible for 100% of any and all counsel fees incurred by Mr. Manning in connection with this matter.

Please be guided accordingly.

Very truly yours,

SMITH & DORAN, P.C.



JENNIFER S. DESIMONE

JSD:jl

Enclosures

c: Mr. John Manning



LAW OFFICES  
**SMITH & DORAN**  
 A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
 MORRISTOWN, NJ 07960  
 (973) 292-0016

ROBERT A. SMITH  
 JANE ELLEN DORAN\*  
 THOMAS J. GAYNOR  
 REBECCA M. GRATHER

FAX NO. (973) 292-0168  
 E-MAIL: JDSIMON@SMITH-DORAN.COM  
 WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DESIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
 \* MEMBER NJ & NY BAR

May 13, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
 The Sherbrooke Office Center II  
 201 West Passaic Street, Suite 104  
 Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. 1M-02-6706-93*

Dear Mr. Wolfe:

I have once again contacted Ms. Lopez at the Bergen County Probation Department for purposes of obtaining evidence of all payments made by Mr. Manning to his account in this matter. After reviewing the printouts received from Ms. Lopez and preparing calculations correctly indicating that portion of each of Mr. Manning's payments which should have been applied to his arrears, it is our position that Mr. Manning's total arrears as of June 1, 2010 are \$6,216.61. I will set forth in detail herein how I arrived at this calculation.

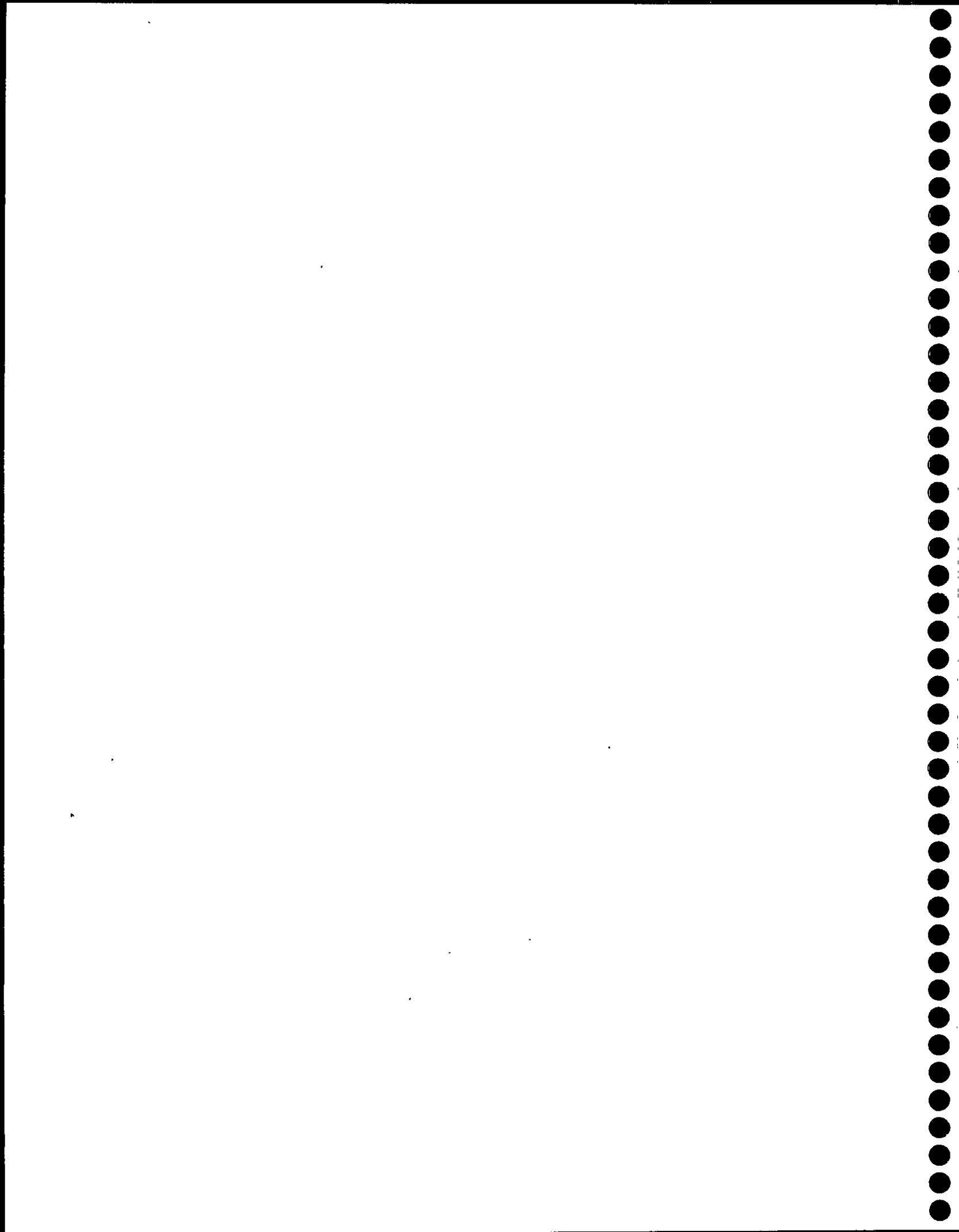
Please be advised that unless we receive confirmation from your office by the end of business on Monday, May 17, 2010 that Ms. Carroll is in agreement with the calculations set forth herein, we will, without further notice to your office, file the appropriate application with the Court wherein we will be seeking counsel fees and costs incurred by Mr. Manning from July 17, 2009 through and including any and all costs incurred in connection with the Notice of Motion. Ms. Carroll intentionally, willfully and continuously neglected her obligation under Judge Koblit's Order of July 20, 2007, wherein she maintained an affirmative obligation to advise Mr. Manning, in writing, of the date of graduation of each child. Had Ms. Carroll done what she was court ordered to do, Mr. Manning would not have had to incur the expense associated with reconstructing his Probation account.

TX RESULT REPORT

NAME : SMITH DORAN  
 TEL : 9732929168  
 DATE : MAY.13.2010 08:48

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
0812	TX	001	12012918620	MAY.13	08:41	021	00h06min29s	ECM	OK

-81a-



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

---

BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING,	)	Civil Action
	)	
Defendant.	)	<b>CONSENT ORDER</b>
	)	
	)	

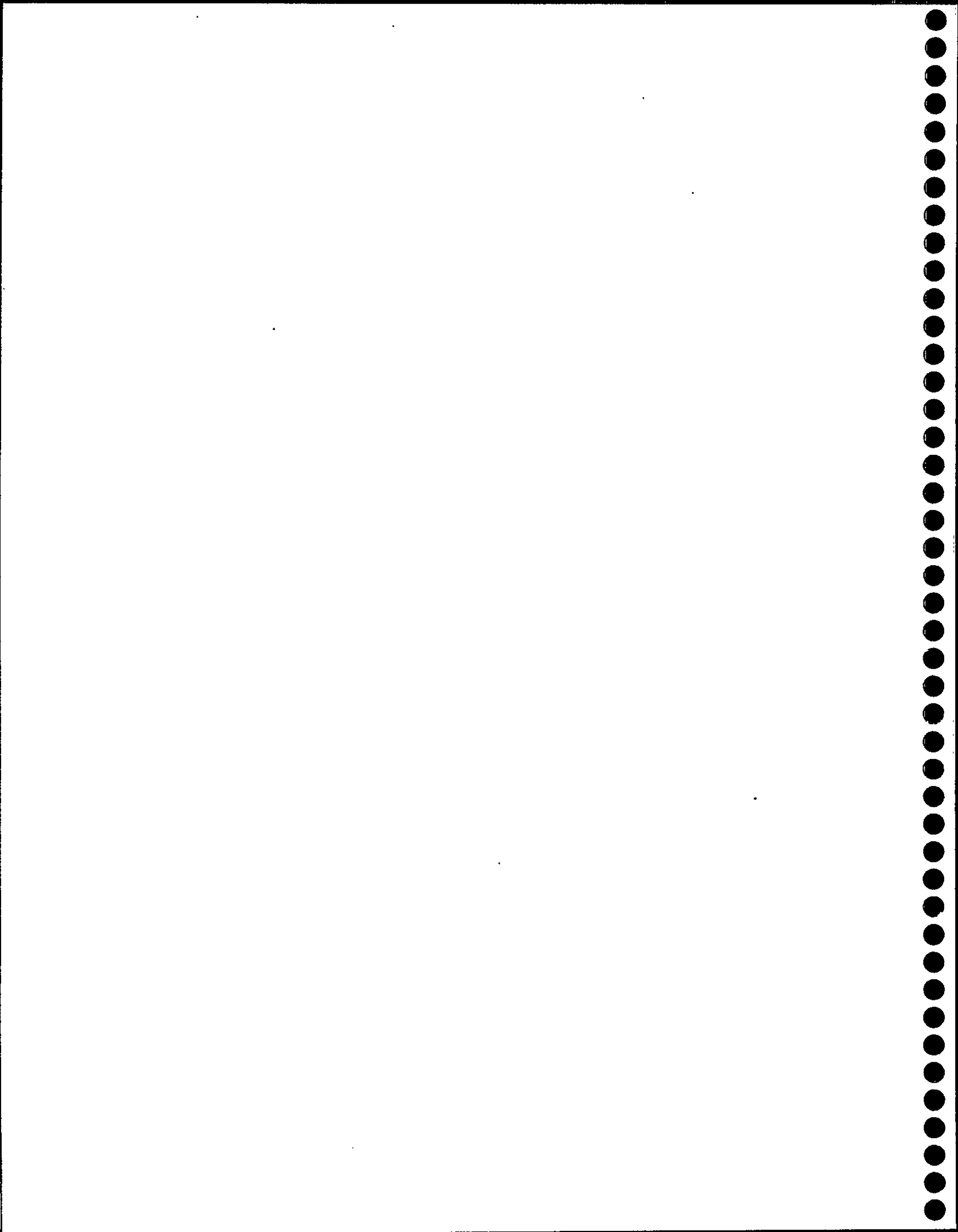
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THIS MATTER, having been opened to the Court by Jennifer S. DeSimone, Esquire of the law offices of Smith & Doran, P.C., attorneys for the Defendant, JOHN MANNING, and by George B. Wolfe, Esquire, attorney for the Plaintiff, BARBARA CARROLL (formerly MANNING); and the court, having noted the consent of the parties as evidenced by the signatures of their respective counsel hereto, and for good cause being shown;

IT IS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, ORDERED as follows:

1. Effective May 18, 2008, the parties' daughter, Amy Manning, shall be deemed emancipated. Pursuant to paragraph 3 of the prior Order of this Court dated July 20, 2007, as of the date of emancipation of Amy Manning, \$296 of Defendant's \$592 monthly support obligation

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were to be applied toward his outstanding arrears as of that date, with the balance of his payment of \$296 applied toward an ongoing support obligation for the one remaining emancipated child.

2. Effective May 20, 2009, the parties' daughter, Samantha Manning, shall be deemed emancipated.

3. The Probation Department shall amend its records to reflect that the parties' daughter, Melissa Manning, is emancipated.

4. Effective June 1, 2009, the Defendant's child support obligations shall terminate, as all minor children have been emancipated.

5. Any and all support payments made by the Defendant from June 1, 2009 to date should have been applied, in their entirety, toward the Defendant's outstanding arrears as set forth in detail herein.

6. As of June 1, 2010, the Defendant's total outstanding arrears are \$6,216.61. The Defendant shall continue to satisfy said arrears at the rate of \$592 per month, without modification. Said amount shall not be subject to any cost of living increases as set forth in the prior Order dated July 20, 2007.

7. All other terms and provisions of the prior Orders of the Court shall remain in full force and effect unless specifically modified herein.

IT IS FURTHER ORDERED that a copy of the within Order shall be served on opposing counsel within seven (7) days of its receipt from the Court.

---

J.S.C.





Consent is hereby given to the form and content of the within Order.

ATTORNEY FOR PLAINTIFF

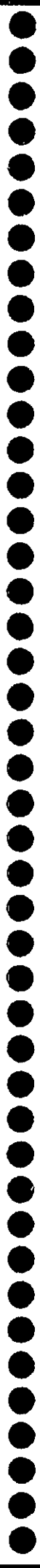
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GEORGE B. WOLFE, ESQ.

SMITH & DORAN, P.C.  
ATTORNEYS FOR DEFENDANT

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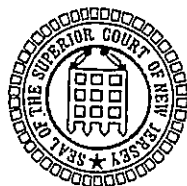
JENNIFER S. DeSIMONE, ESQ.



SUPERIOR COURT OF NEW JERSEY

BERGEN VICINAGE  
Probation Services Division  
101 Hudson Street  
Hackensack, New Jersey 07601  
(201) 527-1200  
Fax (201) 527-1222  
Email [Yes2Kids.Mailbox@Judiciary.State.NJ.US](mailto:Yes2Kids.Mailbox@Judiciary.State.NJ.US)

Jon Goodman  
Trial Court Administrator



John A. Fuhrman  
Vicinage Chief Probation Officer

Lori Tirri  
Vicinage Assistant Chief Probation Officer  
Child Support Enforcement

May 10, 2010

Jennifer DeSimone, Esq  
60 Washington St  
Morristown, NJ 07960

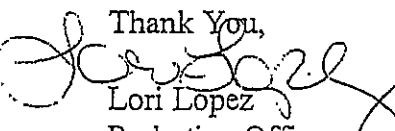
Case #: CS42816275A  
Re: John Manning

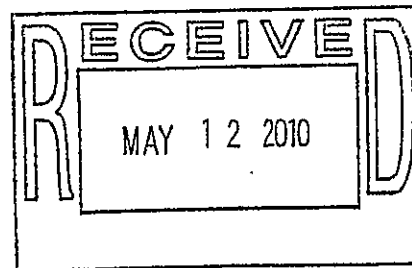
Dear Ms. DeSimone,

As per your request, please find the attached payment history and cost of living order for John Manning. Please contact me once the consent order is signed.

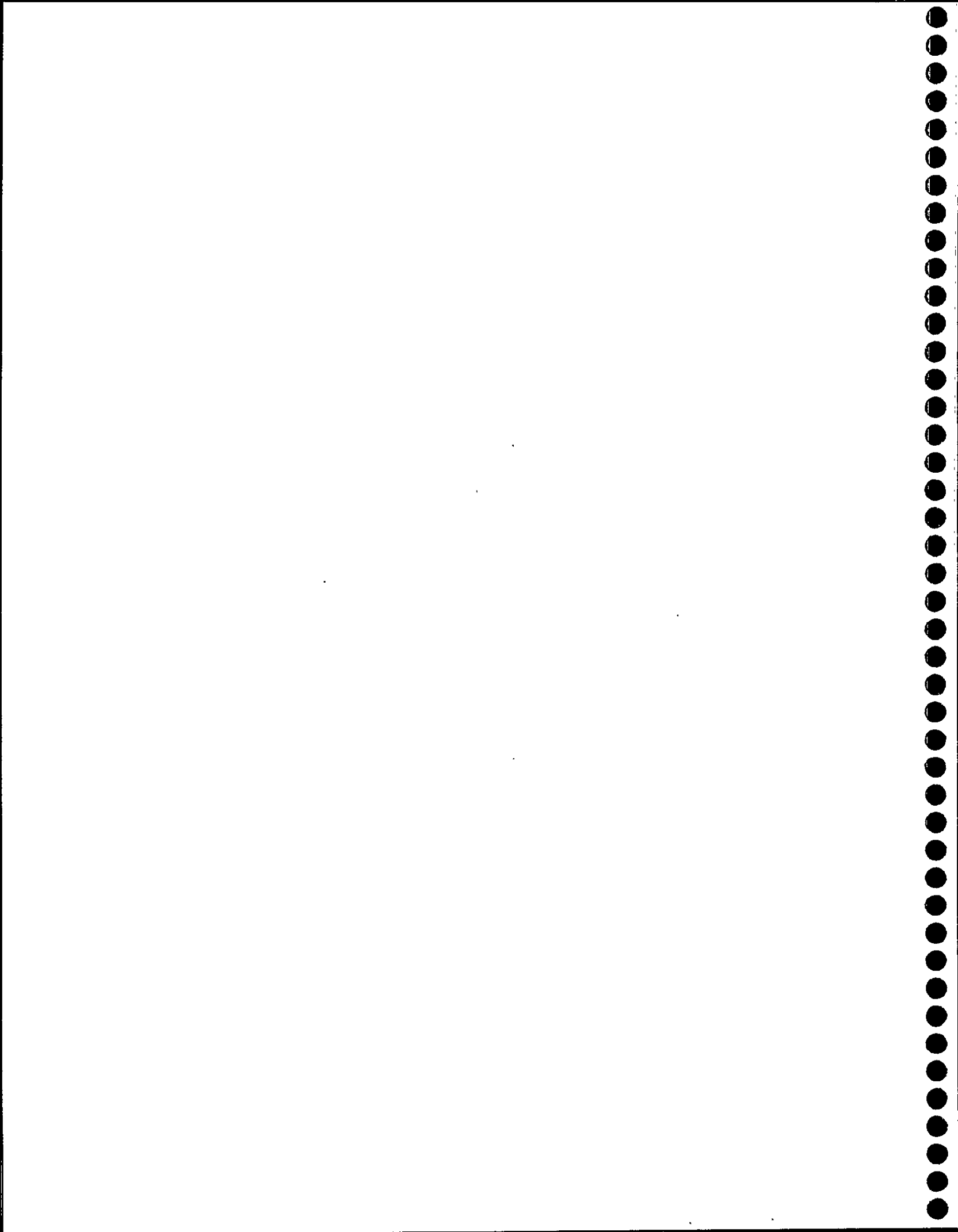
If you have any questions, please contact me (201) 527-1200 ext 8314.

Thank You,

  
Lori Lopez  
Probation Officer



- 85a -



State of New Jersey  
Administrative Office of the Courts

SUPERIOR COURT OF NEW JERSEY  
Chancery Division - Family Part

CARROLL BARBARA

*Plaintiff-Obligee*

vs.

MANNING JOHN F

*Defendant-Obligor*

BERGEN COUNTY

Docket Number; FM-02-006706-93

Case ID: CS42816275A

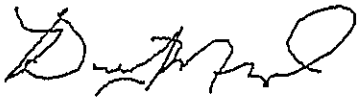
CIVIL ACTION ORDER

COST-OF-LIVING ADJUSTMENT  
PURSUANT TO RULE 5:6B

This matter having been brought before the court, upon the application for a Cost-of-Living Adjustment (COLA) for a child support order, pursuant to Rule 5:6B, and no contest to the application having been timely filed by either party, and for other good cause having been shown, IT IS HEREBY ORDERED THAT:

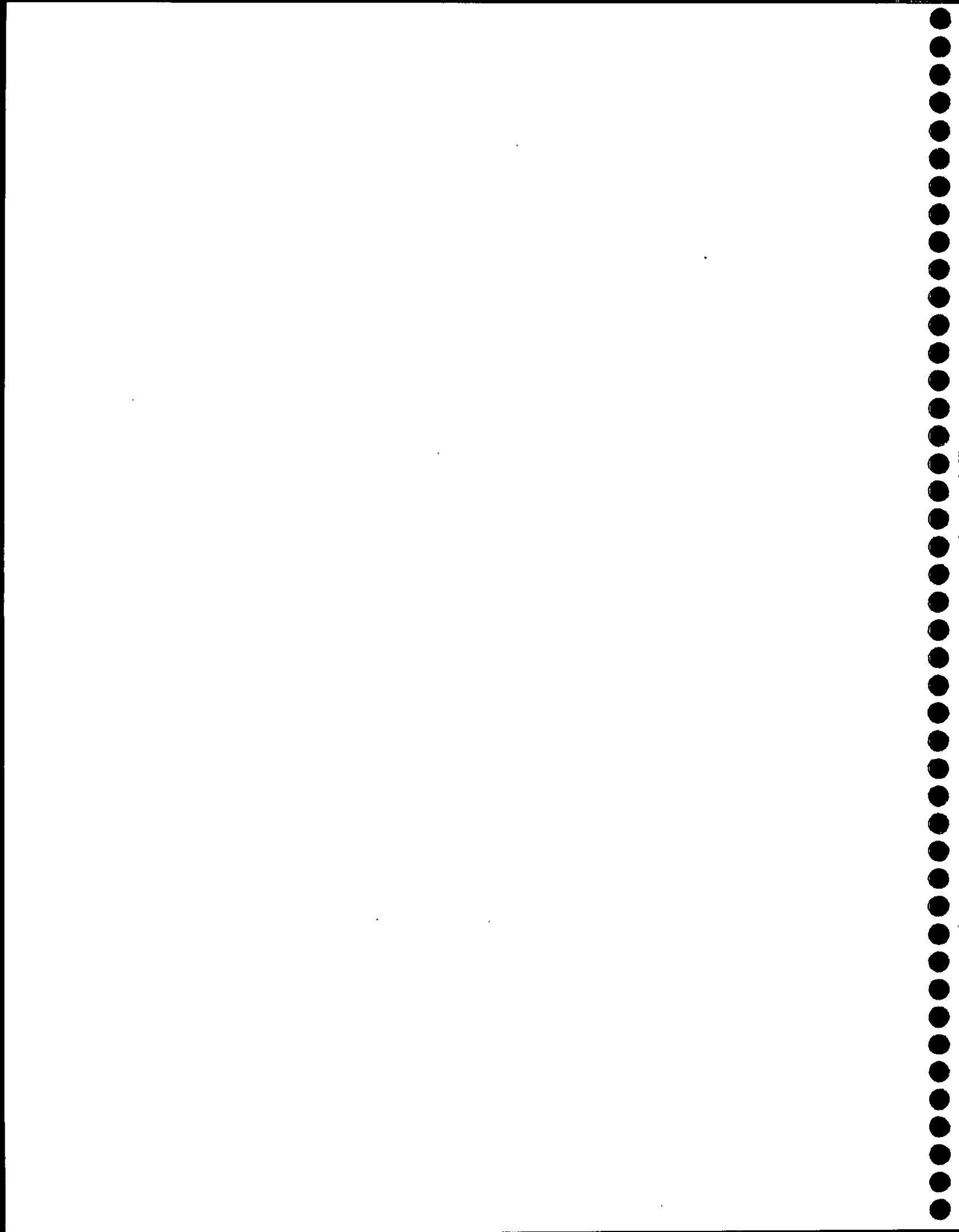
1. The COLA is hereby applied. The child support portion of the obligor's current support obligation is hereby adjusted to \$ 609 MONTHLY, effective 08/01/2009 . The child support award is \$ 609 MONTHLY the spousal support award is \$ 0 ; and the arrears payback is \$ 50.00 MONTHLY. The total support obligation is \$ 659.00 MONTHLY , and shall be paid by the obligor to the New Jersey Family Support Payment Center.
2. An amended income withholding order shall be issued to the obligor's employer if income withholding has been previously ordered.
3. This order only adjusts the current child support obligation. All other provisions previously entered shall remain in full force and effect until further order of the court.
4. A true copy of this order shall be mailed to the parties at their address of record.

So ORDERED by the Court:



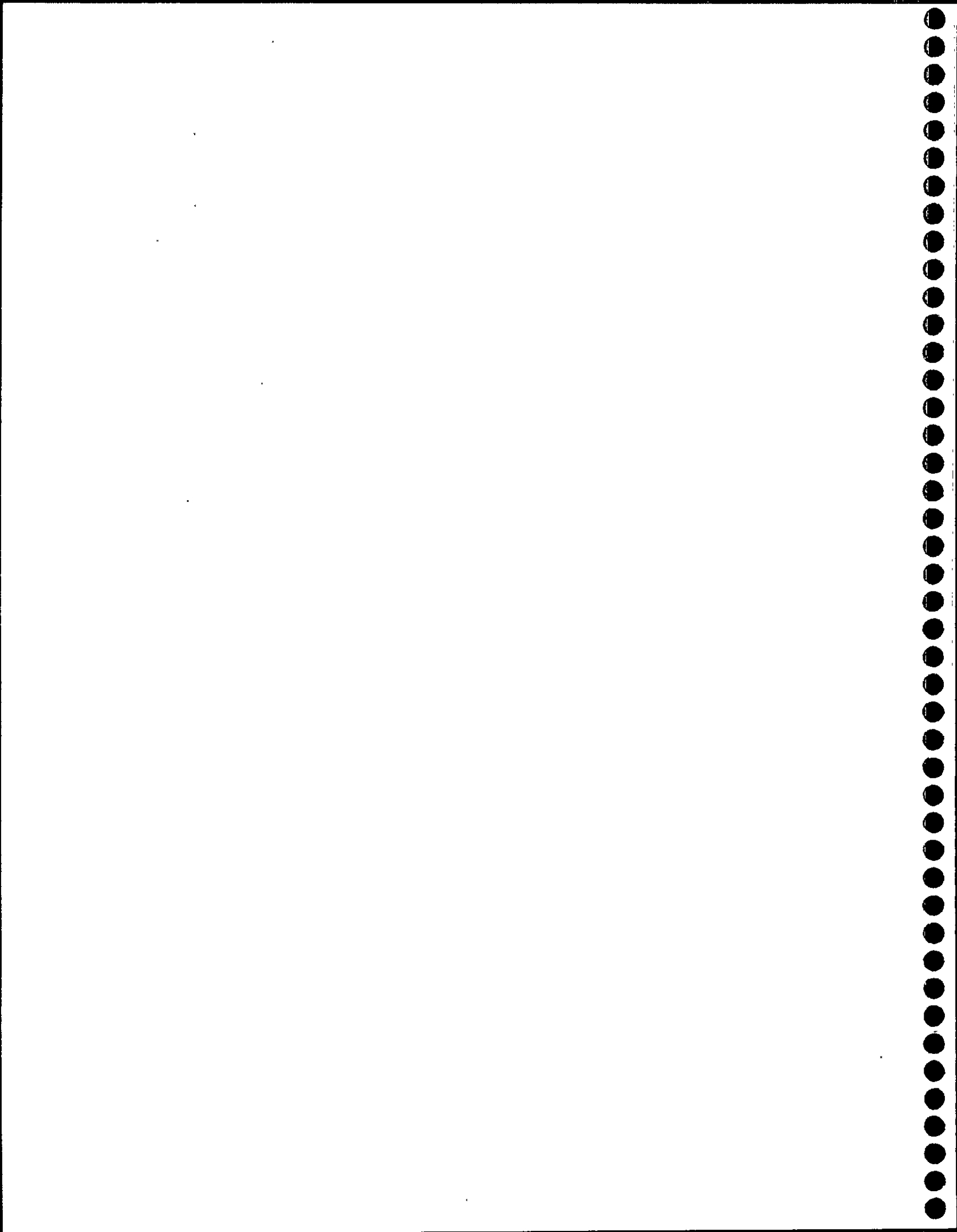
Vicinage P.J.F.P.  
BONNIE J MIZDOL

Date: 08/03/2009



- 87 a -





COUNTY: BERGEN  
CASE ID: CS42816275A AP NAME: MANNING, JOHN

PERIOD: 01/01/07 - 12/31/07  
CLIENT NAME: CARROLL, BARBARA

TRANSACTION DATE: 08/01/07

CURRENT OBLIGATION

DOCKET NUMBER C O DATE EFFECTIVE DATE COURT FIPS INTERSTATE NO. WE CODE WE DATE  
EM-02-006706-93 07/20/07 08/01/07 34003  
FREQUENCY CURRENT OBL. PAY AMOUNT  
MONTHLY SPOUSAL: .00  
CHILD: 592.00

CURRENT MO DELINQ  
SPOUSAL: .00  
CHILD: .00  
CURRENT ARREARS  
SPOUSAL: .00  
CHILD AFDC: .00  
CHILD NON-AFDC: 13503.88

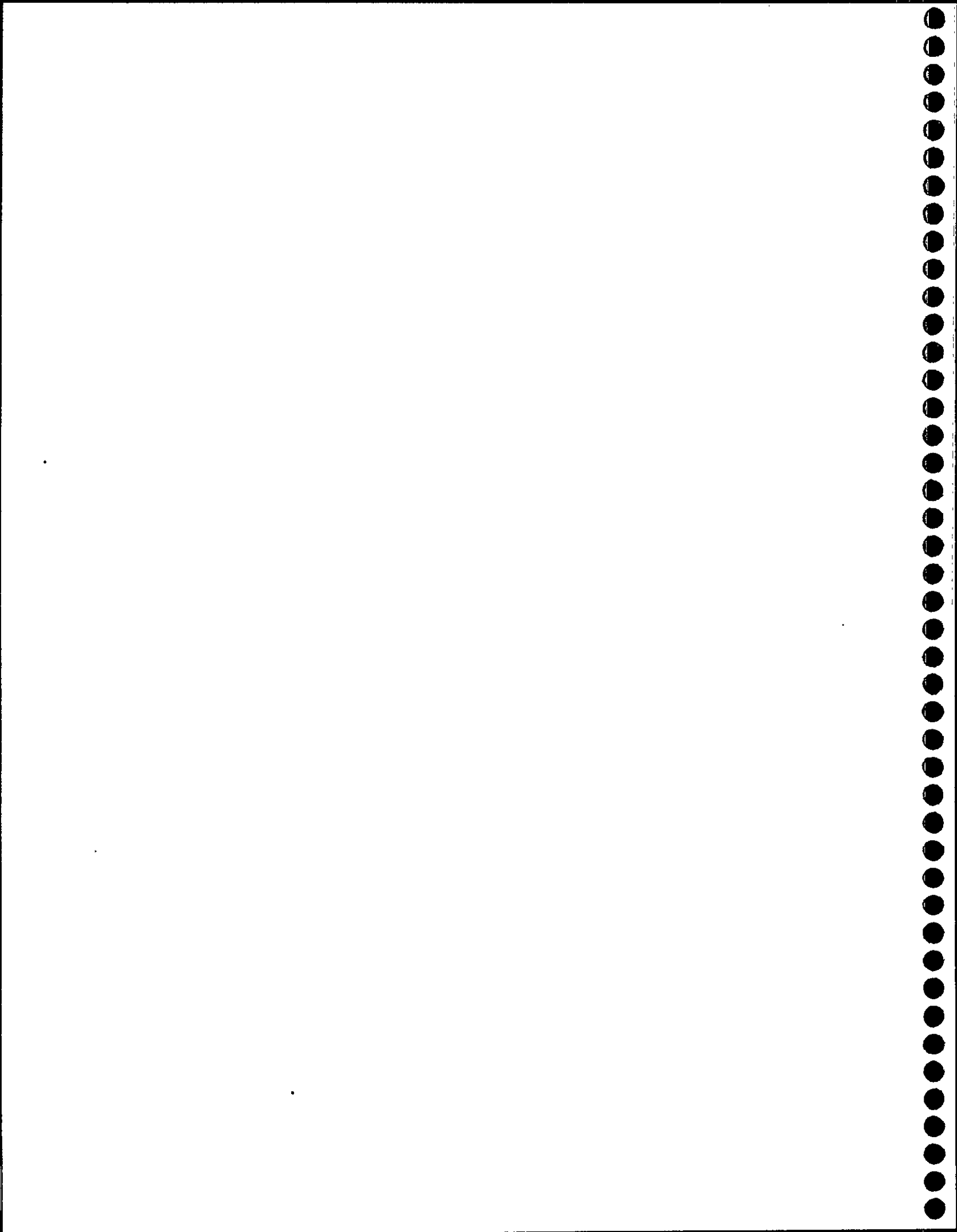
OTHER ARREARS- BALANCE FIPS/DCN DOCKET

ARREARS PAY AMOUNT: 50.00 M 2404.35 42816275

APPLIED TRANSACTION HISTORY

COMMAND CODE	TRANS. DATE	PAY/ADJ AMOUNT	PC SC CODE	ADJ P/A IND	CURR SUPPRT	CURR ARRS	COURT ORDER AMOUNT	ARREARS FIPS/DCN	OTHER AMOUNT	ARREARS TYPE	ARREARS FIPS/DCN	UNDIST/ESC/PRE
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ARCB	08/01/07	2404.35		C01 2								
ARCB	08/01/07	14198.28		B12 2		14198.28 N						
ABCA	08/16/07	642.00		R K 2	592.00 N	50.00 N						
CHARGE	09/ /07	592.00										
ABCA	09/04/07	642.00		R K 2	592.00 N	50.00 N						
ABCA	09/10/07	148.15		R W 2		148.15 N						
ABCA	09/17/07	148.15		R W 2		148.15 N						
ABCA	09/24/07	148.15		R W 2		148.15 N						
CHARGE	10/ /07	592.00										
ABCA	10/01/07	148.15		R W 2		148.15 N						
ABCA	10/09/07	148.15		R W 2		148.15 N						
ABCA	10/15/07	148.15		R W 2		148.15 N						
ABCA	10/22/07	148.15		R W 2		147.55 N						
ABCA	10/29/07	148.15		R W 2				.60 N				
CHARGE	11/ /07	592.00										

1-281



COUNTY: BERGEN  
CASE ID: CS42816275A AP NAME: MANNING, JOHN  
CLIENT NAME: CARROLL, BARBARA

PERIOD: 01/01/07 - 12/31/07

APPLIED TRANSACTION HISTORY

COMMAND CODE	TRANS. DATE	PAY/ADJ AMOUNT	PC SC	ADJ CODE	P/A IND	CURR SUPPRT	CURR ARRS	COURT ORDER	ARRARS	OTHER	ARRARS	UNDIST/
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ABCA	11/13/07	148.15	R	W	2	148.15	N					
ABCA	11/19/07	148.15	R	W	2	148.15	N					
ABCA	11/26/07	148.15	R	W	2	147.55	N			.60	N	
CHARGE	12/ /07	592.00										
ABCA	12/03/07	148.15	R	W	2	148.15	N					
ABCA	12/10/07	148.15	R	W	2	148.15	N					
ABCA	12/17/07	148.15	R	W	2	148.15	N					
ABCA	12/24/07	148.15	R	W	2	147.55	N			.60	N	

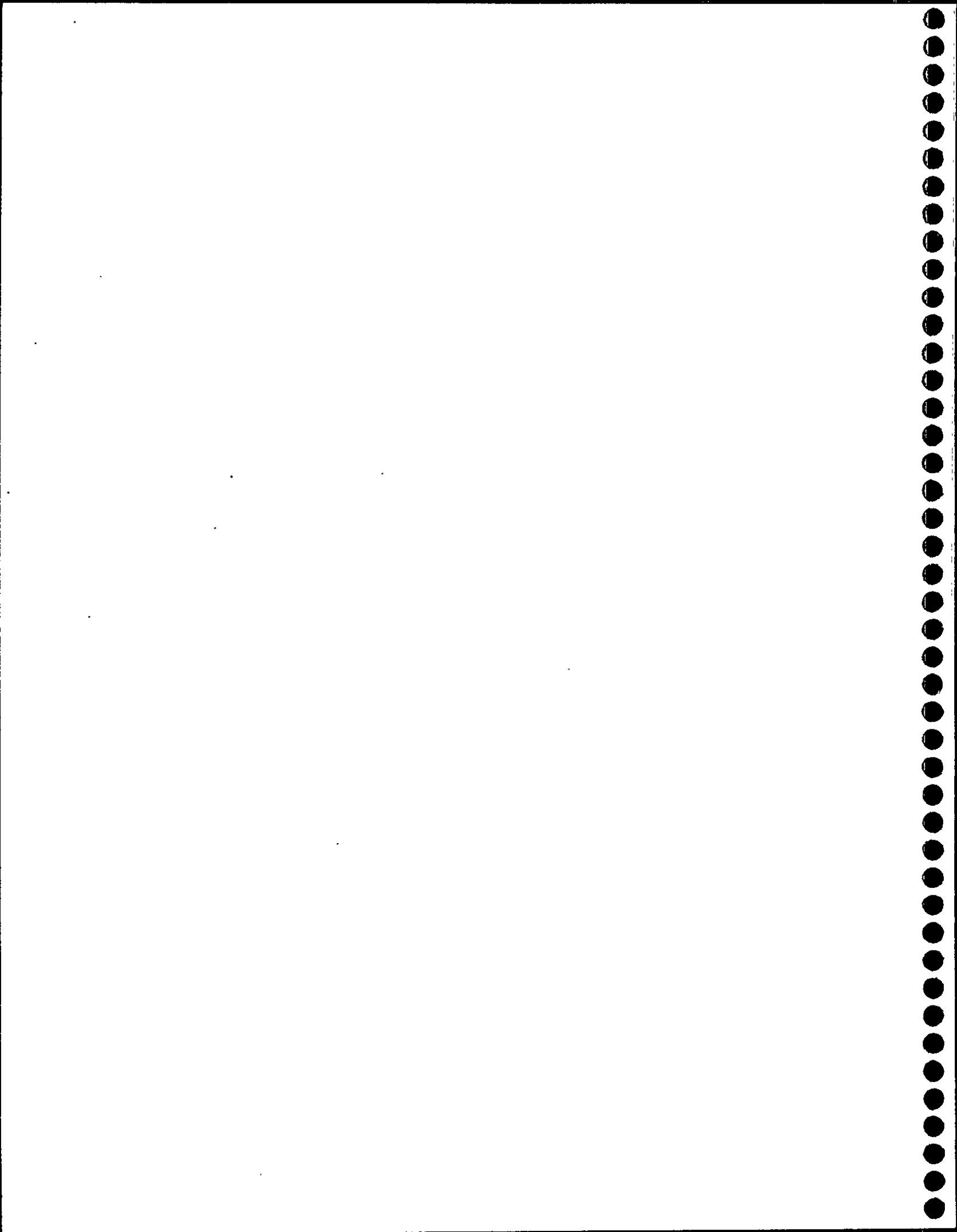
SUMMARY SECTION

BEGINNING ARREARS BALANCE	0.00	UNDISTRIBUTED BALANCE	0.00
TOTAL CHARGES	2,960.00	TOTAL APRE TRANSACTIONS	0.00
TOTAL PAYMENTS	3,654.40	TOTAL ARRU TRANSACTIONS	0.00
TOTAL 'REVERSE' ADJUSTMENTS	0.00		
TOTAL 'ADD' ADJUSTMENTS	0.00		
TOTAL 'DECREASE' ADJUSTMENTS	0.00		
TOTAL 'INCREASE' ADJUSTMENTS	16,602.63		
ENDING ARREARS BALANCE	15,908.23		
AP REFUND 'ARUN'	0.00		

CHECK HISTORY

CHECK DATE	RECEIPT DATE	CHECK NUMBER	AGENCY FIPS	PAYEE NAME	CHECK AMOUNT	STATUS CODE	SUM IND	MANUAL CHECK REASON
08/16/07	08/16/07	3807636	34003	BARBARA CARROLL	642.00		E	
09/04/07	09/04/07	E581522	34003	BARBARA CARROLL	642.00		E	
09/10/07	09/10/07	E584916	34003	BARBARA CARROLL	148.15		E	
09/17/07	09/17/07	E588483	34003	BARBARA CARROLL	148.15		E	
09/24/07	09/24/07	E591987	34003	BARBARA CARROLL	148.15		E	
10/01/07	10/01/07	E595688	34003	BARBARA CARROLL	148.15		E	

189



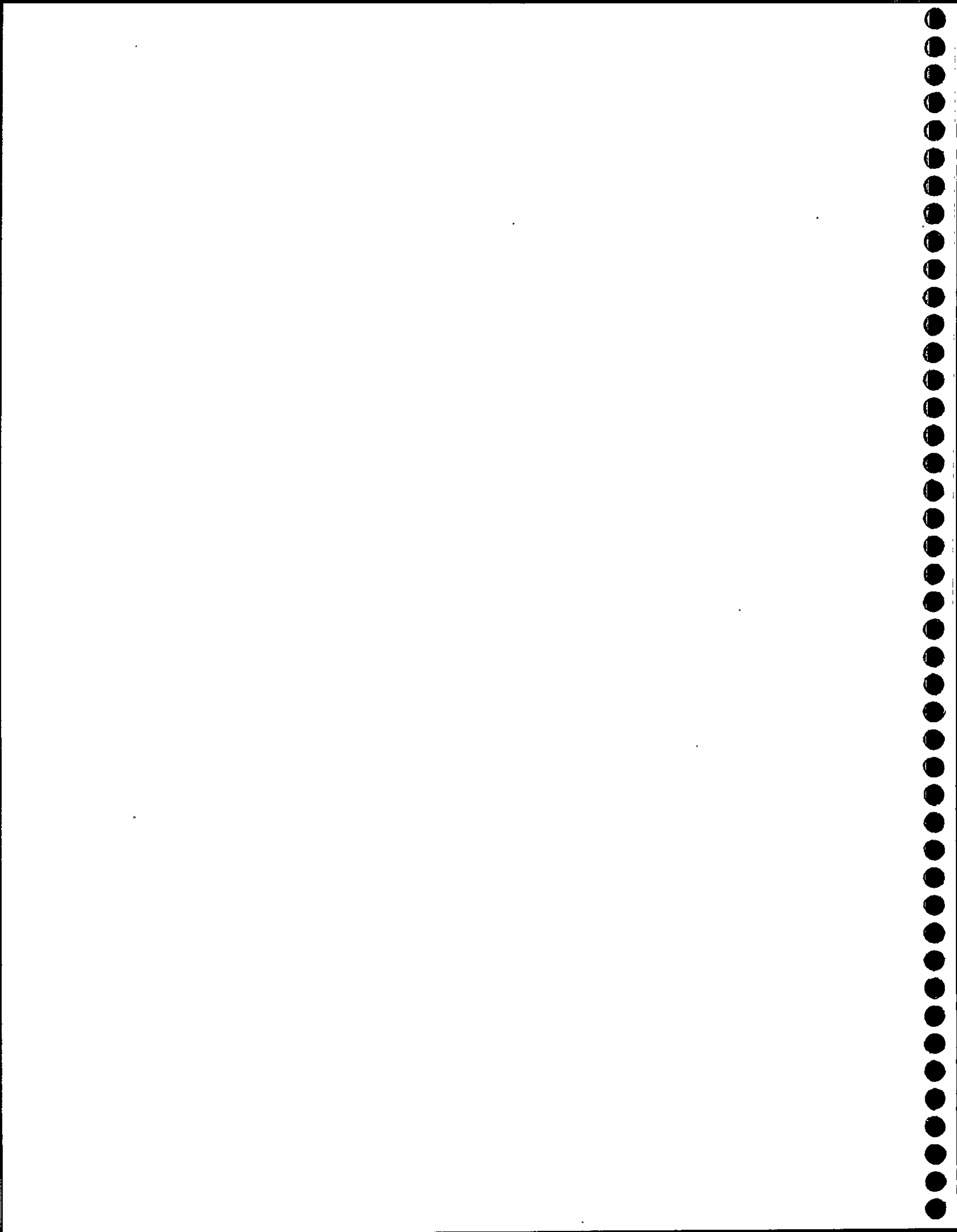
COUNTY: BERGEN AUTOMATED CHILD SUPPORT ENFORCEMENT SYSTEM FILE DATE: 12/30/07

CASE ID: CS42816275A AP NAME: MANNING, JOHN PERIOD: 01/01/07 - 12/31/07 CLIENT NAME: CARROLL, BARBARA

\*\*\*\*\*  
 CHECK HISTORY  
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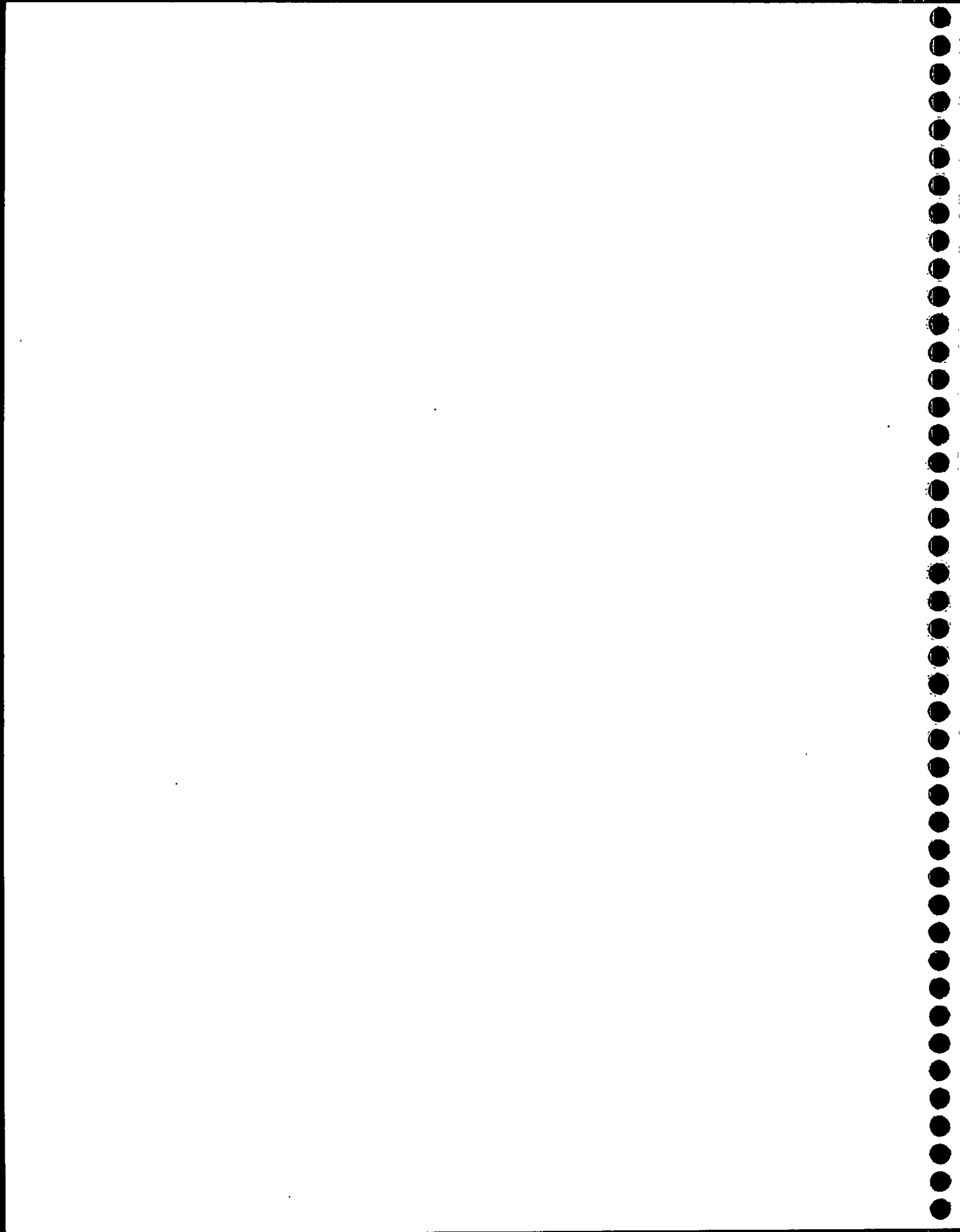
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10/22/07	10/22/07	E606366	34003	BARBARA CARROLL	148.15		E	
10/29/07	10/29/07	E609729	34003	BARBARA CARROLL	148.15		E	
11/05/07	11/05/07	E613726	34003	BARBARA CARROLL	148.15		E	
11/13/07	11/13/07	E617355	34003	BARBARA CARROLL	148.15		E	
11/19/07	11/19/07	E620869	34003	BARBARA CARROLL	148.15		E	
11/26/07	11/26/07	E624004	34003	BARBARA CARROLL	148.15		E	
12/03/07	12/03/07	E627949	34003	BARBARA CARROLL	148.15		E	
12/10/07	12/10/07	E631756	34003	BARBARA CARROLL	148.15		E	
12/17/07	12/17/07	E635366	34003	BARBARA CARROLL	148.15		E	
12/24/07	12/24/07	E638951	34003	BARBARA CARROLL	148.15		E	
TOTAL					3,654.40			

- 90 a -



- 912 -





STATE OF NEW JERSEY  
SUPERIOR COURT  
MUNICIPAL JUDICIAL DISTRICT  
COUNTY OF BERGEN  
FILED DATE: 01/01/09

CASE ID: CS42816275A AP NAME: MANNING, JOHN PERIOD: 01/01/08 - 12/31/08 CLIENT NAME: CARROLL, BARBARA  
\*\*\*\*\*

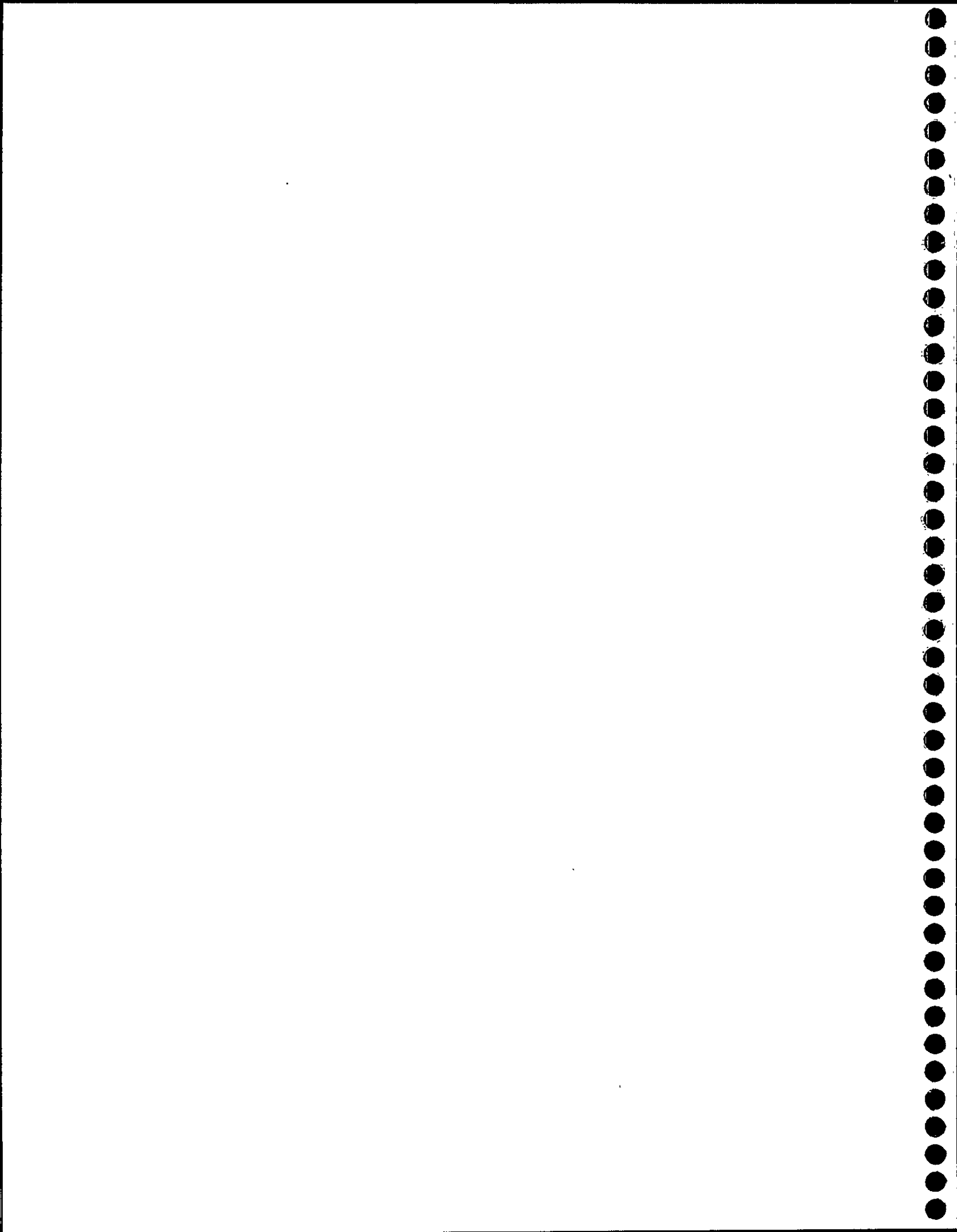
TRANSACTION DATE: 08/01/07  
DOCKET NUMBER C O DATE EFFECTIVE DATE COURT FIPS INTERSTATE NO. WE CODE WE DATE  
EN-02-006706-93 07/20/07 08/01/07 34003 I 07/20/07  
FREQUENCY MONTHLY CURRENT OBL. PAY AMOUNT CURRENT NO DELINQ CURRENT ARREARS  
SPOUSAL: .00 SPOUSAL: .00  
CHILD: 592.00 CHILD: .00  
CHILD AFDC: .00  
CHILD NON-AFDC: 12755.93  
OTHER ARREARS - - - - - OTHER ARREARS - - - - -  
BALANCE FIPS/DCN DOCKET

\*\*\*\*\* ARREARS PAY AMOUNT: 50.00 M 2404.35 42816275 \*\*\*\*\*

COMMAND CODE	TRANS. DATE	PAY/ADJ AMOUNT	PC	SC	ADJ CODE	IND	CURR SUPPORT	CURR ARRS	COURT ORDER AMOUNT	ARREARS TYPE	OTHER FIPS/DCN AMOUNT	ARREARS TYPE	UNDIST/ FIPS/DCN ESC/PRE
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ABCA	01/02/08	148.15	R	W		2	148.15 N						
ABCA	01/07/08	148.15	R	W		2	148.15 N						
ABCA	01/14/08	148.15	R	W		2	148.15 N						
ABCA	01/22/08	148.15	R	W		2	147.55 N	.60 N					
ABCA	01/28/08	148.15	R	W		2	148.15 N						
CHARGE	02/ - /08	592.00											
ABCA	02/04/08	148.15	R	W		2	148.15 N						
ABCA	02/11/08	148.15	R	W		2	148.15 N						
ABCA	02/19/08	148.15	R	W		2	148.15 N						
ABCA	02/25/08	148.15	R	W		2	147.55 N	.60 N					
CHARGE	03/ /08	592.00											
ABCA	03/03/08	148.15	R	W		2	148.15 N						
ABCA	03/10/08	148.15	R	W		2	148.15 N						
ABCA	03/17/08	148.15	R	W		2	148.15 N						
ABCA	03/24/08	148.15	R	W		2	147.55 N	.60 N					

-92a-

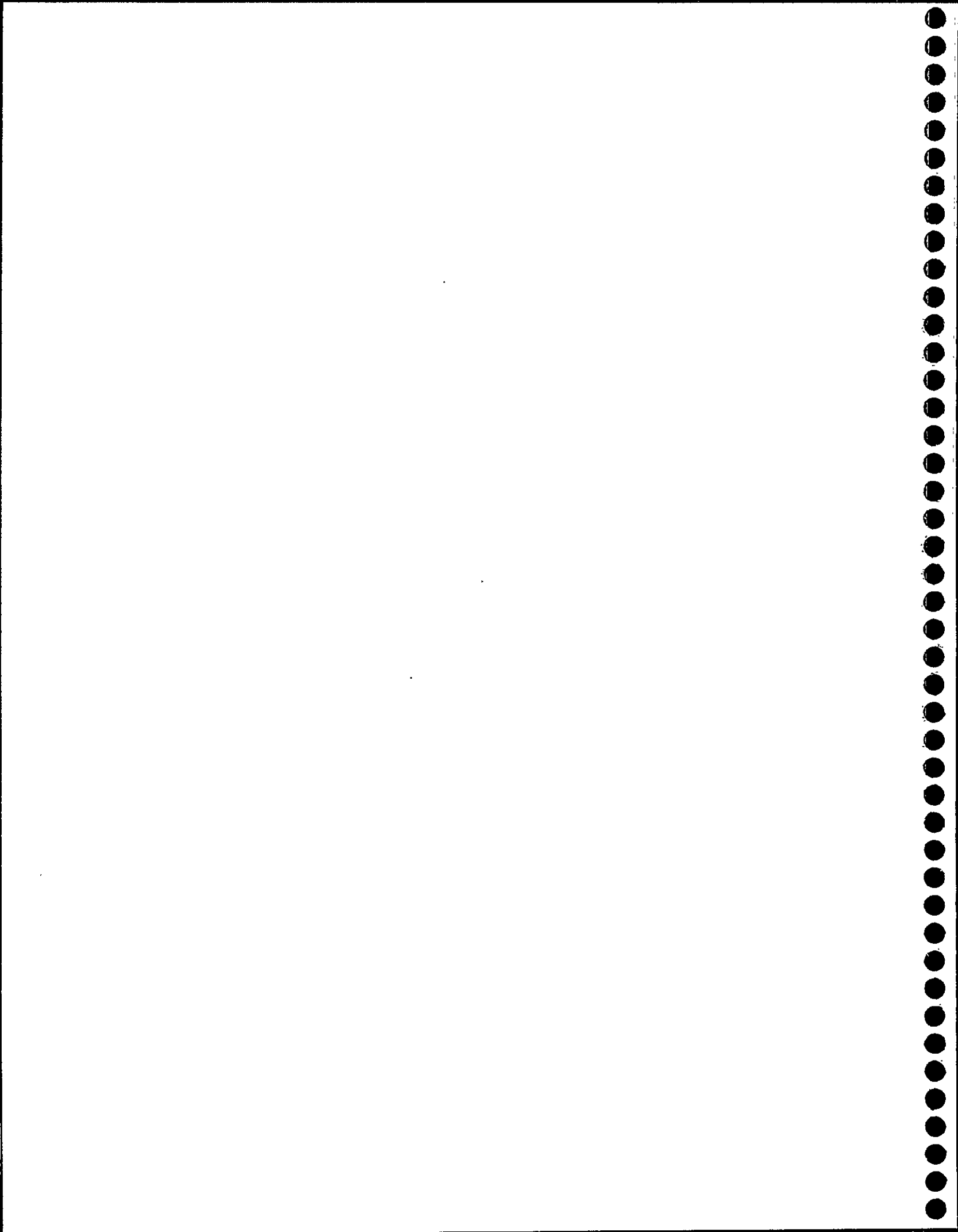
Ex B



COUNTY: BERGEN  
 CASE ID: CS42816275A AP NAME: MANNING, JOHN PERIOD: 01/01/08 - 12/31/08  
 FISCAL AUDIT REPORT  
 CLIENT NAME: CARROLL, BARBARA  
 FILE DATE: 01/01/09

COMMAND	TRANS.	PAY/ADJ	PC	SC	ADJ	P/A	CURR	SUPPORT	CURR	ARRS	COURT	ORDER	ARRS	OTHER	AMOUNT	FIPS/DCN	ESC/PRE	UNDIST/	
CODE	DATE	AMOUNT			CODE	IND					AMOUNT	TYPE	TYPE	AMOUNT					
ABCA	03/31/08	148.15	R	W		2				148.15	N								
CHARGE	04/ /08	592.00																	
ABCA	04/07/08	148.15	R	W		2	148.15	N											
ABCA	04/14/08	148.15	R	W		2	148.15	N											
ABCA	04/21/08	148.15	R	W		2	148.15	N											
ABCA	04/28/08	148.15	R	W		2	147.55	N		.60	N								
CHARGE	05/ /08	592.00																	
ABCA	05/05/08	148.15	R	W		2	148.15	N											
ABCA	05/12/08	148.15	R	W		2	148.15	N											
ABCA	05/19/08	148.15	R	W		2	148.15	N											
ABCA	05/27/08	148.15	R	W		2	147.55	N		.60	N								
CHARGE	06/ /08	592.00																	
ABCA	06/02/08	148.15	R	W		2	148.15	N											
ABCA	06/09/08	148.15	R	W		2	148.15	N											
ABCA	06/16/08	148.15	R	W		2	148.15	N											
ABCA	06/23/08	148.15	R	W		2	147.55	N		.60	N								
ABCA	06/30/08	148.15	R	W		2	147.55	N		148.15	N								
CHARGE	07/ /08	592.00																	
ABCA	07/08/08	148.15	R	W		2	148.15	N											
ABCA	07/14/08	148.15	R	W		2	148.15	N											
ABCA	07/21/08	148.15	R	W		2	148.15	N											
ABCA	07/28/08	148.15	R	W		2	147.55	N		.60	N								
CHARGE	08/ /08	592.00																	
ABCA	08/04/08	148.15	R	W		2	148.15	N											
ABCA	08/11/08	148.15	R	W		2	148.15	N											
ABCA	08/18/08	148.15	R	W		2	148.15	N											
ABCA	08/25/08	148.15	R	W		2	147.55	N		.60	N								
CHARGE	09/ /08	592.00																	
ABCA	09/02/08	148.15	R	W		2	148.15	N											
ABCA	09/08/08	148.15	R	W		2	148.15	N											
ABCA	09/15/08	148.15	R	W		2	148.15	N											
ABCA	09/22/08	148.15	R	W		2	147.55	N		.60	N								
ABCA	09/29/08	148.15	R	W		2	147.55	N		148.15	N								
CHARGE	10/ /08	592.00																	
ABCA	10/06/08	148.15	R	W		2	148.15	N											
ABCA	10/14/08	148.15	R	W		2	148.15	N											
ABCA	10/20/08	148.15	R	W		2	148.15	N											
ABCA	10/27/08	148.15	R	W		2	147.55	N		.60	N								

any emancipated 5/18/08 / 6/1/08 → \$296/mo app' arrears.



APPLIED TRANSACTION HISTORY  
 FISCAL AUDIT REPORT  
 CLIENT NAME: CARROLL, BARBARA

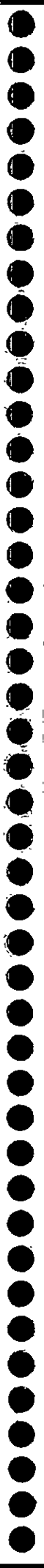
COMMAND	TRANS.	PAY/ADJ	PC	SC	CODE	IND	CURR	SUPPORT	CURR	ARRS	COURT	ORDER	ARRS	OTHER	ARRS	UNDIST/		
CODE	DATE	AMOUNT									AMOUNT	TYPE	FIPS/DCN	AMOUNT	TYPE	FIPS/DCN	ESC/PRE	
CHARGE	11/ /08	592.00																
ABCA	11/03/08	148.15	R	W		2		148.15	N									
ABCA	11/10/08	148.15	R	W		2		148.15	N									
ABCA	11/17/08	148.15	R	W		2		148.15	N									
ABCA	11/24/08	148.15	R	W		2		147.55	N	.60	N							
CHARGE	12/ /08	592.00																
ABCA	12/01/08	148.15	R	W		2		148.15	N									
ABCA	12/08/08	148.15	R	W		2		148.15	N									
ABCA	12/15/08	148.15	R	W		2		148.15	N									
ABCA	12/22/08	148.15	R	W		2		147.55	N	.60	N							
ABCA	12/29/08	148.15	R	W		2		148.15	N									

SUMMARY SECTION  
 BEGINNING ARREARS BALANCE 15,908.23  
 TOTAL CHARGES 7,104.00  
 TOTAL PAYMENTS 7,851.95  
 TOTAL 'REVERSE' ADJUSTMENTS 0.00  
 TOTAL 'ADD' ADJUSTMENTS 0.00  
 TOTAL 'DECREASE' ADJUSTMENTS 0.00  
 TOTAL 'INCREASE' ADJUSTMENTS 0.00  
 ENDING ARREARS BALANCE 15,160.28  
 AP REFUND 'ARUN' 0.00

UNDISTRIBUTED BALANCE 0.00  
 TOTAL APRE TRANSACTIONS 0.00  
 TOTAL ARRU TRANSACTIONS 0.00

CHECK HISTORY

CHECK DATE	RECEIPT DATE	CHECK NUMBER	AGENCY FIPS	PAYEE NAME	CHECK AMOUNT	STATUS CODE	SUM IND	MANUAL CHECK REASON
01/02/08	01/02/08	E642916	34003	BARBARA CARROLL	148.15		E	
01/07/08	01/07/08	E645903	34003	BARBARA CARROLL	148.15		E	
01/14/08	01/14/08	E649495	34003	BARBARA CARROLL	148.15		E	
01/22/08	01/22/08	E652979	34003	BARBARA CARROLL	148.15		E	



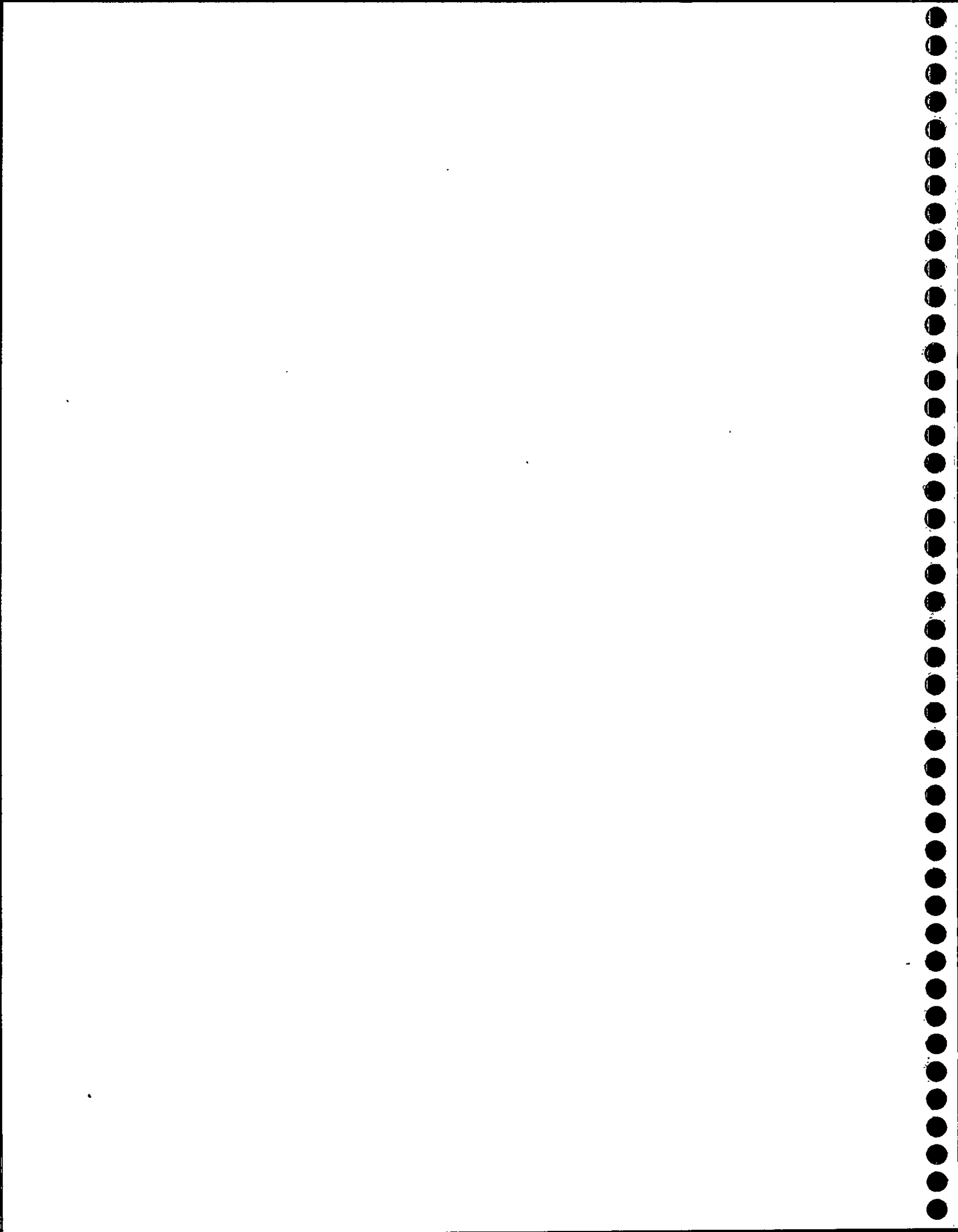
COUNTY: BERGEN  
CASE ID: CS42816275A  
AP NAME: MANNING, JOHN  
PERIOD: 01/01/08 - 12/31/08  
CLIENT NAME: CARROLL, BARBARA  
FILE DATE: 01/01/09

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SUNSHINE OF NEW JERSEY  
ASSOCIATED CHILD SUPPORT ENFORCEMENT SYSTEM  
FISCAL AUDIT REPORT  
\*\*\*\*\*

CHECK DATE	RECEIPT DATE	CHECK NUMBER	AGENCY FIPS	PAYEE NAME	CHECK AMOUNT	STATUS CODE	SUM IND	MANUAL CHECK REASON
01/28/08	01/28/08	E656283	34003	BARBARA CARROLL	148.15	E	E	
02/04/08	02/04/08	E660116	34003	BARBARA CARROLL	148.15	E	E	
02/11/08	02/11/08	E663840	34003	BARBARA CARROLL	148.15	E	E	
02/19/08	02/19/08	E667328	34003	BARBARA CARROLL	148.15	E	E	
02/25/08	02/25/08	E670464	34003	BARBARA CARROLL	148.15	E	E	
03/03/08	03/03/08	E674310	34003	BARBARA CARROLL	148.15	E	E	
03/10/08	03/10/08	E678196	34003	BARBARA CARROLL	148.15	E	E	
03/17/08	03/17/08	E681781	34003	BARBARA CARROLL	148.15	E	E	
03/24/08	03/24/08	E685237	34003	BARBARA CARROLL	148.15	E	E	
03/31/08	03/31/08	E688749	34003	BARBARA CARROLL	148.15	E	E	
04/07/08	04/07/08	E692969	34003	BARBARA CARROLL	148.15	E	E	
04/14/08	04/14/08	E696416	34003	BARBARA CARROLL	148.15	E	E	
04/21/08	04/21/08	E700023	34003	BARBARA CARROLL	148.15	E	E	
04/28/08	04/28/08	E703379	34003	BARBARA CARROLL	148.15	E	E	
05/05/08	05/05/08	E707469	34003	BARBARA CARROLL	148.15	E	E	
05/12/08	05/12/08	E711083	34003	BARBARA CARROLL	148.15	E	E	
05/19/08	05/19/08	E714775	34003	BARBARA CARROLL	148.15	E	E	
05/27/08	05/27/08	E718198	34003	BARBARA CARROLL	148.15	E	E	
06/02/08	06/02/08	E721738	34003	BARBARA CARROLL	148.15	E	E	
06/09/08	06/09/08	E725827	34003	BARBARA CARROLL	148.15	E	E	
06/16/08	06/16/08	E729558	34003	BARBARA CARROLL	148.15	E	E	
06/23/08	06/23/08	E733147	34003	BARBARA CARROLL	148.15	E	E	
06/30/08	06/30/08	E736861	34003	BARBARA CARROLL	148.15	E	E	
07/08/08	07/08/08	E741542	34003	BARBARA CARROLL	148.15	E	E	
07/14/08	07/14/08	E744338	34003	BARBARA CARROLL	148.15	E	E	
07/21/08	07/21/08	E747974	34003	BARBARA CARROLL	148.15	E	E	
07/28/08	07/28/08	E751480	34003	BARBARA CARROLL	148.15	E	E	
08/04/08	08/04/08	E755329	34003	BARBARA CARROLL	148.15	E	E	
08/11/08	08/11/08	E759284	34003	BARBARA CARROLL	148.15	E	E	
08/18/08	08/18/08	E762705	34003	BARBARA CARROLL	148.15	E	E	
08/25/08	08/25/08	E766411	34003	BARBARA CARROLL	148.15	E	E	
09/02/08	09/02/08	E770183	34003	BARBARA CARROLL	148.15	E	E	
09/08/08	09/08/08	E773962	34003	BARBARA CARROLL	148.15	E	E	
09/15/08	09/15/08	E777666	34003	BARBARA CARROLL	148.15	E	E	

- 95a -





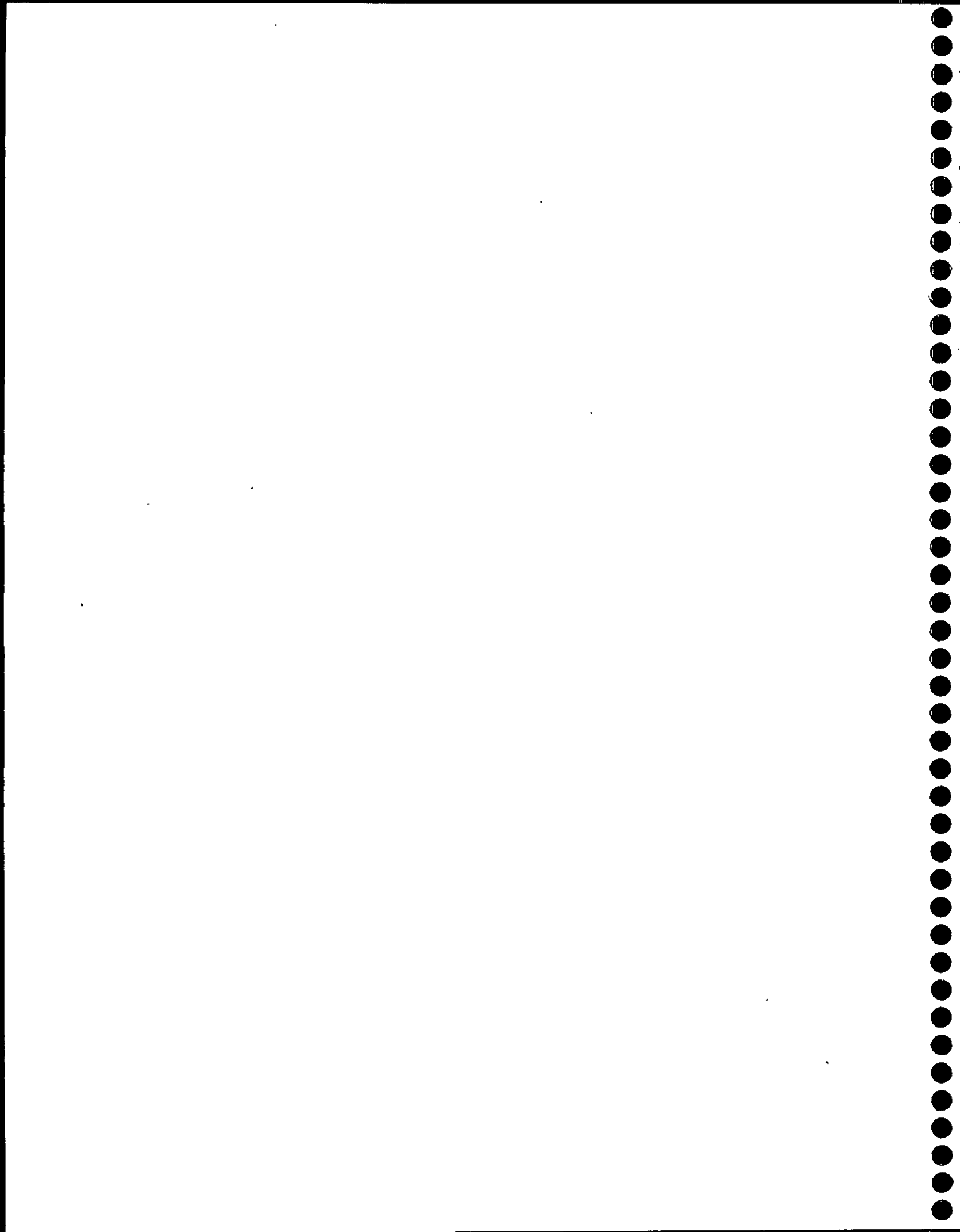
COUNTY: BERGEN  
 CASE ID: CS42816275A AP NAME: MANNING, JOHN PERIOD: 01/01/08 - 12/31/08  
 FISCAL AUDIT REPORT CLIENT NAME: CARROLL, BARBARA  
 FILE DATE: 01/01/09

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 CHECK HISTORY  
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CHECK DATE	RECEIPT DATE	CHECK NUMBER	AGENCY FIPS	PAYEE NAME	CHECK AMOUNT	STATUS CODE	SUM	IND	MANUAL CHECK REASON
09/22/08	09/22/08	E781353	34003	BARBARA CARROLL	148.15	E			
09/29/08	09/29/08	E784919	34003	BARBARA CARROLL	148.15	E			
10/06/08	10/06/08	E789111	34003	BARBARA CARROLL	148.15	E			
10/14/08	10/14/08	E792857	34003	BARBARA CARROLL	148.15	E			
10/20/08	10/20/08	E796457	34003	BARBARA CARROLL	148.15	E			
10/27/08	10/27/08	E799884	34003	BARBARA CARROLL	148.15	E			
11/03/08	11/03/08	E803701	34003	BARBARA CARROLL	148.15	E			
11/10/08	11/10/08	E807671	34003	BARBARA CARROLL	148.15	E			
11/17/08	11/17/08	E811316	34003	BARBARA CARROLL	148.15	E			
11/24/08	11/24/08	E814830	34003	BARBARA CARROLL	148.15	E			
12/01/08	12/01/08	E818249	34003	BARBARA CARROLL	148.15	E			
12/08/08	12/08/08	E822628	34003	BARBARA CARROLL	148.15	E			
12/15/08	12/15/08	E825222	34003	BARBARA CARROLL	148.15	E			
12/22/08	12/22/08	E829872	34003	BARBARA CARROLL	148.15	E			
12/29/08	12/29/08	E833212	34003	BARBARA CARROLL	148.15	E			

TOTAL 7,851.95

- 96a -



- 97a -

Exhibit C



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 TRANSACTION DATE: 08/01/07  
 DOCKET NUMBER C O DATE EFFECTIVE DATE COURT FIPS INTERSTATE NO. WE CODE WE DATE  
 FM-02-006706-93 07/20/07 08/01/07 34003 I 07/20/07  
 FREQUENCY CURRENT OBL. PAY AMOUNT CURRENT MO DELINQ CURRENT ARREARS  
 MONTHLY SPOUSAL: .00 SPOUSAL: .00  
 CHILD: 592.00 CHILD: .00  
 CHILD AFDC: .00  
 CHILD NON-AFDC: 12754.73  
 OTHER ARREARS: --- OTHER ARREARS: ---  
 TYPE BALANCE FIPS/DCN DOCKET

ARREARS PAY AMOUNT: 50.00 M 2404.35 42816275  
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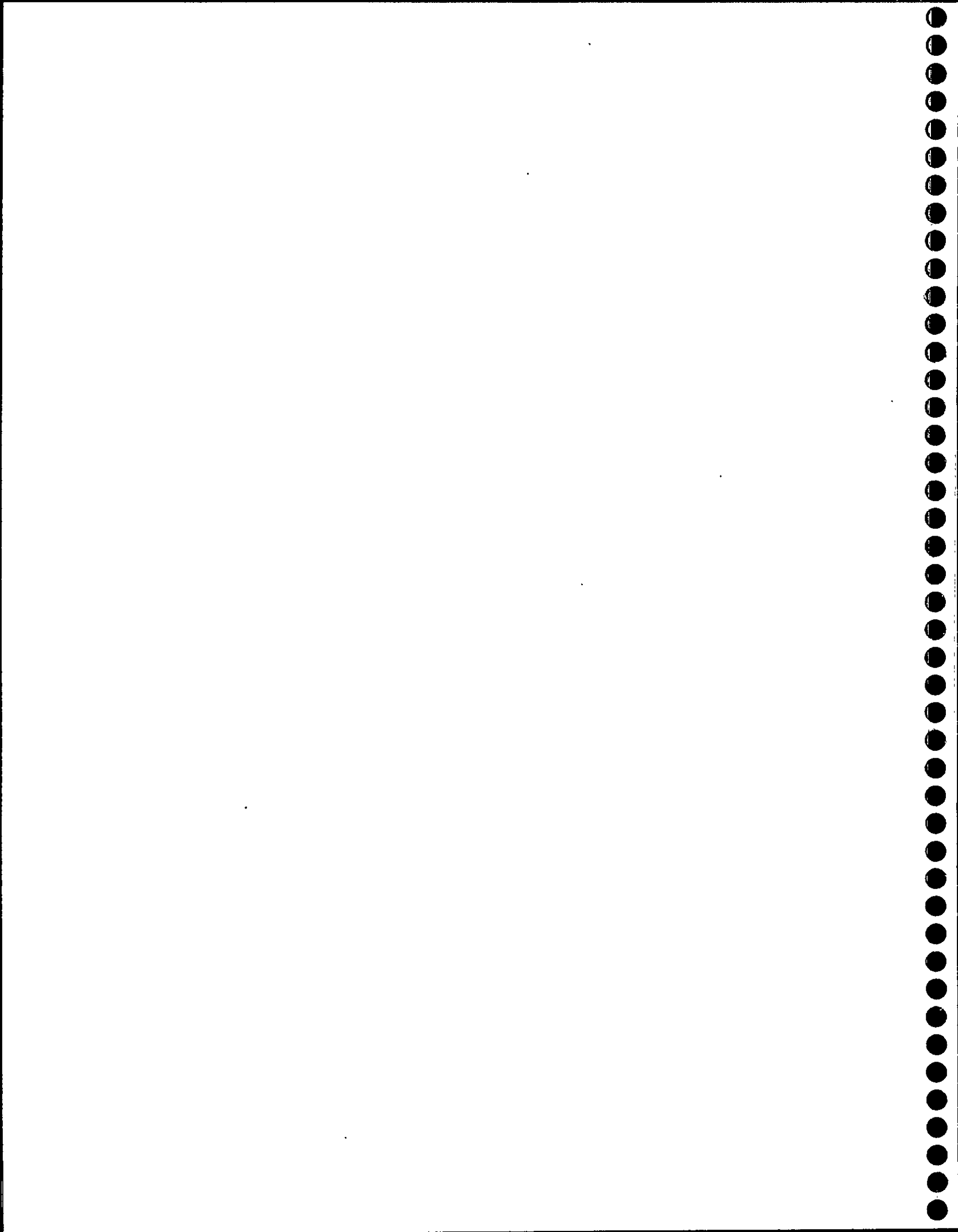
APPLIED TRANSACTION HISTORY

COMMAND CODE	TRANS. DATE	PAY/ADJ AMOUNT	FC	SC	CODE	IND	CURR	SUPPORT	CURR	ARRS	COURT ORDER	ARREARS	OTHER	AMOUNT	FIPS/DCN	ARREARS	TYPE	FIPS/DCN	UNDEIST/ ESC/FRE	
CHARGE	01/ /09	592.00																		
ABCA	01/05/09	148.15	R	W		2		148.15		N										
ABCA	01/12/09	148.15	R	W		2		148.15		N										
ABCA	01/20/09	148.15	R	W		2		148.15		N										
ABCA	01/26/09	148.15	R	W		2		147.55		N										
CHARGE	02/ /09	592.00																		
ABCA	02/02/09	148.15	R	W		2		148.15		N										
ABCA	02/09/09	148.15	R	W		2		148.15		N										
ABCA	02/17/09	148.15	R	W		2		148.15		N										
ABCA	02/23/09	148.15	R	W		2		147.55		N										

\*\*\*\*\*  
 BEGINNING ARREARS BALANCE 15,160.28  
 TOTAL CHARGES 1,184.00  
 TOTAL PAYMENTS 1,185.20  
 TOTAL 'REVERSE' ADJUSTMENTS 0.00  
 TOTAL 'ADD' ADJUSTMENTS 0.00  
 TOTAL 'DECREASE' ADJUSTMENTS 0.00  
 TOTAL 'INCREASE' ADJUSTMENTS 0.00  
 ENDING ARREARS BALANCE 15,159.08  
 AP REFUND 'ARUN' 0.00

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 SUMMARY SECTION  
 UNDISTRIBUTED BALANCE 0.00  
 TOTAL APRE TRANSACTIONS 0.00  
 TOTAL ARRU TRANSACTIONS 0.00

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STATE OF NEW JERSEY  
AUTOMATED CHILD SUPPORT ENFORCEMENT SYSTEM  
FISCAL AUDIT REPORT

CLIENT NAME: CARROLL, BARBARA

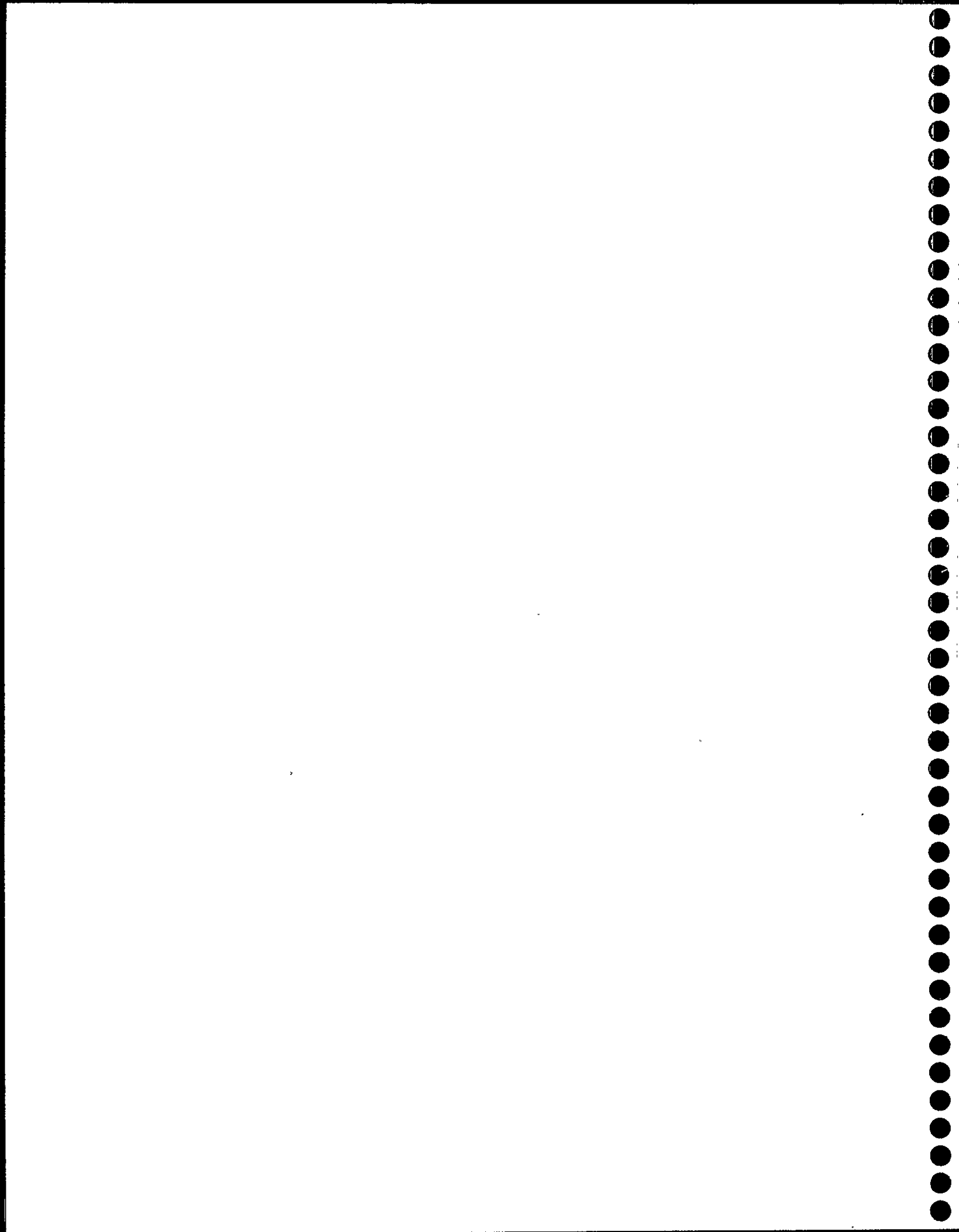
PERIOD: 01/01/09 - 12/31/09

CHECK HISTORY

CHECK DATE	RECEIPT DATE	CHECK NUMBER	AGENCY FIPS	PAYEE NAME	CHECK AMOUNT	STATUS CODE	IND	SUN	MANUAL CHECK REASON
01/05/09	01/05/09	E836859	34003	BARBARA CARROLL	148.15			E	
01/12/09	01/12/09	E840848	34003	BARBARA CARROLL	148.15			E	
01/20/09	01/20/09	E844502	34003	BARBARA CARROLL	148.15			E	
01/26/09	01/26/09	E847903	34003	BARBARA CARROLL	148.15			E	
02/02/09	02/02/09	E851611	34003	BARBARA CARROLL	148.15			E	
02/09/09	02/09/09	E855878	34003	BARBARA CARROLL	148.15			E	
02/17/09	02/17/09	E859513	34003	BARBARA CARROLL	148.15			E	
02/23/09	02/23/09	E862944	34003	BARBARA CARROLL	148.15			E	
TOTAL									1,185.20

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State of New Jersey  
 Child Support Enforcement System  
 Financial Audit Report  
 From: 03/01/2009 - To: 05/07/2010  
 Date Printed: 05/07/2010  
 (Balances Valid as of Print date)

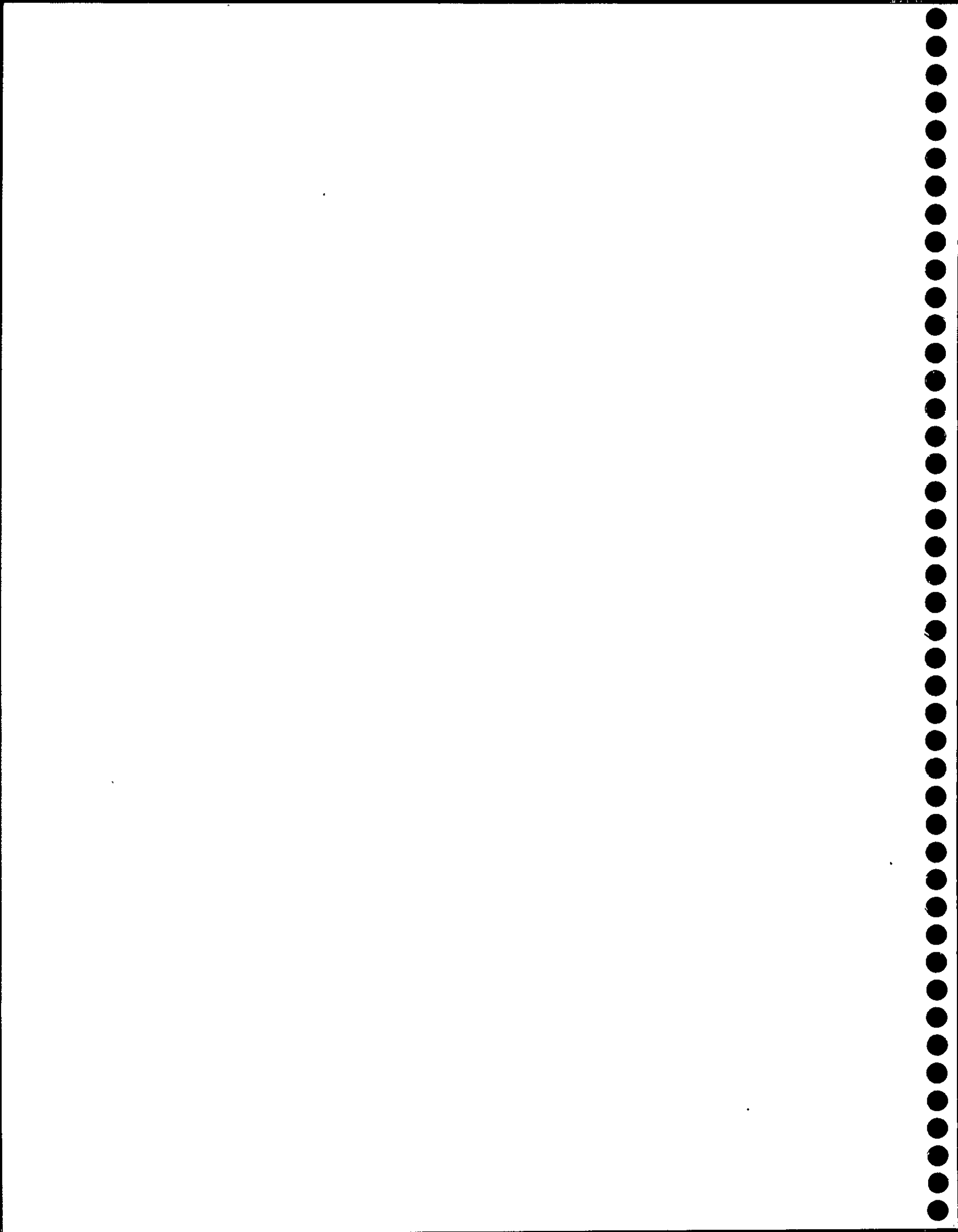
Audit Details	
Audit Date	05/07/2010
Case ID	CS42816275A
CP	CARROLL BARBARA
NCP	MANNING JOHN F

COURT ORDER INFORMATION				
Court Order Date	Effective Date	Debt Type	Obligation Details	
			Amount Ordered	Frequency
07/20/2007	08/01/2007	CM - CASH MEDICAL	\$0.00	O - ONE TIME ONLY
07/20/2007	08/01/2007	CS - CHILD SUPPORT	\$609.00	M - MONTHLY

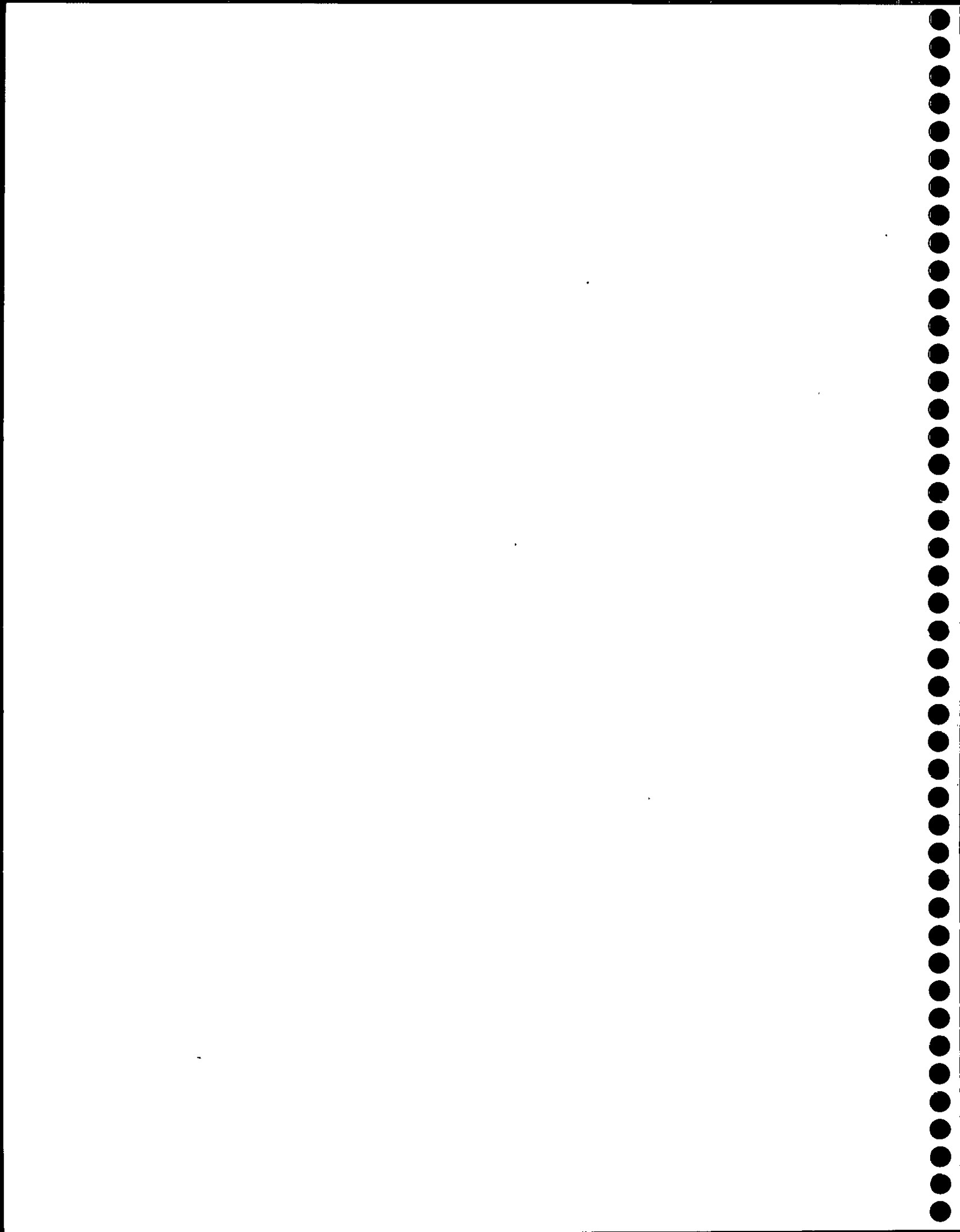
ARREARS TO DATE	
Debt Type	Arrears Amount
CM - CASH MEDICAL	\$ 2,317.84
CS - CHILD SUPPORT	\$ 15,224.37
Total : \$ 17,542.21	

TOTAL HELD AMOUNT					
Hold Code	Hold Code Description	Hold Level	Receipt Number	Case ID/DCN	Held Amount
Total					0.00

ANALYSIS OF CHARGES VERSUS PAYMENTS									
Month/Year	Obligation	Monthly Charges	Total Monthly Payments	Amt Paid to Custodian/FPS	Amt Paid to State Agency	Direct Pay Credits	Arrears Adjustments	Monthly Difference	Ending Balance
03/2009	CM - CASH MEDICAL	0.00	15.72	15.72	0.00	0.00	0.00	-15.72	2,388.63
03/2009	CS - CHILD SUPPORT	592.00	725.03	725.03	0.00	0.00	0.00	-133.03	12,621.70
04/2009	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,388.63
04/2009	CS - CHILD SUPPORT	592.00	444.45	444.45	0.00	0.00	0.00	147.55	12,769.25
05/2009	CM - CASH MEDICAL	0.00	15.61	15.61	0.00	0.00	0.00	-15.61	2,373.02
05/2009	CS - CHILD SUPPORT	592.00	725.14	725.14	0.00	0.00	0.00	-133.14	12,636.11
06/2009	CM - CASH MEDICAL	0.00	55.18	55.18	0.00	0.00	0.00	-55.18	2,317.84

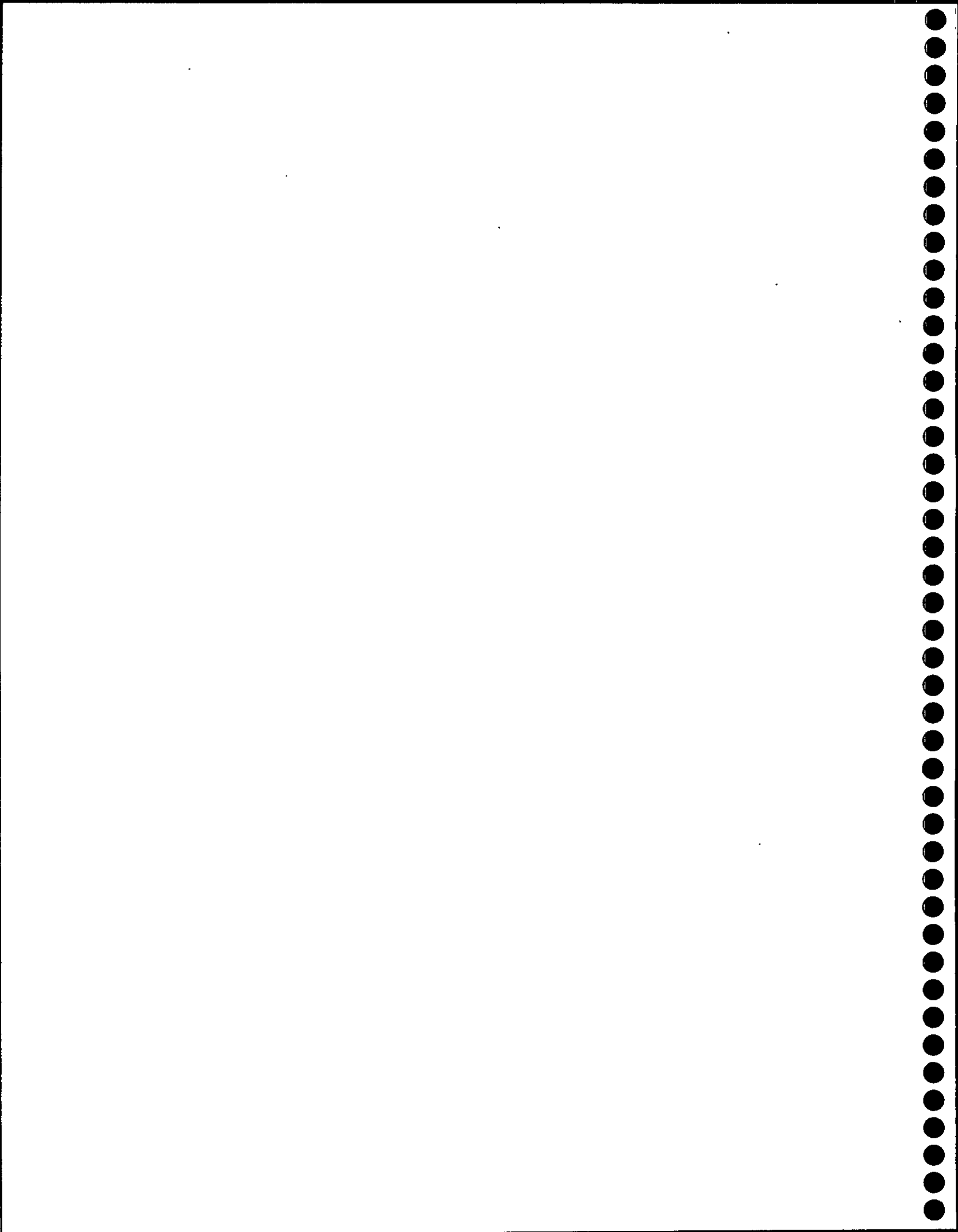


ANALYSIS OF CHARGES VERSUS PAYMENTS									
Month/Year	Obligation	Monthly Charges	Total Monthly Payments	Am't Paid to Custodian/FIRS	Am't Paid to State Agency	Direct Pay Credits	Arrears Adjustments	Monthly Difference	Ending Balance
06/2009	CS - CHILD SUPPORT	592.00	685.57	685.57	0.00	0.00	0.00	-93.57	12,542.54
07/2009	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
07/2009	CS - CHILD SUPPORT	592.00	444.45	444.45	0.00	0.00	0.00	147.55	12,690.09
08/2009	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
08/2009	CS - CHILD SUPPORT	609.00	592.62	592.62	0.00	0.00	0.00	16.38	12,706.47
09/2009	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
09/2009	CS - CHILD SUPPORT	609.00	296.31	296.31	0.00	0.00	0.00	312.69	13,019.16
10/2009	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
10/2009	CS - CHILD SUPPORT	609.00	296.31	296.31	0.00	0.00	0.00	312.69	13,331.85
11/2009	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
11/2009	CS - CHILD SUPPORT	609.00	296.31	296.31	0.00	0.00	0.00	312.69	13,644.54
12/2009	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
12/2009	CS - CHILD SUPPORT	609.00	296.31	296.31	0.00	0.00	0.00	312.69	13,957.23
01/2010	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
01/2010	CS - CHILD SUPPORT	609.00	0.00	0.00	0.00	0.00	0.00	609.00	14,566.23
02/2010	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
02/2010	CS - CHILD SUPPORT	609.00	296.31	296.31	0.00	0.00	0.00	312.69	14,878.92
03/2010	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
03/2010	CS - CHILD SUPPORT	609.00	592.62	592.62	0.00	0.00	0.00	16.38	14,895.30



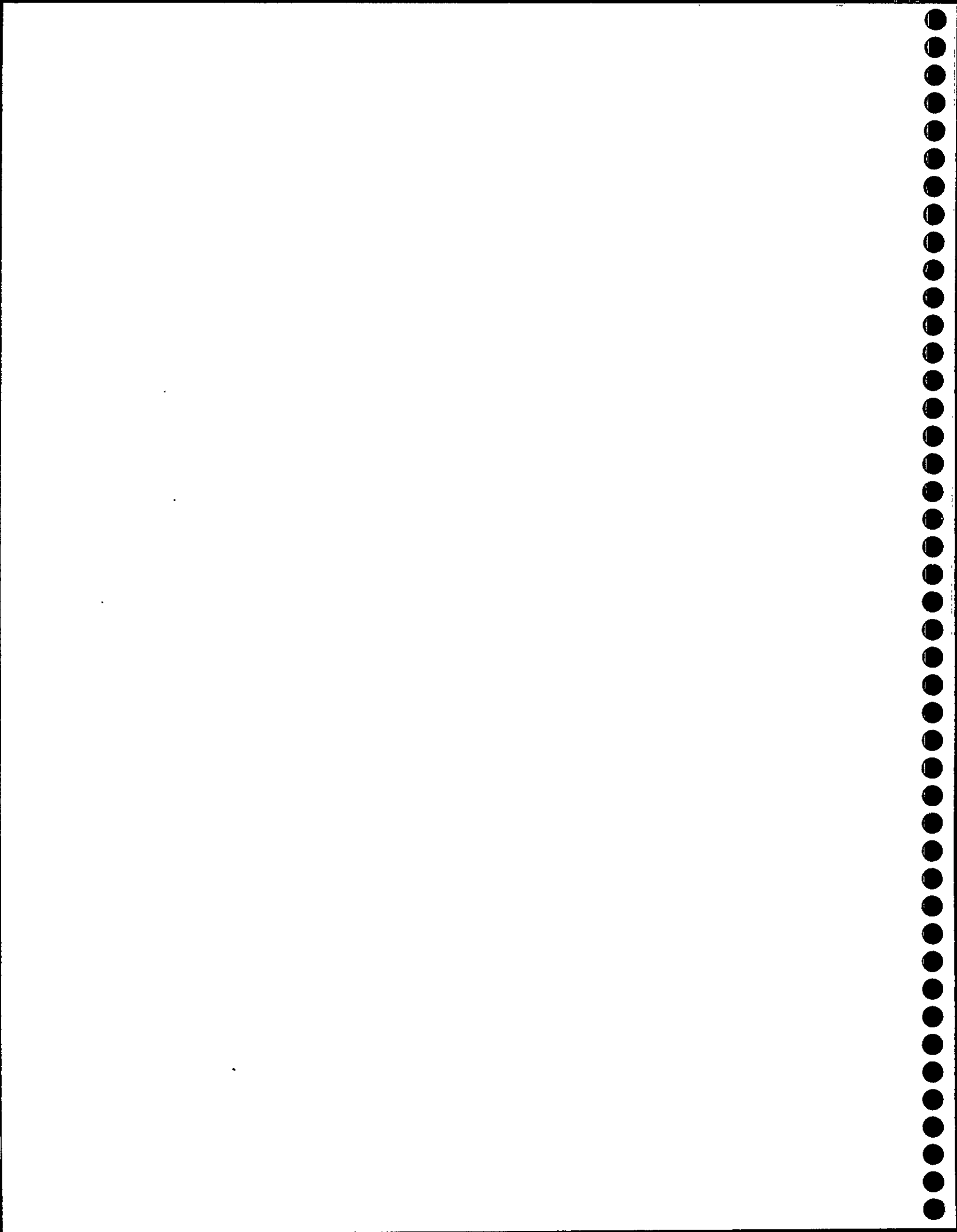
**ANALYSIS OF CHARGES VERSUS PAYMENTS**

Month/Year	Obligation	Monthly Charges	Total Monthly Payments	Am't Paid to Custodian/ FRS	Am't Paid to State Agency	Direct Pay Credits	Arrears Adjustments	Monthly Difference	Ending Balance
04/2010	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
04/2010	CS - CHILD SUPPORT	609.00	592.62	592.62	0.00	0.00	0.00	16.38	14,911.68
05/2010	CM - CASH MEDICAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,317.84
05/2010	CS - CHILD SUPPORT	609.00	296.31	296.31	0.00	0.00	0.00	312.69	15,224.37
<b>Totals</b>		<b>\$ 9,050.00</b>	<b>\$ 6,666.87</b>	<b>\$ 6,666.87</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>		



- 103 a -





GEORGE B. WOLFE  
ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

MEMBER OF  
NEW JERSEY & NEW YORK BARS

TELEPHONE (201) 291-9030  
FACSIMILE (201) 291-8620

May 13, 2010

Smith & Doran  
Attn.: Jennifer S. DeSimone, Esq.  
60 Washington Street  
Morristown, New Jersey 07960

Via telefax only to 973-292-9168

Re: Barbara Carroll v. John Manning  
Docket No. FM-02-6706-93

Dear Ms. DeSimone:

Thank you for your long-awaited response to my letter of March 24, 2010.

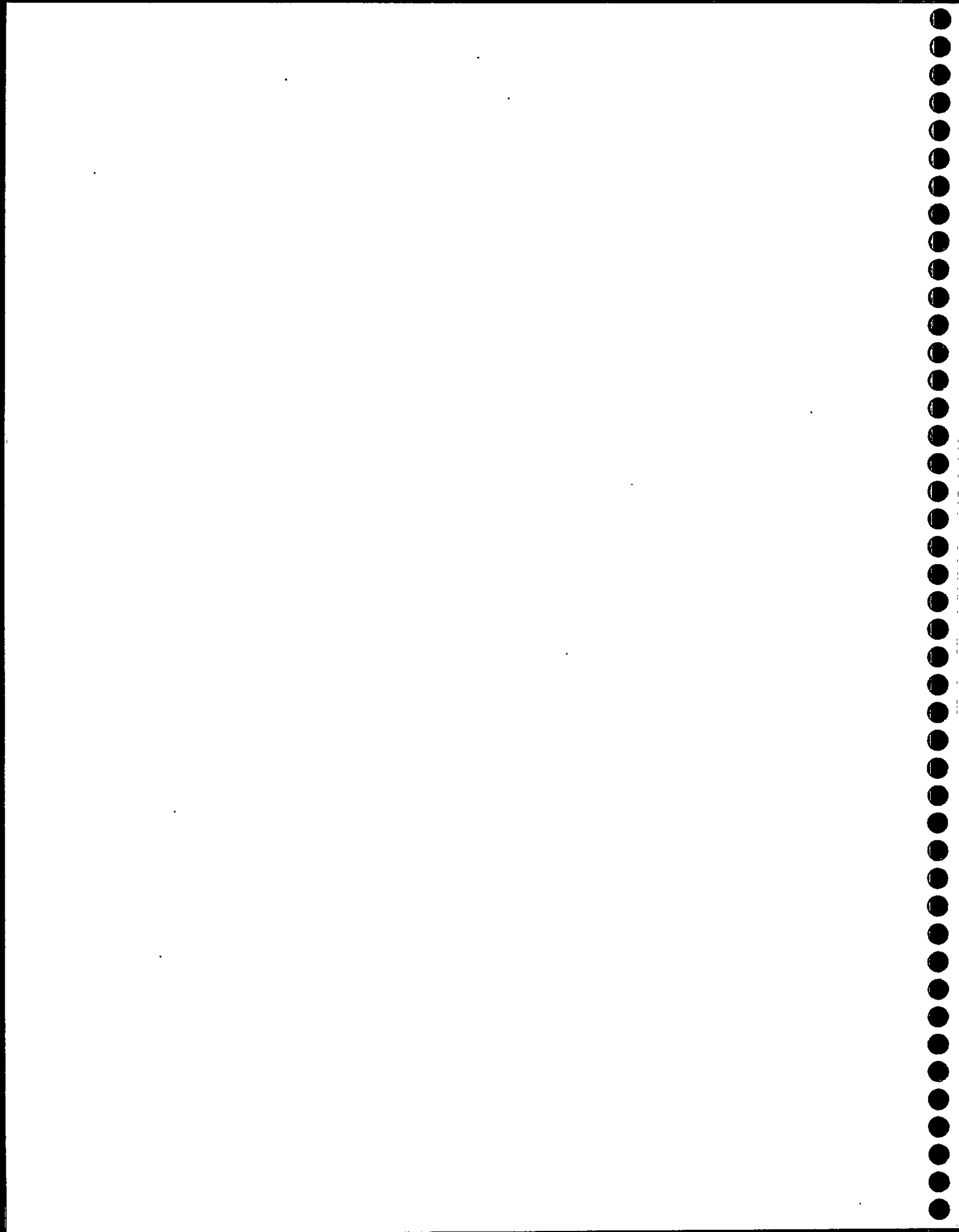
In reviewing your letter, specifically the third paragraph on page two, I note you have erroneously assumed that the \$592.00 per month your client was ordered to pay as support included the \$50.00 per month toward arrears. That is simply not the case.

Please review Paragraphs 2 and 3 of the July 27, 2009, Court Order. Your client was ordered to pay the sum of \$592.00 per month as child support (Paragraph 2). He was also ordered to pay the sum of \$50.00 per month as payment of the arrears (Paragraph 3). The total payment due was therefore \$642.00 per month, not \$592.00 per month.

This is consistent with the payment history supplied by the Probation Department (which you provided with your letter), and is also consistent with the weekly payments made by your client which are reflected on the Probation Department payment history. (\$642.00 monthly payment due x 12 months = \$7,704.00 due annually / 52 weeks = \$148.15 weekly payment.)

Therefore, I renew my position that the arrears noted in my letter of March 23, 2010, are correct, and need only be adjusted for payments, if any, made by your client since that time.

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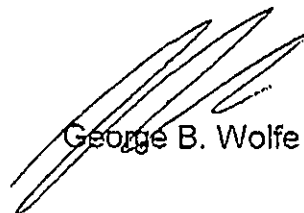
Smith & Doran  
Attn.: Jennifer S. DeSimone, Esq.

May 13, 2010  
Page 2

Please re-calculate the current arrears due and advise me of your corrected amount due. Please be advised that any legal expenses incurred because of your misinterpretation of the Court Order and subsequent arithmetical errors will not be my client's responsibility.

Given the threats in your telefaxed letter, I expect a written response to this letter prior to Monday, May 17<sup>th</sup>.

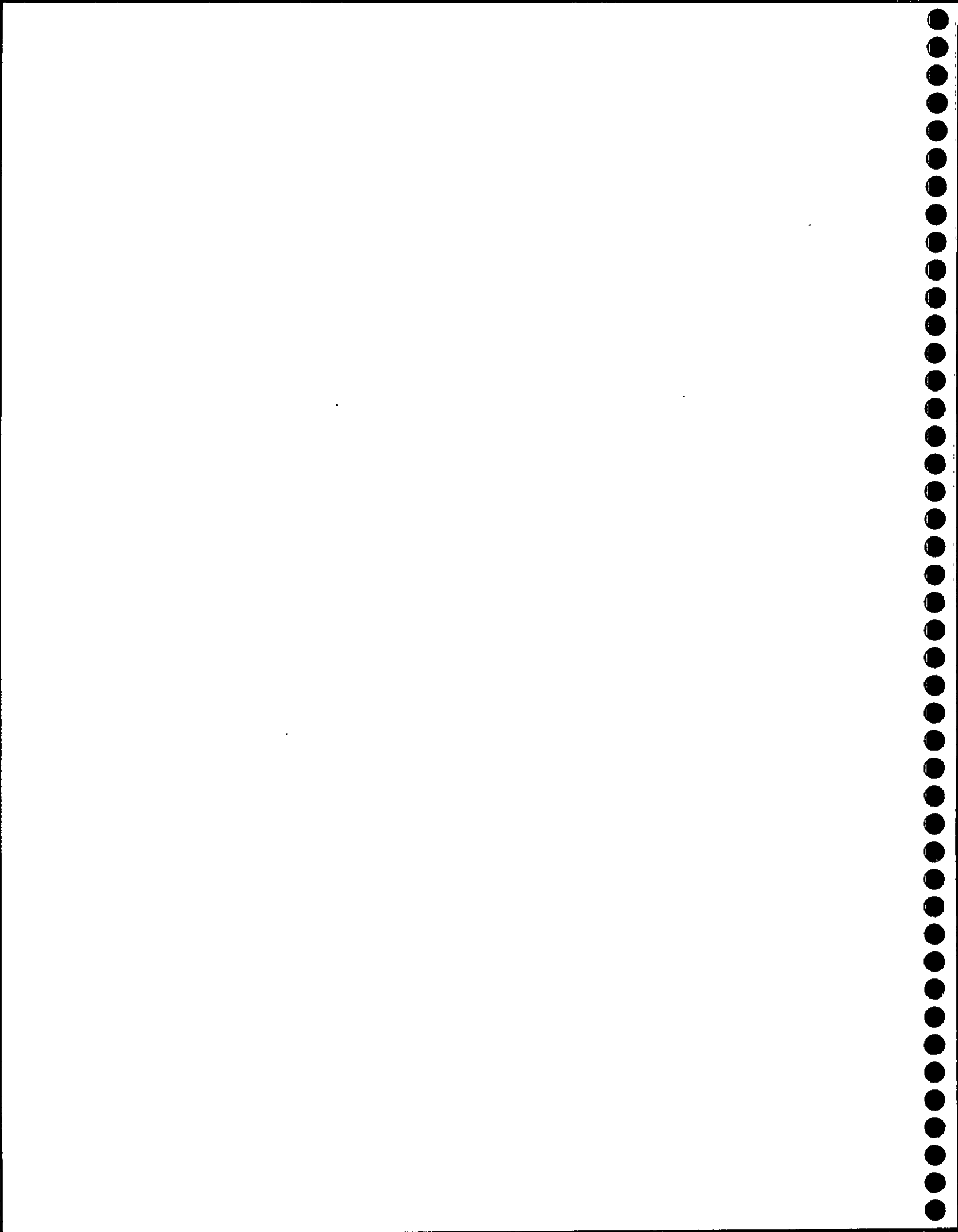
Yours very truly,



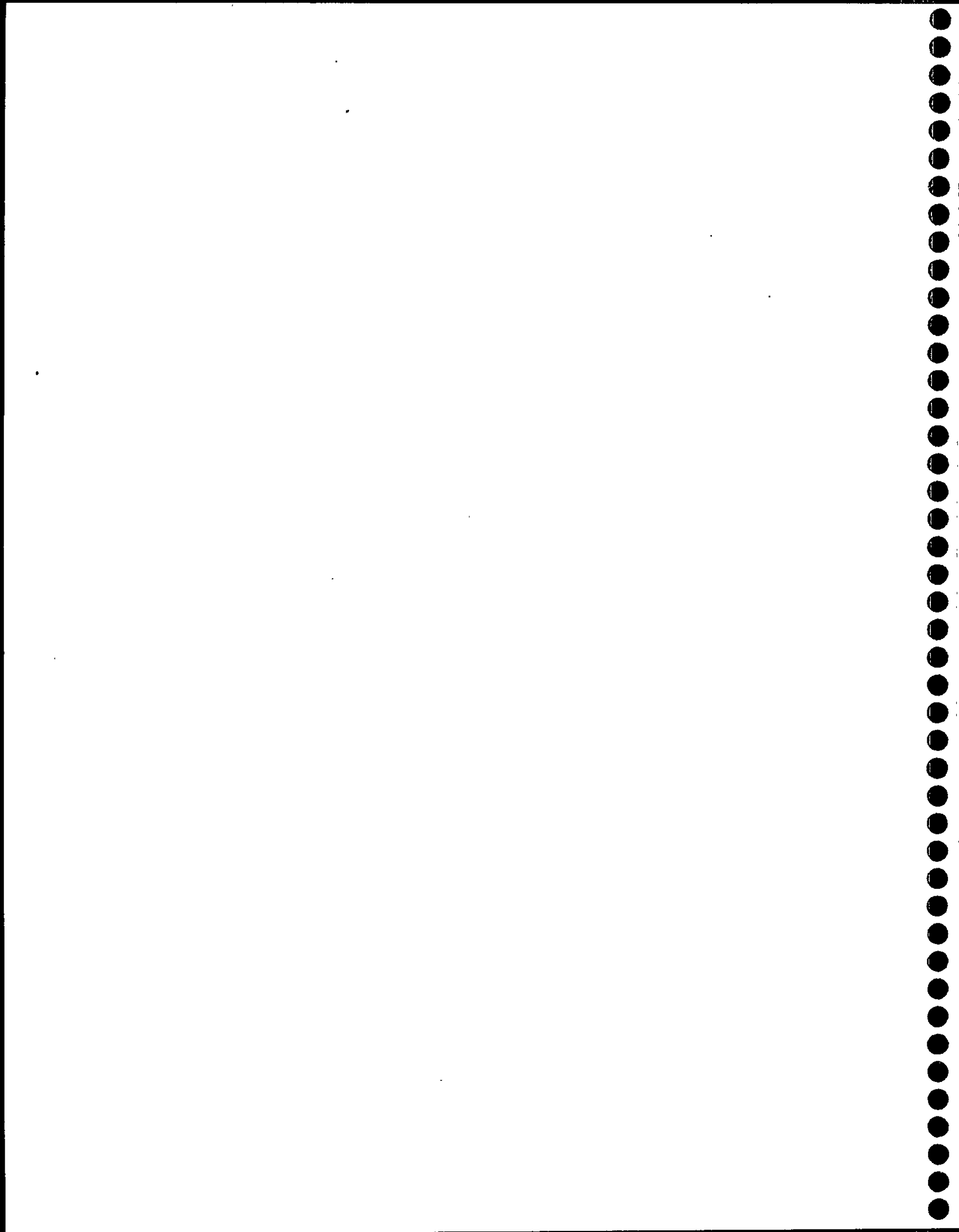
George B. Wolfe

GBW:h  
Cc: Barbara Carroll

- 105a -



- 106 a -



LAW OFFICES  
**SMITH & DORAN**  
A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH†  
JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

May 17, 2010

Facsimile: 201-291-8620  
and Lawyers Service

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

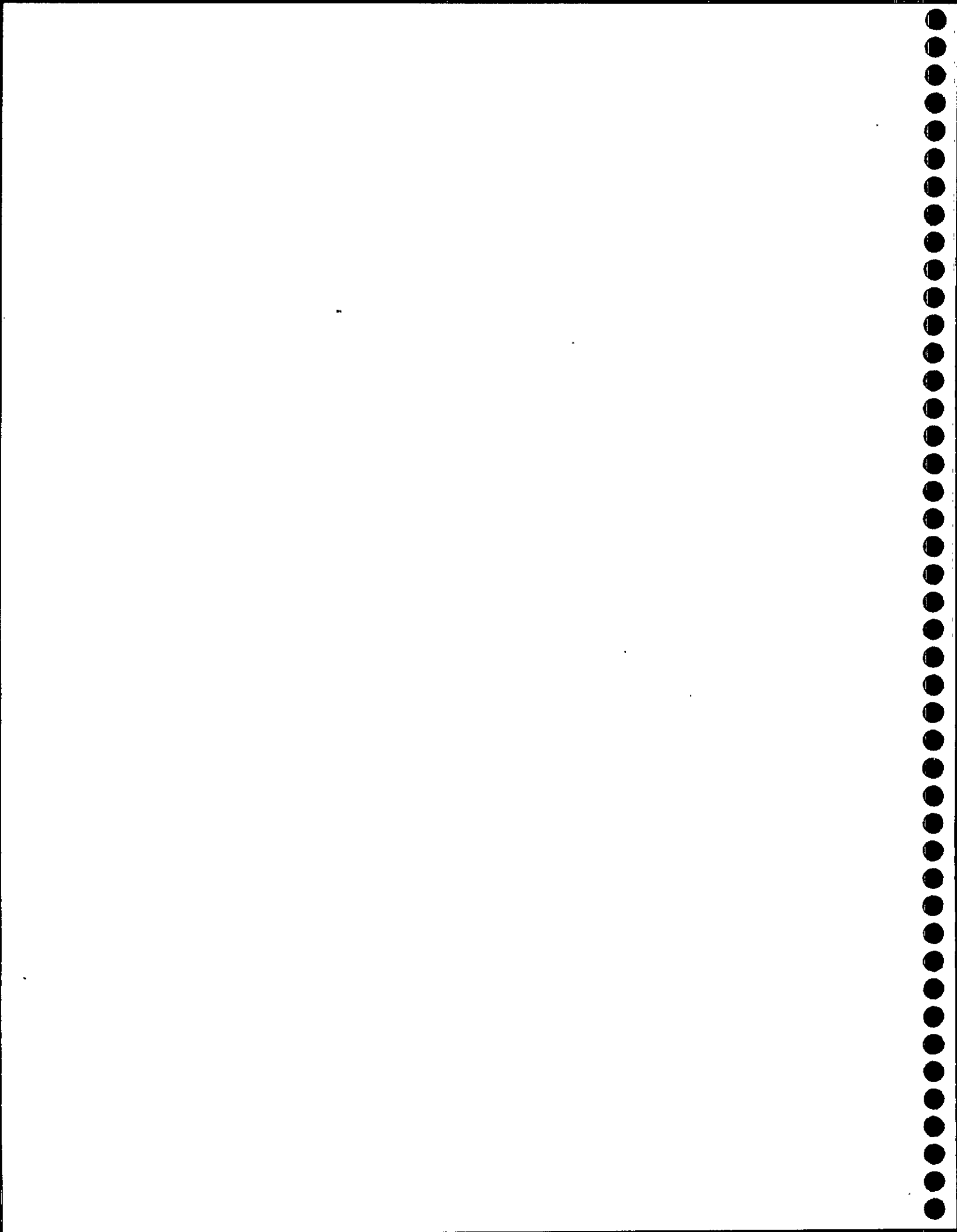
Dear Mr. Wolfe:

I am in receipt of your correspondence dated May 13, 2010 concerning the above-referenced matter. In the interest of resolving this matter for my client once and for all, a concern clearly neither you as an officer of the court, nor your client, share, I have prepared a revised Consent Order indicating that Mr. Manning's total outstanding arrears as of June 1, 2010 are now \$6,716.61. I have increased this figure by \$500, the amount you now assert should not have been credited to Mr. Manning representing the \$50 per month for the first ten months that the July 20, 2007 Court Order was in effect.

Please be advised the within concession is made without prejudice and in the interest of having the enclosed Consent Order executed and filed with the Court by the end of this week. If there is any additional litigation involved, we will file an application with the Court seeking to hold Ms. Carroll in violation of litigant's rights for her intentional failure to notify Mr. Manning so as to accurately credit his probation account. I submit to you that the transcript from our hearing before Judge Koblitz on July 20, 2007 most certainly supports the information set forth in my May 13, 2010 correspondence regarding the agreed upon amount of Mr. Manning's support obligation, inclusive of child support and arrears.

- 107 a -





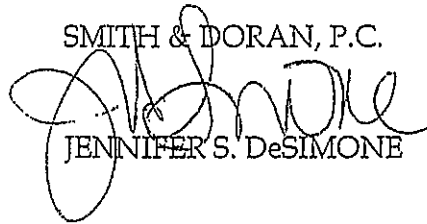
George B. Wolfe, Esq.  
May 17, 2010  
Page 2

Again, be that as it may, it is our hope and desire to resolve this matter. To that end, kindly confirm as soon as possible as to whether Ms. Carroll will authorize you to execute the within Consent Order without modification.

Thanking you for your anticipated prompt cooperation to the within, I am,

Very truly yours,

SMITH & DORAN, P.C.



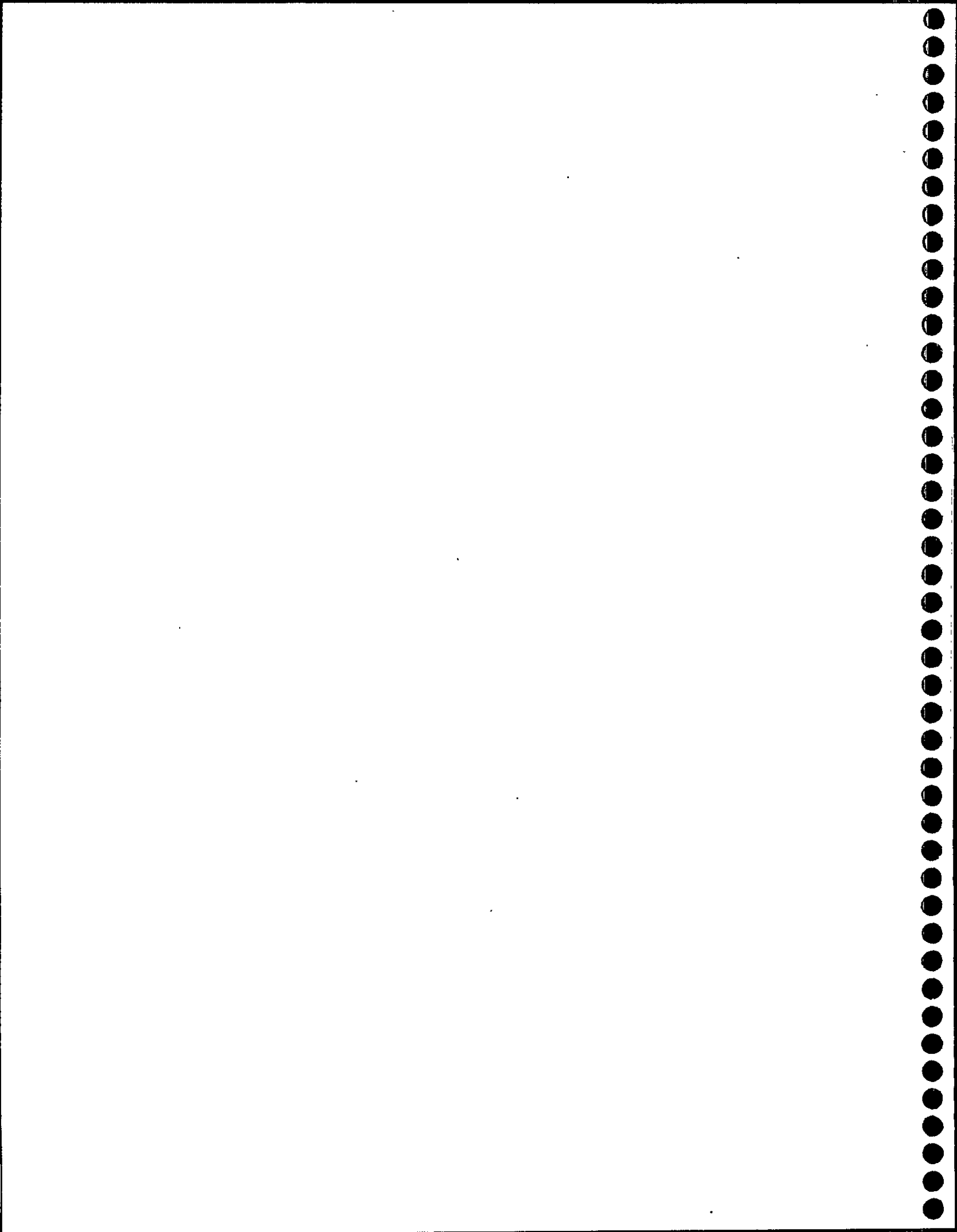
JENNIFER S. DeSIMONE

JSD:jl

Enclosure

c: Mr. John Manning

- 108a -



LAW OFFICES  
**SMITH & DORAN**  
A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH  
JANE WILSON DORAN  
THOMAS J. GAYNOR  
REBECCA M. GRATHIER

FAX NO: (973) 292-9108  
E-MAIL: JDENIMORE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

JENNIFERS. DESIMONI

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

May 17, 2010

Facsimile: 201-291-8620  
and Lawyers Service

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
200 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

Dear Mr. Wolfe:

I am in receipt of your correspondence dated May 13, 2010 concerning the above-referenced matter. In the interest of resolving this matter for my client once and for all, a concern clearly neither you as an officer of the court, nor your client, share, I have prepared a revised Consent Order indicating that Mr. Manning's total outstanding arrears as of June 1, 2010 are now \$6,716.61. I have increased this figure by \$500, the amount you now assert should not have been credited to Mr. Manning, representing the \$50 per month for the first ten months that the July 20, 2007 Court Order was in effect.

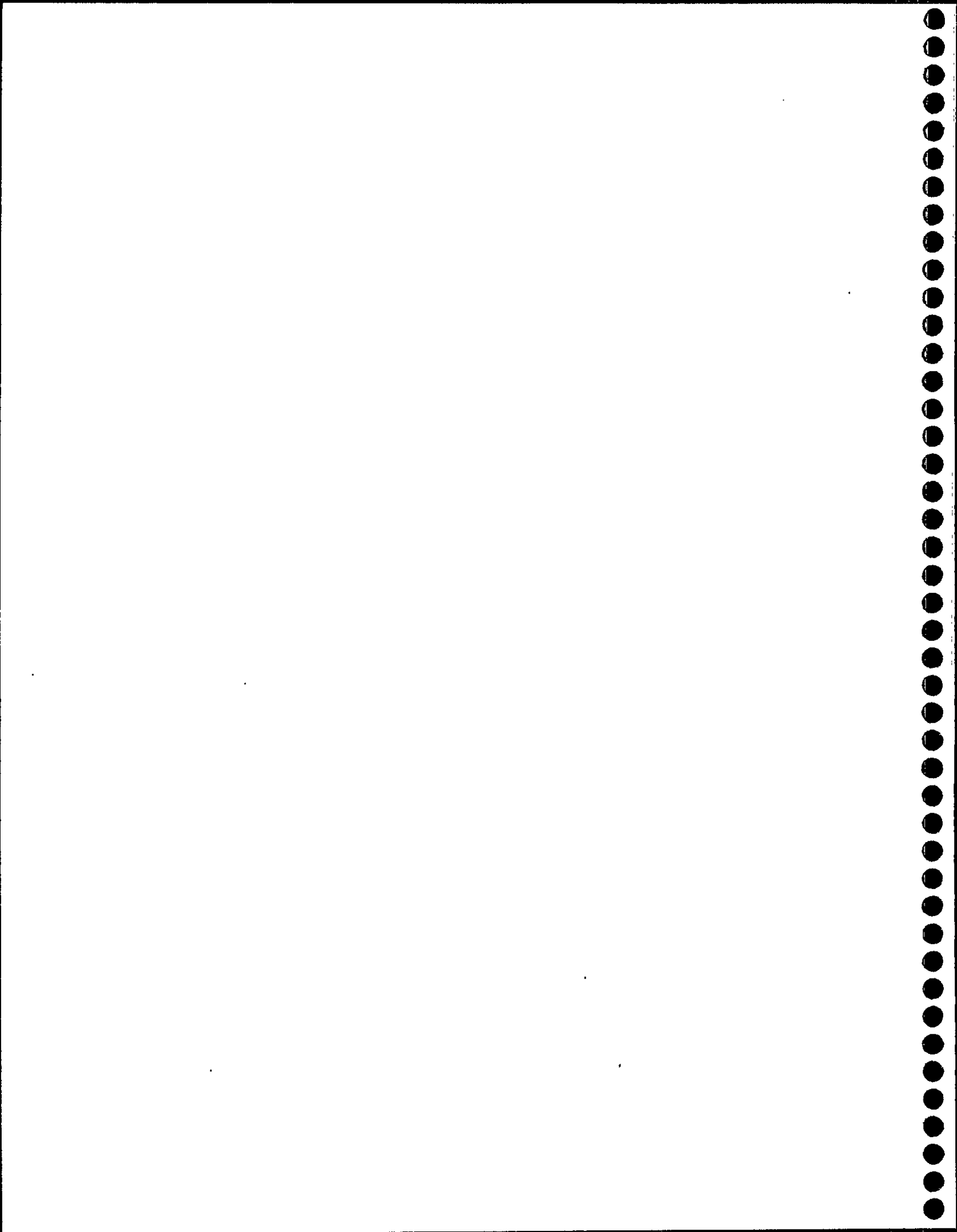
Please be advised the within concession is made without prejudice and in the interest of having the enclosed Consent Order executed and filed with the Court by the end of this week. If there is any additional litigation involved, we will file an application with the Court seeking to hold Ms. Carroll in violation of litigant's rights for her intentional failure to notify Mr. Manning so as to accurately credit his probation account. I submit to you that the transcript from our hearing before Judge Koblitz on July 20, 2007 most certainly supports the information set forth in my May 13, 2010 correspondence regarding the agreed upon amount of Mr. Manning's support obligation, inclusive of child support and arrears.

TX RESULT REPORT

NAME : SMITH DORAN  
TEL : 9732929168  
DATE : MAY.17.2010 13:48

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
0860	TX	001	12012918620-----	MAY.17	13:46	005	00h01min17s	ECM	OK

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**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

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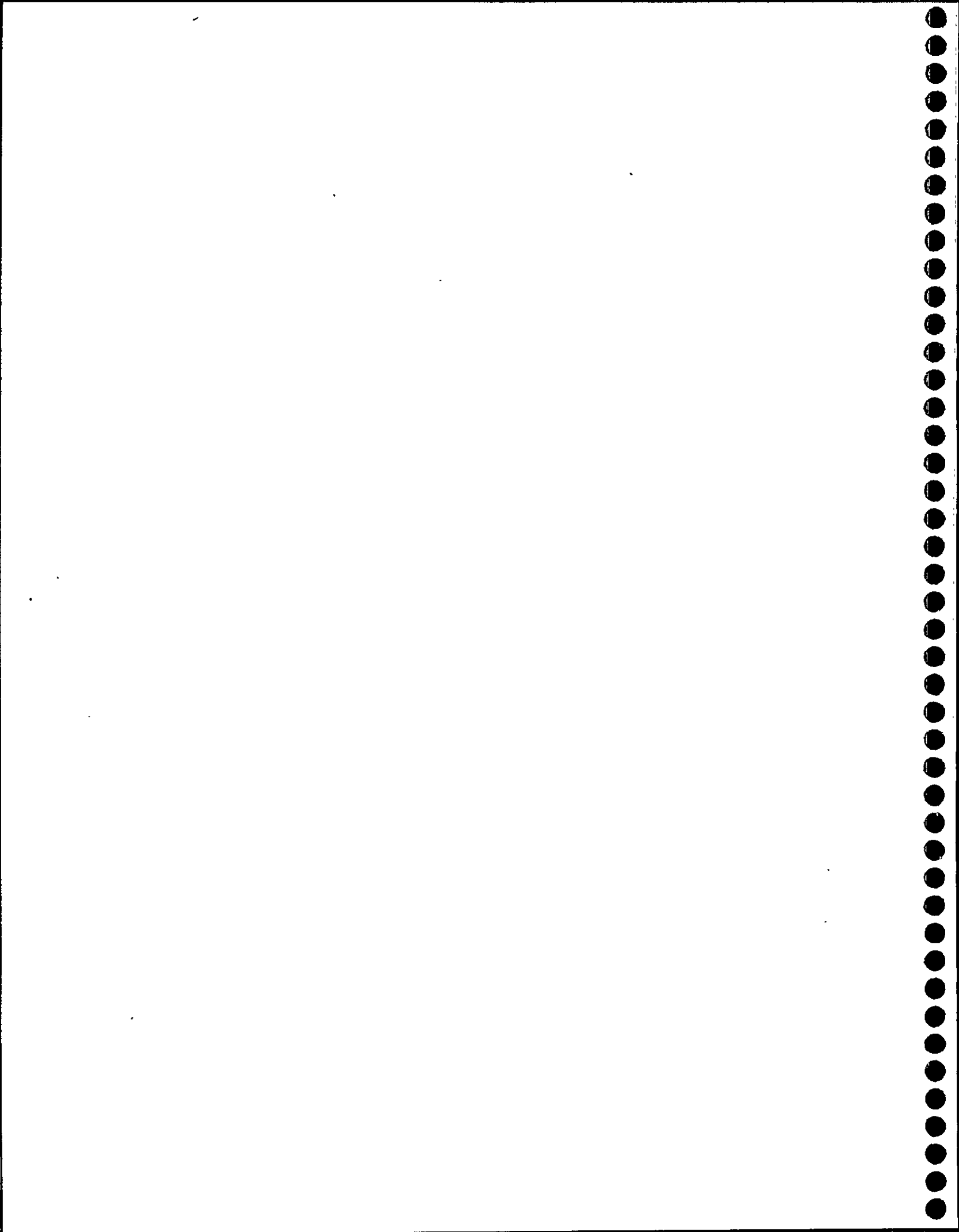
BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING,	)	Civil Action
	)	
Defendant.	)	<b>CONSENT ORDER</b>
	)	
	)	

---

THIS MATTER, having been opened to the Court by Jennifer S. DeSimone, Esquire of the law offices of Smith & Doran, P.C., attorneys for the Defendant, JOHN MANNING, and by George B. Wolfe, Esquire, attorney for the Plaintiff, BARBARA CARROLL (formerly MANNING); and the court, having noted the consent of the parties as evidenced by the signatures of their respective counsel hereto, and for good cause being shown;

IT IS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, ORDERED as follows:

1. Effective May 18, 2008, the parties' daughter, Amy Manning, shall be deemed emancipated. Pursuant to paragraph 3 of the prior Order of this Court dated July 20, 2007, as of the date of emancipation of Amy Manning, \$296 of Defendant's \$592 monthly support obligation



were to be applied toward his outstanding arrears as of that date, with the balance of his payment of \$296 applied toward an ongoing support obligation for the one remaining emancipated child.

2. Effective May 20, 2009, the parties' daughter, Samantha Manning, shall be deemed emancipated.

3. The Probation Department shall amend its records to reflect that the parties' daughter, Melissa Manning, is emancipated.

4. Effective June 1, 2009, the Defendant's child support obligations shall terminate, as all minor children have been emancipated.

5. Any and all support payments made by the Defendant from June 1, 2009 to date should have been applied, in their entirety, toward the Defendant's outstanding arrears as set forth in detail herein.

6. As of June 1, 2010, the Defendant's total outstanding arrears are \$6,716.61. The Defendant shall continue to satisfy said arrears at the rate of \$592 per month, without modification. Said amount shall not be subject to any cost of living increases as set forth in the prior Order dated July 20, 2007.

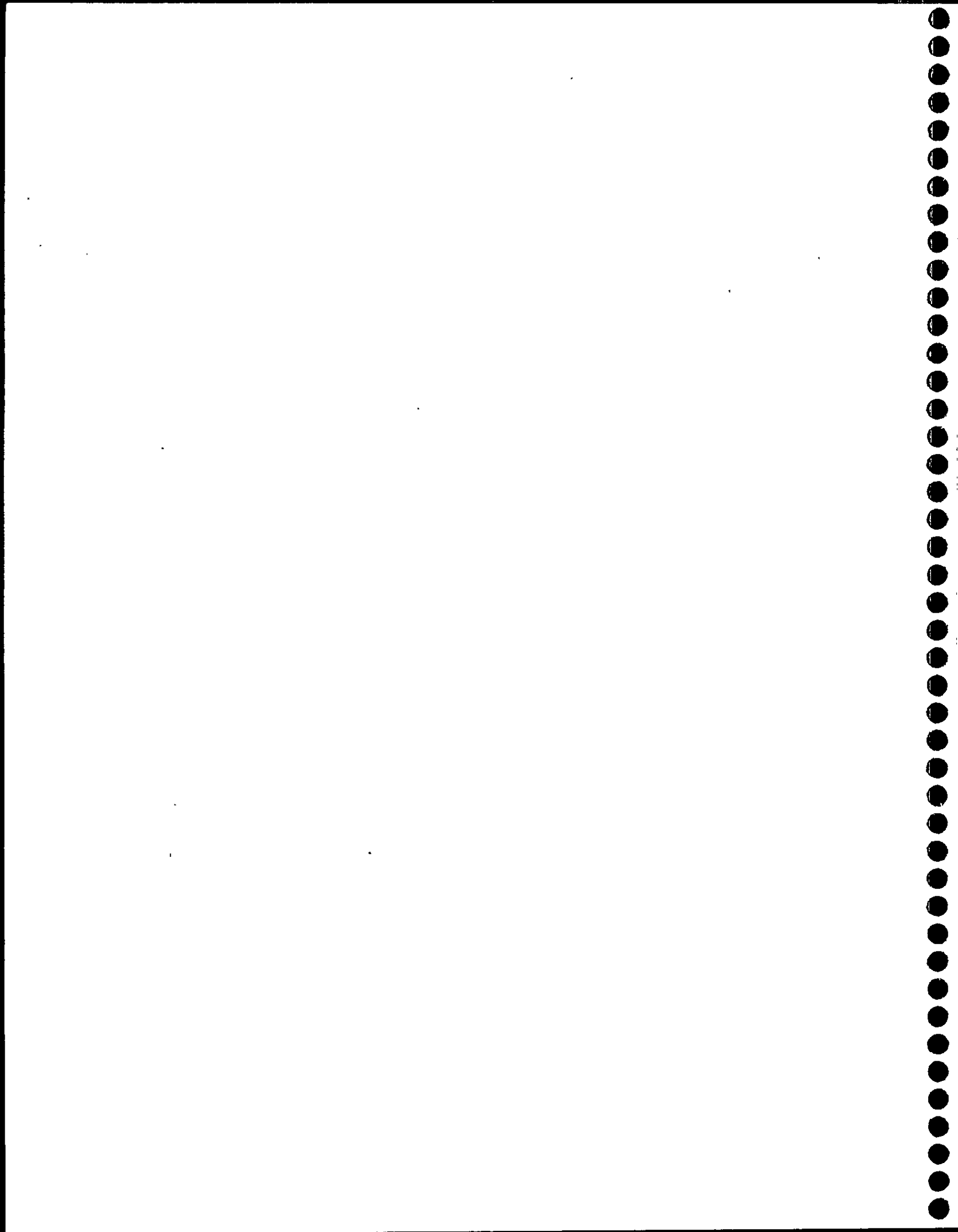
7. All other terms and provisions of the prior Orders of the Court shall remain in full force and effect unless specifically modified herein.

IT IS FURTHER ORDERED that a copy of the within Order shall be served on opposing counsel within seven (7) days of its receipt from the Court.

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J.S.C.





Consent is hereby given to the form and content of the within Order.

ATTORNEY FOR PLAINTIFF

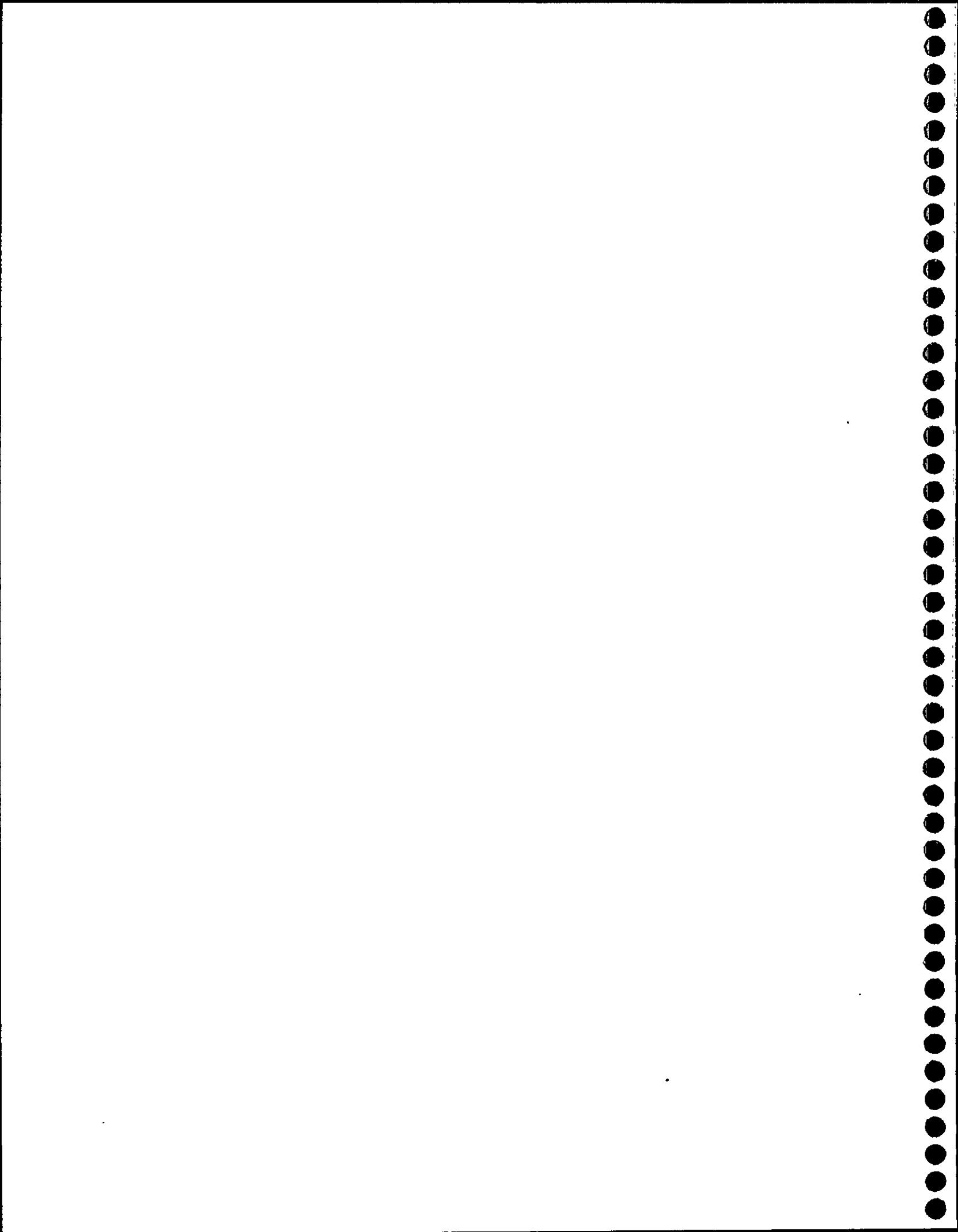
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GEORGE B. WOLFE, ESQ.

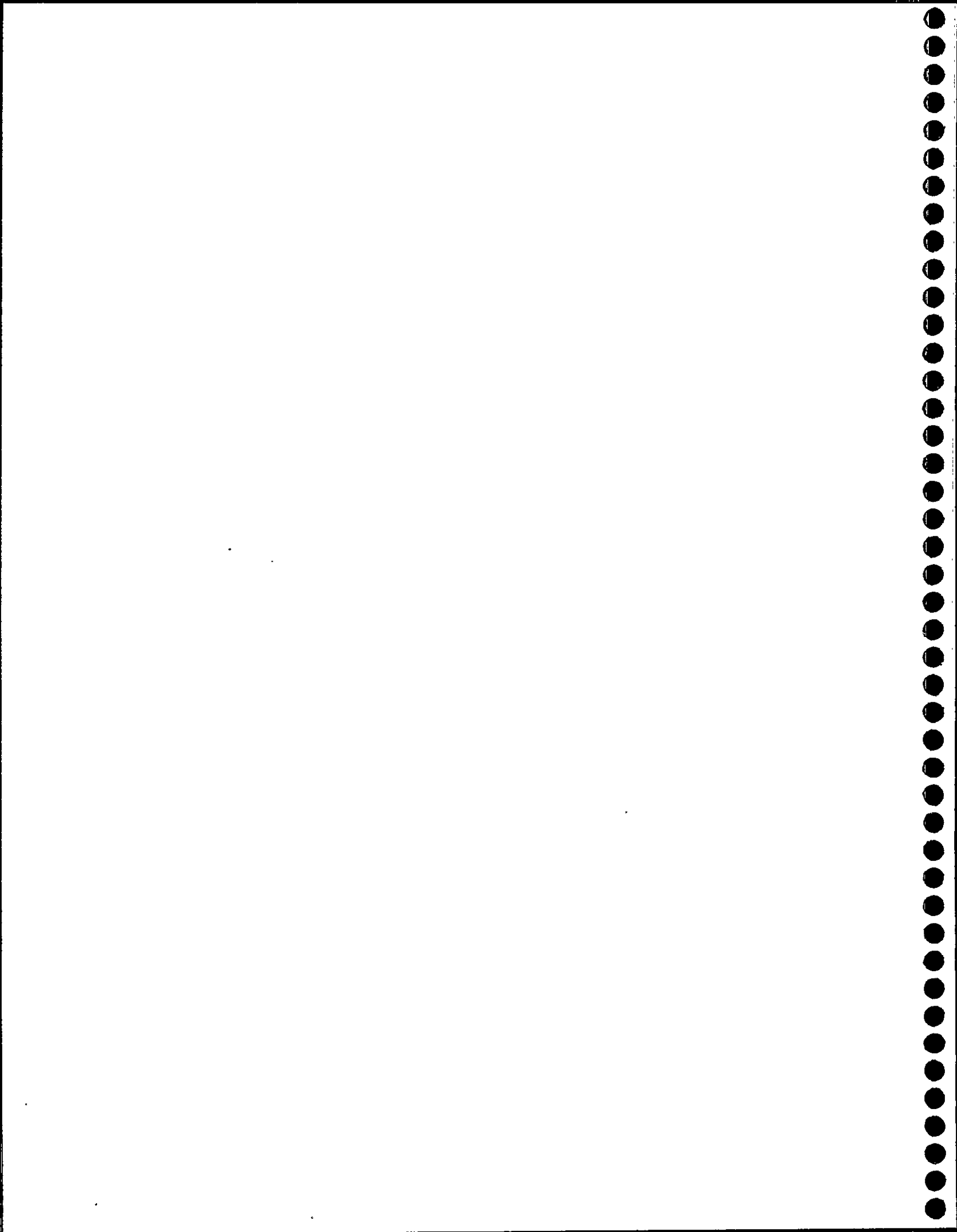
SMITH & DORAN, P.C.  
ATTORNEYS FOR DEFENDANT

---

JENNIFER S. DeSIMONE, ESQ.



- 113 a -



**GEORGE B. WOLFE**

ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

MEMBER OF  
NEW JERSEY & NEW YORK BARS

TELEPHONE (201) 291-9030  
FACSIMILE (201) 291-8620

May 20, 2010

Smith & Doran  
Attn.: Jennifer S. DeSimone, Esq.  
60 Washington Street  
Morristown, New Jersey 07960

Via telefax only to 973-292-9168

Re: Barbara Carroll v. John Manning  
Docket No. FM-D2-6706-93

Dear Ms. DeSimone:

I have discussed your letter of May 17, 2010, with my client. Your client's proposal is unacceptable. Obviously, from his latest offer, he has no intention of resolving this matter or paying what he owes.

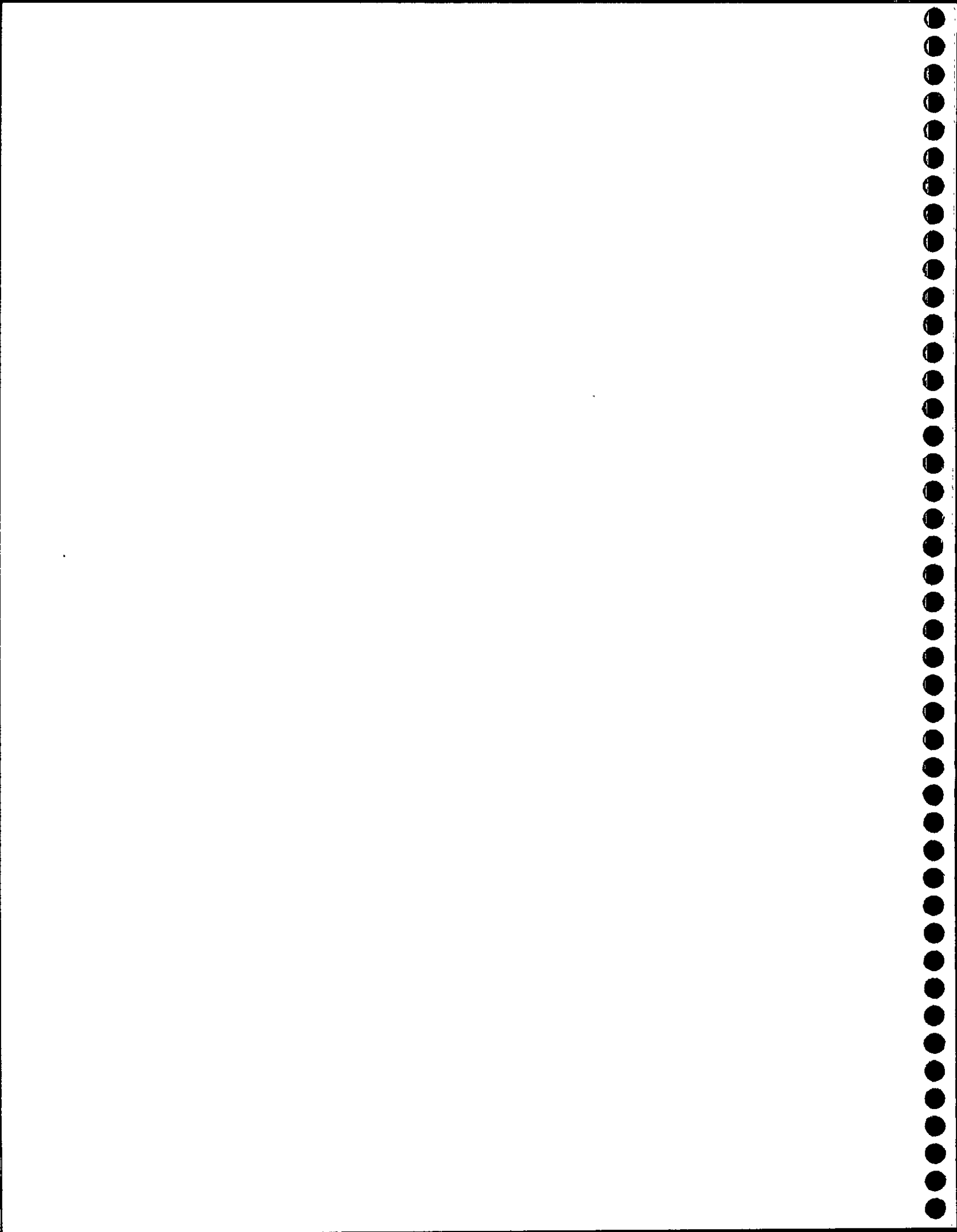
The point which neither you nor your client seem to grasp is that we are dealing with simple arithmetic. What did your client owe for support and arrears? What did he pay? Everything else is irrelevant and is designed to direct attention away from your client's payment obligation. The only person being harmed is my client, and that harm is a direct result of your client's sporadic and irregular payments, and the ensuing necessity to spend a considerable amount of time and effort reconstructing those payments to ascertain the outstanding balance of arrears.

At this point, my client is more than willing to have the outstanding balance of arrears judicially reviewed and reduced to an Order. The July, 2009, Order is clear as to the amount of arrears and the method of payment. Your constant preparation of Consent Orders and threats have no effect on my client, nor will they induce me to recommend to my client that she accept less than what she is owed. I am unaware of any obligation, on my part, as an officer of the Court, to ram your proposed settlement down my client's throat because of your desire.

Yours very truly,

  
George B. Wolfe

GBW:h



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

---

BARBARA MANNING,	)	SUPERIOR COURT OF NEW JERSEY
(n/k/a Barbara Carroll),	)	CHANCERY DIVISION: FAMILY PART
Plaintiff,	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING,	)	Civil Action
	)	
Defendant.	)	<b>ORDER</b>
	)	
	)	

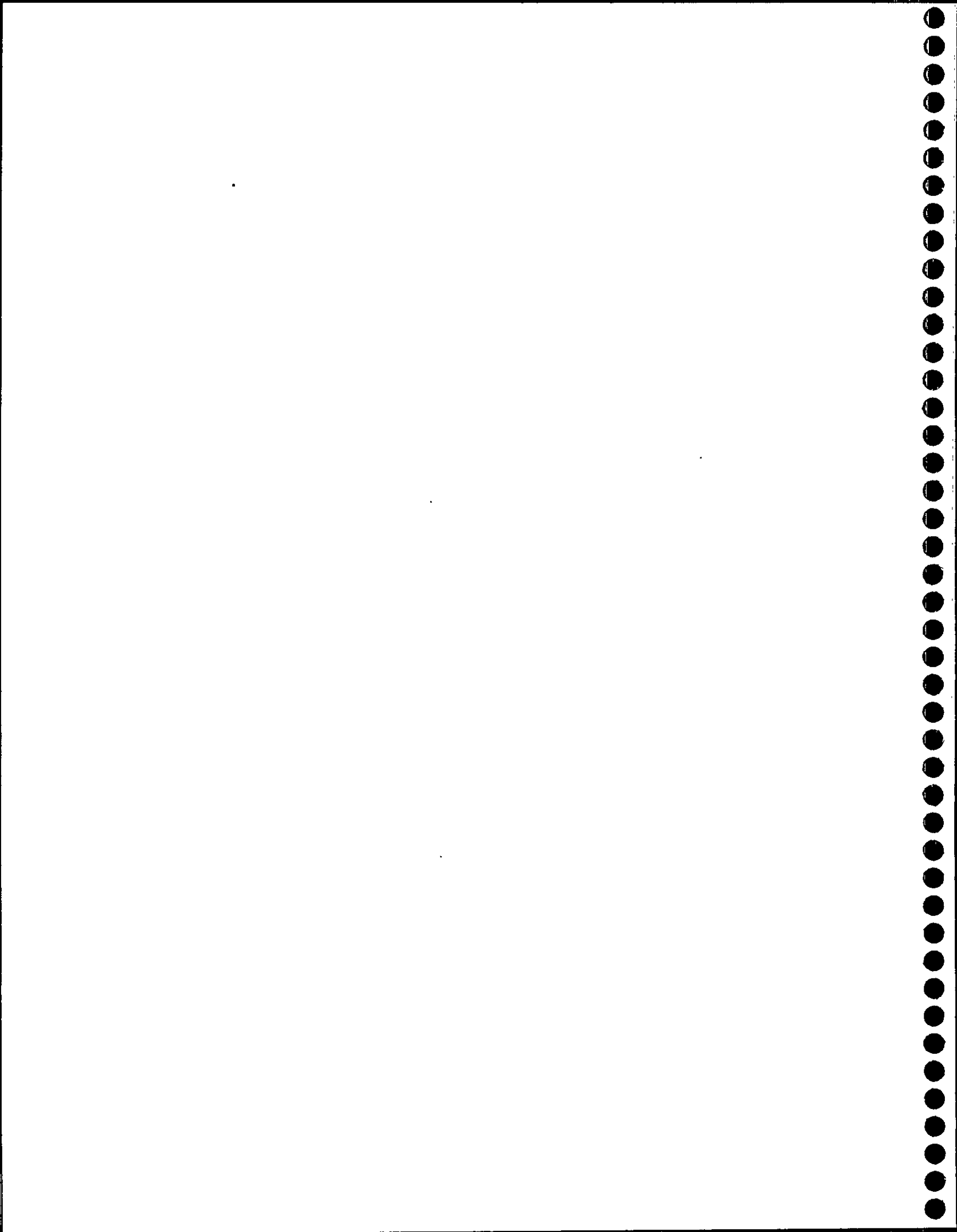
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THIS MATTER, having being opened to the Court by Jennifer S. DeSimone Murphy, Esq., of the firm of Smith & Doran, P.C., attorneys for the Defendant, JOHN MANNING; on notice to George B. Wolfe, Esq., attorney for the Plaintiff, BARBARA CARROLL, formerly Barbara Manning; and the Court, having read the submissions of the parties, and having heard the oral argument of counsel; and for good cause being shown;

It is on this \_\_\_\_ day of July, 2010, hereby **ORDERED** as follows:

1. The Plaintiff is hereby adjudicated in violation of litigant's rights for her willful failure to comply with the terms and provisions of the prior Order of this Court entered on July 20, 2007.





2. The Probation Department shall adjust its records to reflect the emancipation of the parties' eldest daughter, Melissa Manning, effective June 2005 as set forth in the prior Order of this Court entered on March 17, 2006.

3. The Probation Department shall adjust its records to reflect the emancipation of the parties' daughter, Amy Manning, effective May 18, 2008.

4. The Probation Department shall adjust its records to reflect the emancipation of the parties' daughter, Samantha Manning, effective May 20, 2009.

5. The Defendant's Probation account shall be adjusted to reflect total outstanding arrears in the amount of \$6,216.61 effective June 1, 2010. The Probation Department shall credit the Defendant's account for any additional credits which may be paid to the Defendant's Probation account from June 1, 2010 until the date hereof.

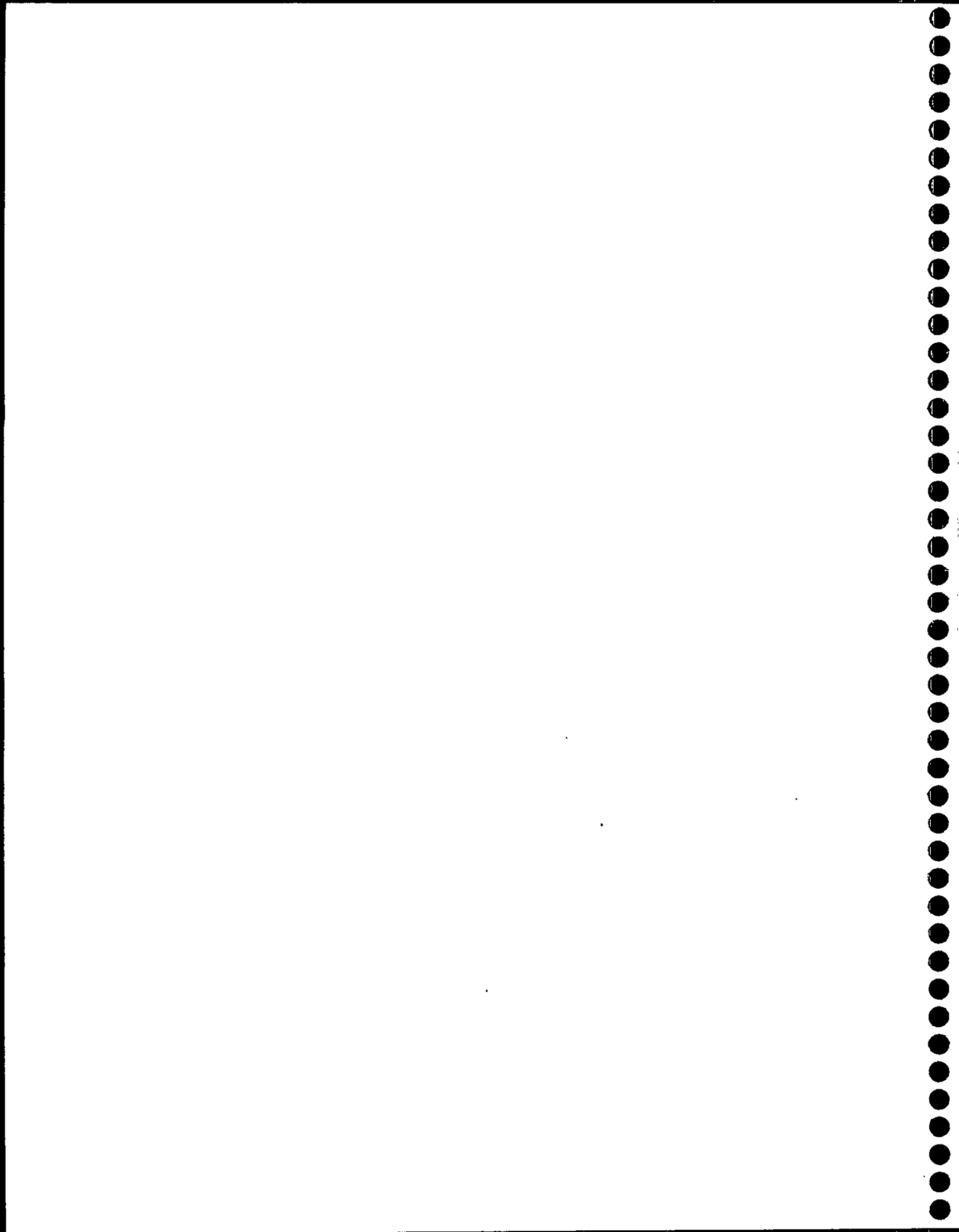
6. The Defendant's monthly obligation to the Probation Department shall be \$592 per month, the total of which shall be applied toward his outstanding arrears. Said obligation shall not be subject to any increased modification in the future for cost of living or otherwise.

7. The Plaintiff shall pay to the law firm of Smith & Doran, P.C., the sum of \$\_\_\_\_\_ representing all counsel fees and costs incurred by the Defendant in connection with seeking enforcement of the prior Order of the Court from December 29, 2009 through the return date of this matter. Said amount shall be paid by the Plaintiff within seven (7) days of the date hereof.

\_\_\_\_\_  
J.S.C.

opposed

unopposed



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

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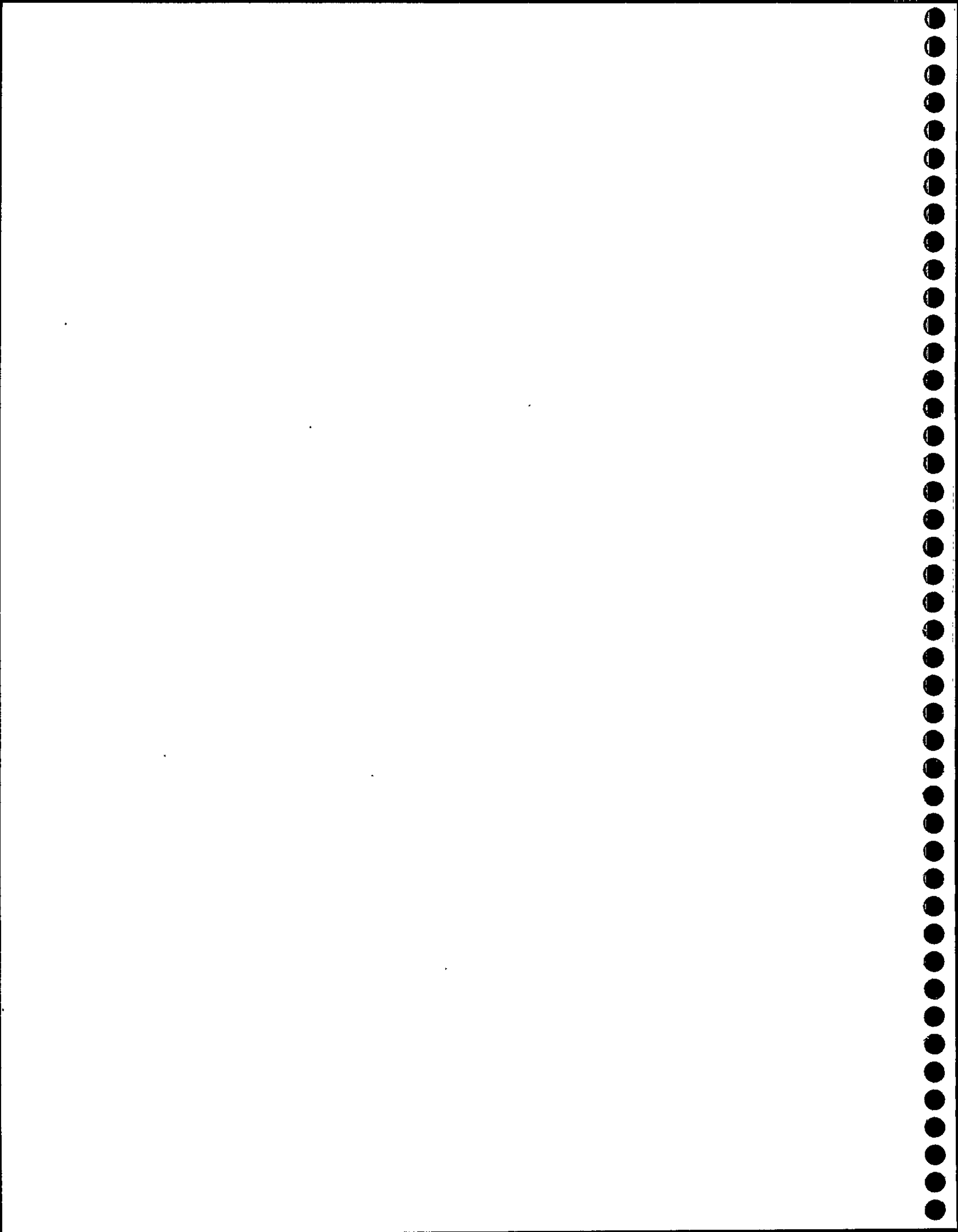
BARBARA MANNING	)	SUPERIOR COURT OF NEW JERSEY
(n/k/a BARBARA CARROLL),	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
Plaintiff,	)	
	)	Docket No. FM-02-6706-93
vs.	)	
	)	Civil Action
JOHN MANNING,	)	
	)	<b>AFFIDAVIT OF SERVICES</b>
Defendant.	)	<b>Dated: June 10, 2010</b>

---

STATE OF NEW JERSEY    )  
  ) SS:  
COUNTY OF MORRIS     )

I, JENNIFERS. DeSIMONE MURPHY, of full age, being duly sworn according to law upon my oath, depose and SAY:

1. I am an attorney at law of the State of New Jersey and an associate with the law firm of Smith & Doran, P.C., with offices located at 60 Washington Street, Morristown, New Jersey. My office represents the Defendant, JOHN MANNING, in the above-captioned matter and I am fully familiar with the facts and circumstances of the within action. This affidavit is submitted in support of the Defendant's Notice of Motion which is returnable before the Court on July 9, 2010.

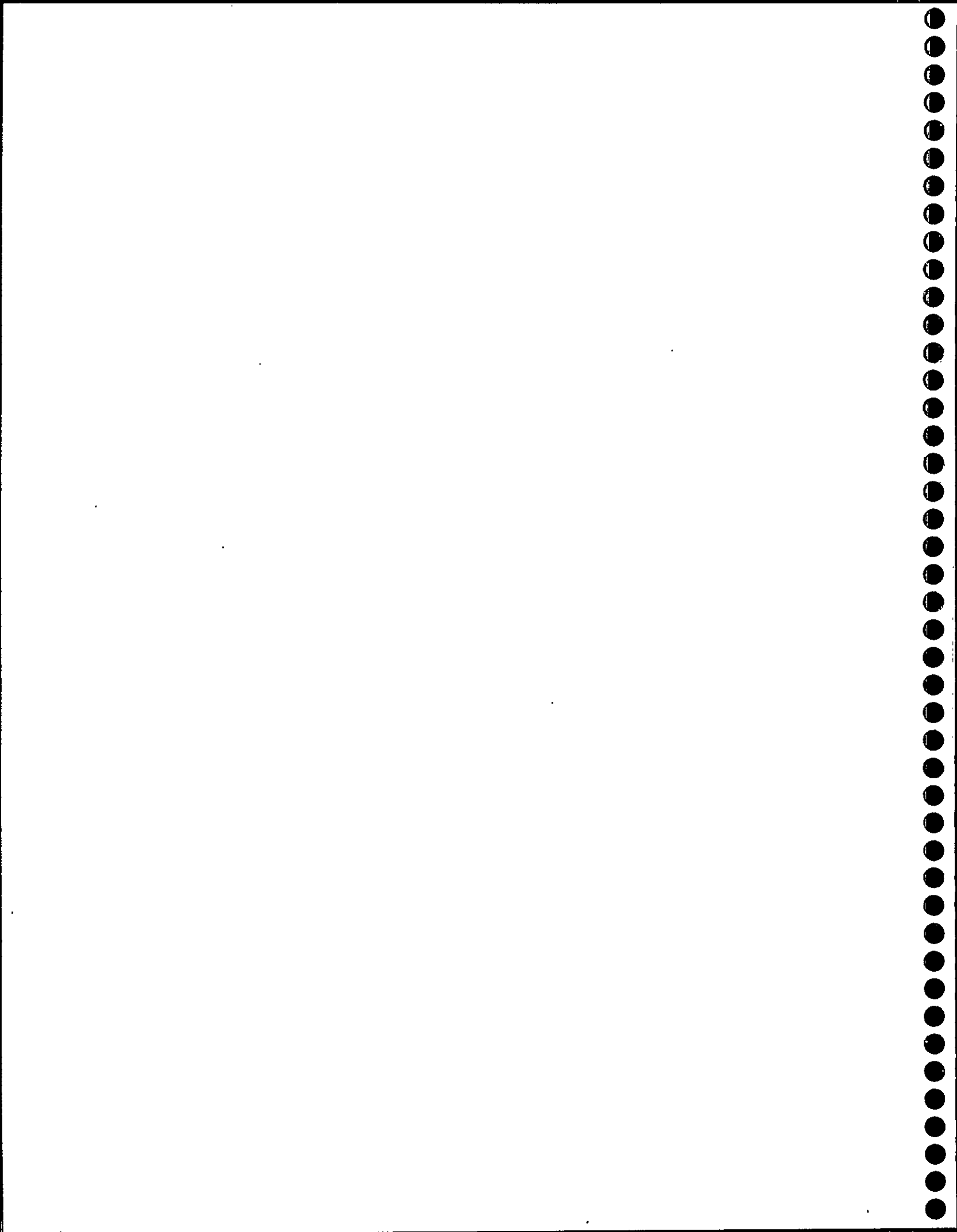


2. I graduated from Seton Hall University in May of 1999 with a Bachelor of Arts degree. I attended Seton Hall University School of Law, graduating in May of 2002 with a J.D. I served as law clerk to the Honorable Glenn R. Wenzel in the Passaic County Superior Court of New Jersey, Family Division, from September 2002 through August of 2003. I have been a practicing member of the New Jersey Bar since 2003. I have devoted my practice to matrimonial law and related matters. I am a member of the New Jersey State Bar Association (Family Law Section), the American Bar Association, and the Morris County Bar Association (Family Law Section).

3. My firm employs a certified paralegal, Julie Labita.

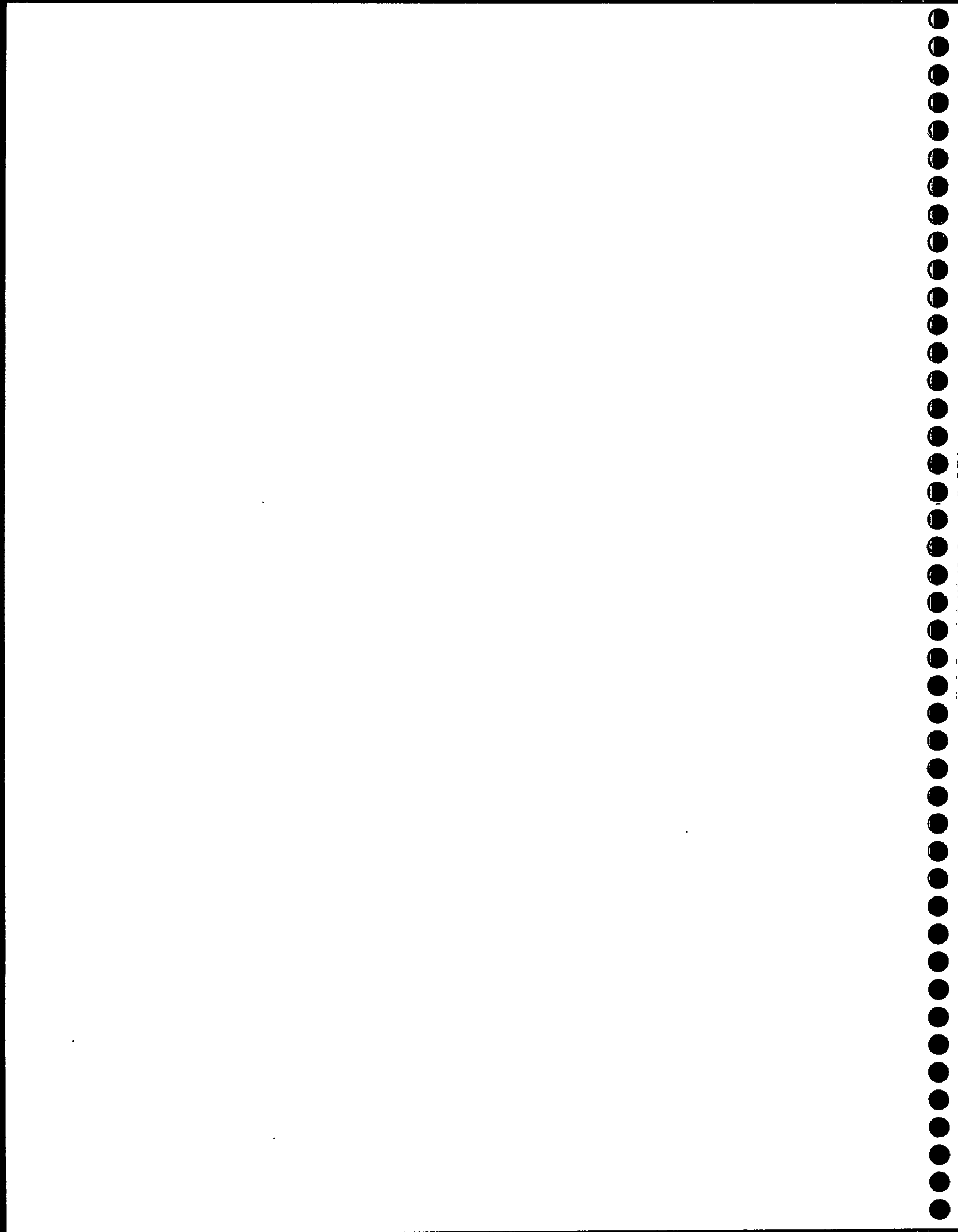
4. What follows is a time breakdown by date of services my firm provided to my client relative to the within application. The breakdown represents an accurate record of time actually spent and services actually rendered. This breakdown was compiled from the time records maintained by my firm in the ordinary course of business, and it is the ordinary practice of this firm to maintain these records.

<u>DATE</u>	<u>HOURS</u>	<u>ATTY.</u>	<u>ACTIVITY</u>
12/15/09	N/C	JSD	Telephone communication with client (0.20)
12/29/09	N/C	JSD	Correspondence to adversary re: emancipation dates (0.20)
01/07/10	0.20	JAL	Draft correspondence to adversary re: response to prior letter
01/11/10	0.30	JSD	Review correspondence from adversary; prepare correspondence to client
01/19/10	1.20	JSD	Prepare correspondence to adversary re: prior Order; prepare correspondence to client; prepare draft Consent Order for probation; prepare preliminary calculation to adjust probation account

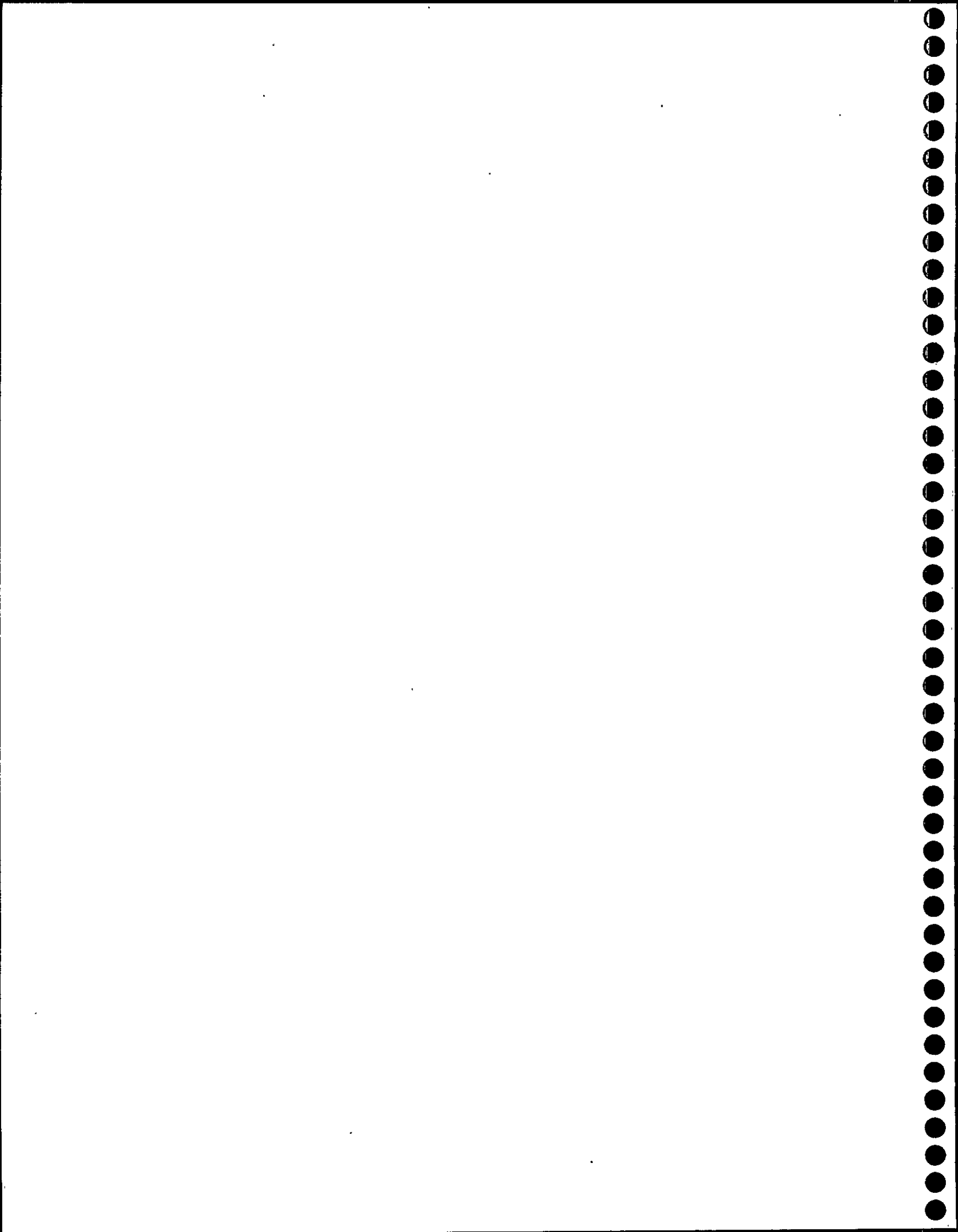


01/19/10	1.40	JSD	Prepare calculations of payments based on assumption of date of emancipation of daughter (Amy); prepare correspondence to adversary setting forth offer of settlement; prepare correspondence to client
01/19/10	0.20	JSD	Telephone communication with client
01/19/10	0.30	JSD	Revise correspondence to adversary as per telephone communication with client
01/20/10	0.30	JSD	Receipt and review of correspondence from adversary; prepare correspondence to client
01/20/10	1.00	JSD	Revise draft Consent Order as per correspondence from adversary and calculation prepared based on prior Order
01/22/10	0.30	JSD	Telephone communication with client
01/22/10	0.20	JSD	Revise and finalize correspondence to adversary as per telephone communication with client
02/03/10	0.40	JSD	Prepare correspondence to adversary; prepare correspondence to client
02/17/10	0.20	JSD	Prepare correspondence to adversary
02/18/10	0.60	JSD	Receipt and review of correspondence from adversary; prepare correspondence to adversary; prepare correspondence to client
02/22/10	0.90	JSD	Prepare correspondence to adversary; prepare correspondence to client; revise proposed Consent Order
02/23/10	0.40	JSD	Telephone communication with client
02/23/10	0.50	JSD	Review and revise Consent Order as per telephone communication with client
02/23/10	0.30	JSD	Receipt and review of correspondence from adversary with calculated payments; prepare correspondence to client

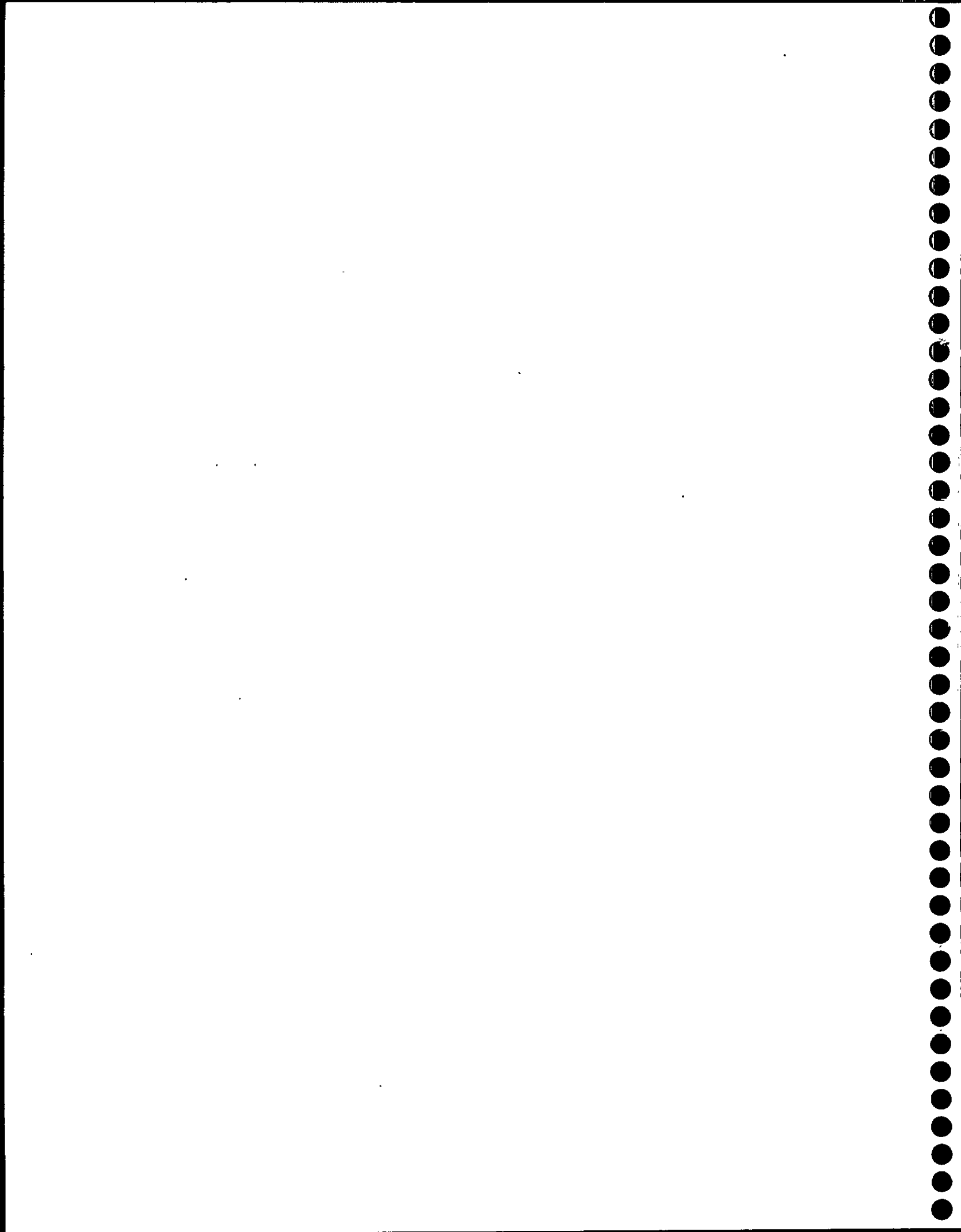




02/24/10	0.20	JSD	Telephone communication with Laurie Lopez of the Bergen County Probation Department
02/24/10	1.40	JSD	Receipt and review of printout received from Ms. Lopez as to client's account history; prepare calculations; revise Consent Order
03/01/10	0.30	JSD	Receipt and review of correspondence from adversary; prepare correspondence to adversary
03/01/10	1.10	JSD	Revise calculations based on printout numbers from Probation; review and revise Consent Order; prepare correspondence to client
03/05/10	0.40	JSD	Prepare draft correspondence to adversary; prepare correspondence to client
03/24/10	0.50	JSD	Revise correspondence to adversary; revise Consent Order; prepare correspondence to client
03/30/10	0.50	JSD	Receipt and review of correspondence from adversary; prepare correspondence to client; prepare correspondence to adversary
04/07/10	0.80	JSD	Receipt and review of correspondence from client; review calculations of arrears; review prior arrears statement; prepare correspondence to client; revise Consent Order
05/06/10	0.40	JSD	Prepare correspondence to adversary; prepare correspondence to Court
05/06/10	0.50	JSD	Receipt and review of correspondence from adversary re: client's probation account; prepare correspondence to adversary; review and revise correspondence to adversary
05/06/10	0.40	JSD	Telephone communication with client re: terms
05/06/10	N/C	JSD	Left voice mail message for Laurie Lopez at Probation (0.10)
05/06/10	0.20	JSD	Prepare to client
05/07/10	0.40	JSD	Telephone communication with client



05/07/10	0.40	JSD	Telephone communication with Laurie Lopez
05/07/10	0.20	JSD	Correspondence to client
05/12/10	2.60	JSD	Receipt and review of correspondence and documents from Probation Department; review client's payments; calculate arrears and amount that should have been applied to calculations consistent with Court Order; prepare correspondence to adversary detailing payments; correspondence to client
05/12/10	N/C	JSD	Left voice mail for Laurie Lopez (0.10)
05/12/10	0.30	JSD	Review and revise correspondence to adversary
05/13/10	0.20	JSD	Further revise correspondence to adversary
05/14/10	0.60	JSD	Receipt and review of correspondence from adversary; review transcript of oral argument; prepare correspondence to adversary
05/17/10	0.80	JSD	Receipt and review of correspondence from adversary; review transcript; prepare correspondence to adversary; revise calculations as per adversary's correspondence; prepare correspondence to client
05/20/10	0.30	JSD	Receipt and review of correspondence from adversary
05/20/10	0.80	JSD	Prepare draft Notice of Motion; begin preparation of Certification
06/08/10	0.60	JSD	Continue working on Certification
06/09/10	2.10	JSD	Completed first draft of Certification; review and revise several drafts; pull exhibits
06/09/10	0.30	JAL	Prepare proposed form of Order
06/09/10	0.20	JAL	Prepare filing letter to Court
06/09/10	0.50	JSD	Revise Notice of Motion; prepare correspondence to client



06/24/10	1.00	JSD	Estimated receipt and review of opposing papers from adversary
07/01/10	1.50	JSD	Estimated preparation and filing of Reply Certification
07/09/10	3.00	JSD	Estimated preparation for and attendance at oral argument
<hr/>			
	31.2	TOTAL HOURS	

5. The hourly rates for services rendered to my client at this time are as follows:

- i. Jennifer S. Desimone, Esq. \$300.00
- ii. Julie A. Labita \$115.00

The fees charged by my firm are in accordance with fees customarily charged in this area for similar legal services.

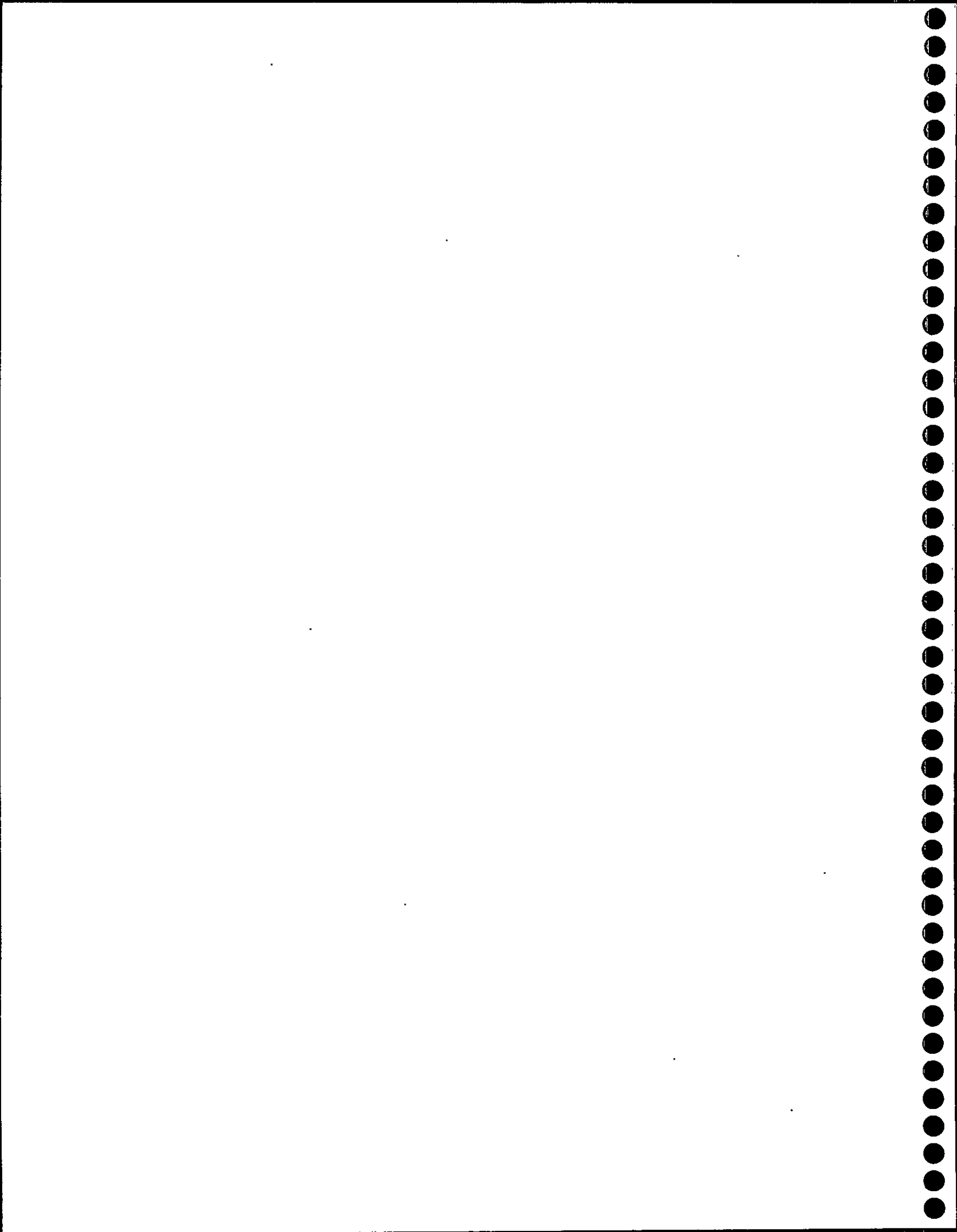
6. The value of the aforementioned services rendered to my client is \$9,230.50, broken down as follows:

- Jennifer S. DeSimone, Esq. \$9,150.00 (30.5 hours x \$300 per hour)
- Julie A. Labita \$80.50 (0.70 hours x \$115 per hour)

7. The Defendant paid an initial retainer in the amount of \$7,500.

8. In addition to the aforementioned cost of services rendered, there were disbursements made on behalf of the client as follows:

- i. Lawyers Service \$16.00
  - ii. Photocopies (520 x \$.25) \$130.00
  - iii. Filing Fees 30.00
- TOTAL \$176.00



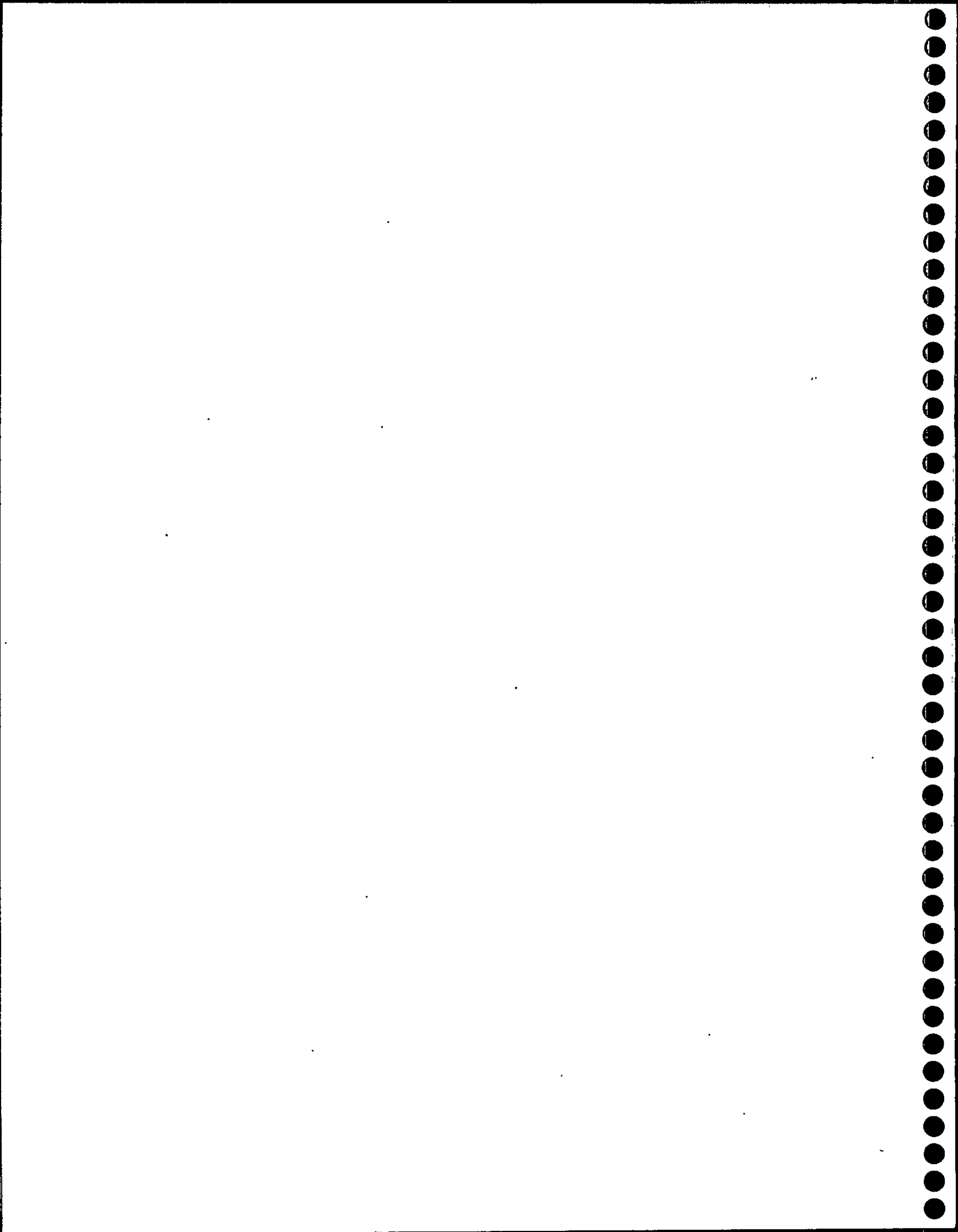
9. The aggregate total cost to my client has been \$9,406.50, which includes the aforementioned fees (\$9,230.50) and disbursements (\$176.00).

RULE 5:3-5 FACTORS

10. In accordance with the April 5, 1999, amendment to Rule 5:3-5, the Court is respectfully requested to consider the following factors:

- a. *The financial circumstances of the parties:* Since July 10, 2008, when Mr. Manning was severely injured at work in a construction accident, the only income he has received is worker's compensation. Mr. Manning continues to treat with physicians and has had to undergo numerous procedures and physical therapy. The financial circumstances of the Plaintiff remain unknown; however, based upon prior post-judgment applications it is evident that she is in a far superior financial position than Mr. Manning.
- b. *The ability of the parties to pay their own fees or to contribute to the fees of the other party:* Same as response to Subparagraph (a) above.
- c. *The reasonableness and good faith of the positions advanced by the parties:* The application filed on behalf of Mr. Manning seeks only to enforce the terms and provisions of the prior Orders of this Court.
- d. *The extent of the fees incurred by both parties:* As set forth above as to the Defendant. The amount of fees incurred by the Plaintiff is unknown.
- e. *Any fees previously awarded:* Not applicable.



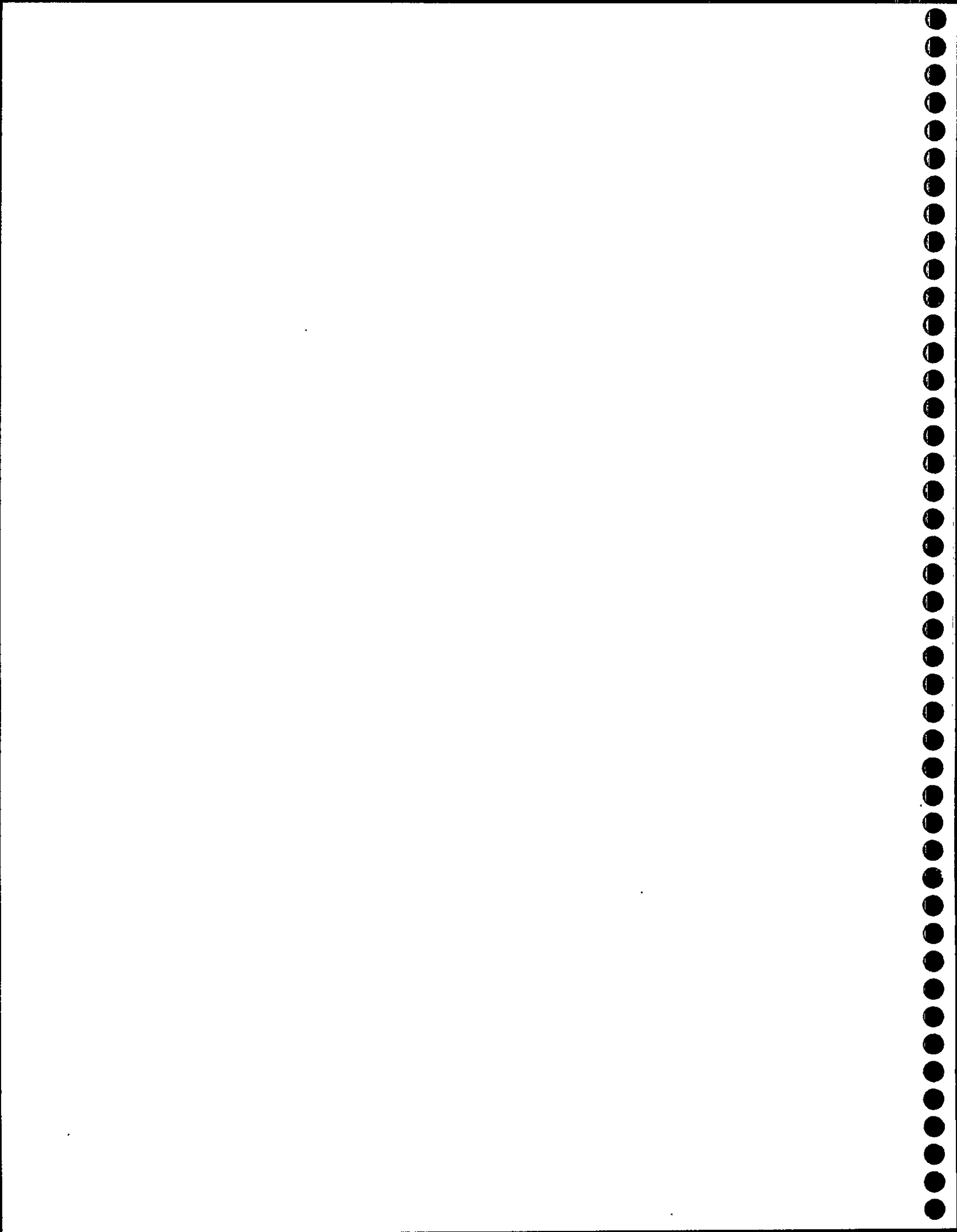


- f. *The amount of fees previously paid to counsel by each party:* The Defendant paid an initial retainer in the amount of \$7,500 in connection with this post-judgment litigation. The extent of counsel fees paid by the Plaintiff is unknown.
- g. *The results obtained:* To be determined.
- h. *The degree to which fees were incurred to enforce existing orders or to compel discovery:* All fees incurred by Mr. Manning and set forth herein were incurred in an effort to enforce the terms and provisions of the prior Orders of this Court.
- i. *Any other factor bearing on the fairness of an award:* As set forth herein, and in Defendant's moving papers.

RULE 4:42-9 FACTORS

11. The amended Rule 5-3-5 also provides for the consideration by the Court of the following information required to be submitted pursuant to Rule 4:42-9:

- a. *A recitation of other factors pertinent in the evaluation of the services rendered:* As set forth herein and in Defendant's Certification.
- b. *The amount of the allowance applied for:* As set forth above.
- c. *An itemization of disbursements for which reimbursement is sought:* As set forth.
- d. *How much has been paid to the attorney:* The Defendant paid an initial retainer in the amount of \$7,500.

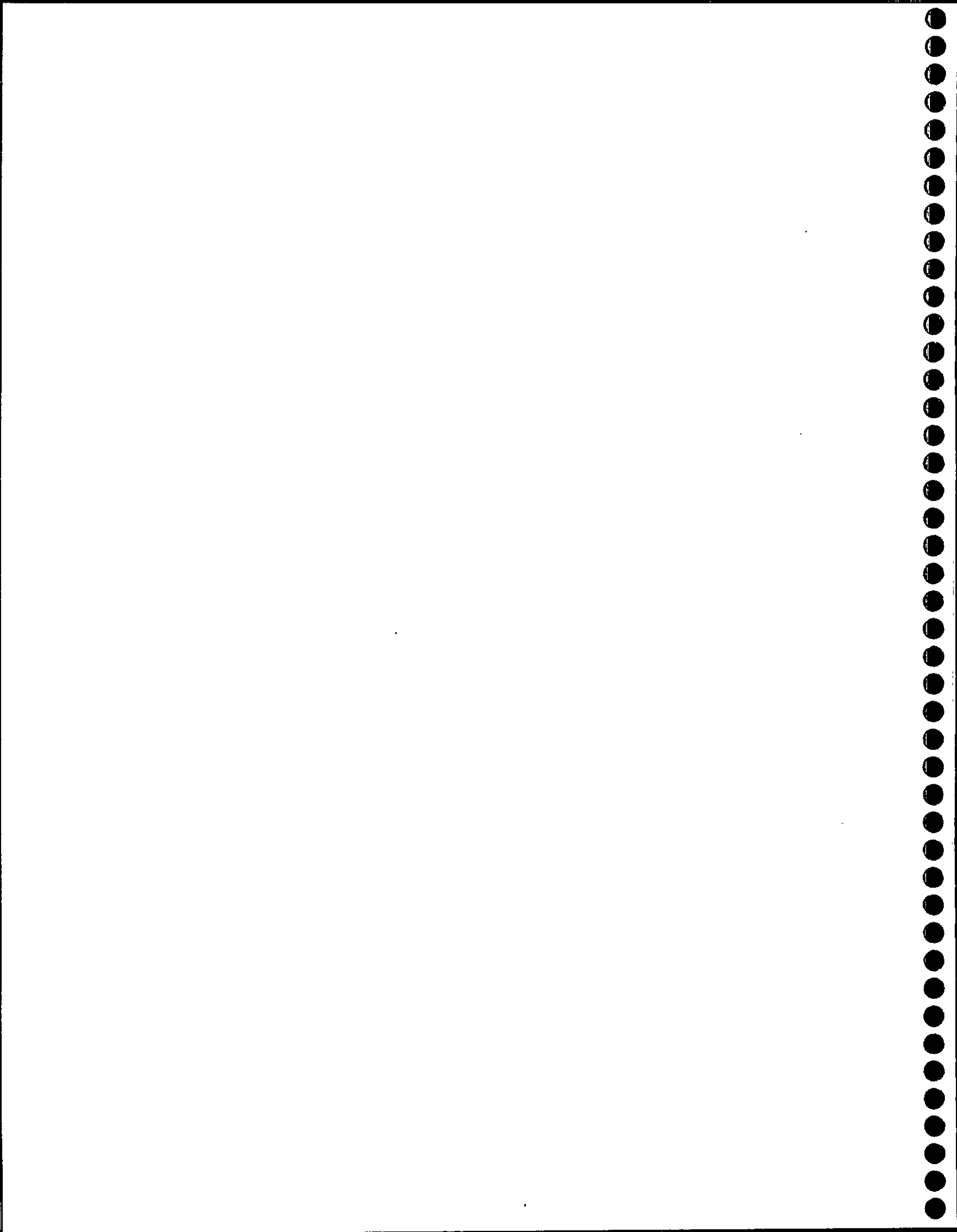


- e. *What provision, if any, has been made for the payment of fees to the attorney in the future:* As per written retainer agreement, full payment of invoice within thirty (30) days of presentment.

R.P.C. 1.5(a) FACTORS

12. Rule 4:42-9(b) provides that all affidavits submitted in support of counsel fee applications are to address the factors enumerated by R.P.C. 1.5(a). Those factors to be considered in determining the reasonableness of the fee charged by an attorney are as follows:

- a. *The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly:* The time devoted to this matter was reasonable and necessary under the circumstances. The matter involved certain complex legal issues and required the services of an experienced family law practitioner.
- b. *The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer:* Not applicable.
- c. *The fee customarily charged in the locality for similar legal service:* The hourly rates charged are consistent with that charged by other attorneys in the area possessing similar background, training, and professional experience.
- d. *The amount involved and the results obtained:* As set forth above.
- e. *The time limitations imposed by the client or by the circumstances:* Not applicable.
- f. *The nature and length of the professional relationship with the client:* Our firm previously represented the Defendant in connection with prior post-



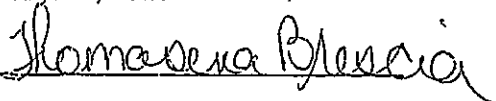
judgment litigation and an appeal. The Defendant again retained the services of this firm in July of 2009 in connection with this matter.

- g. *The experience, reputation, and ability of the lawyer or lawyers performing the services:* As set forth above.
- h. *Whether the fee is fixed or contingent:* Fixed hourly rate of \$300 for Jennifer S. DeSimone, Esq., and \$115 for the firm's paralegals.

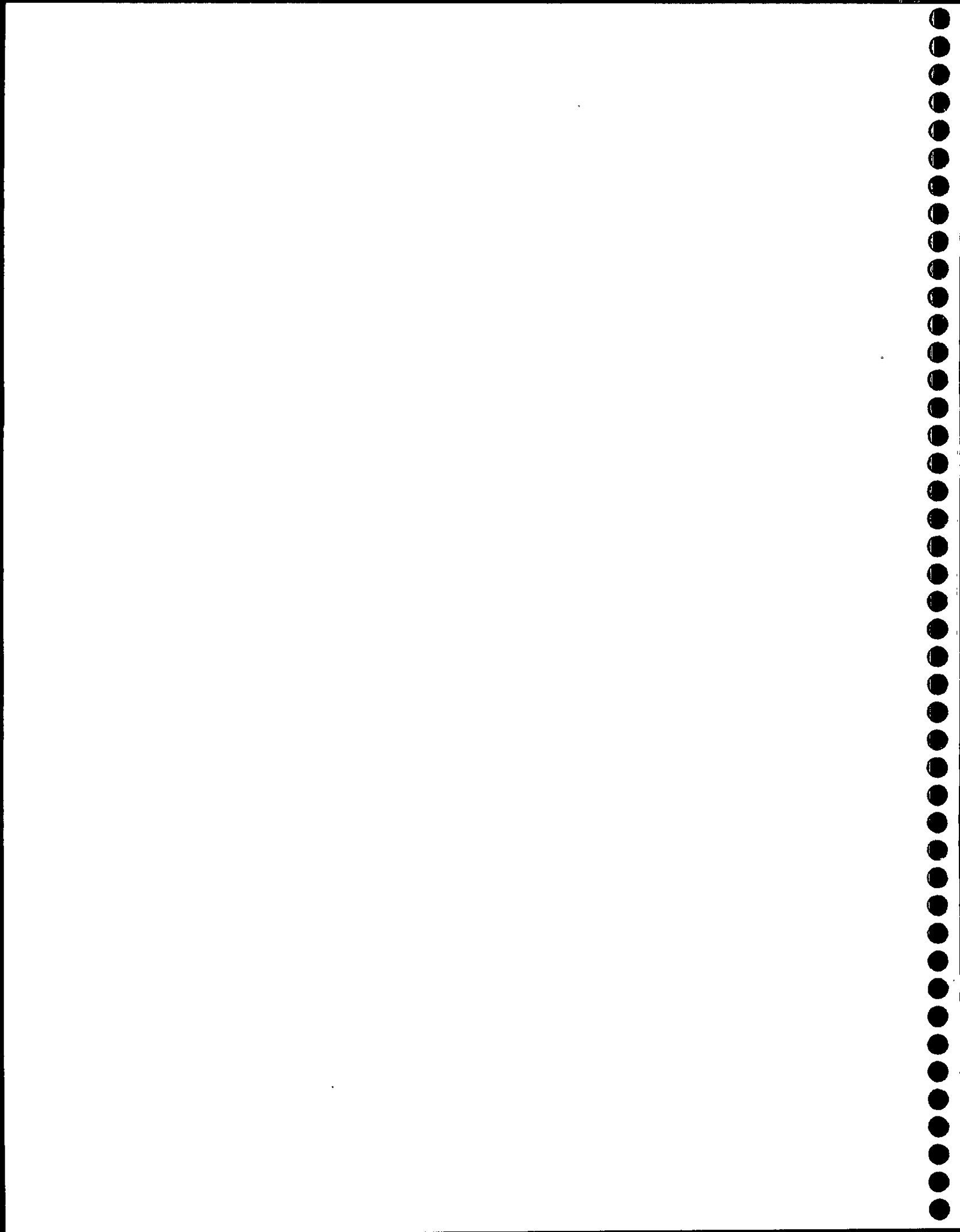
13. It is respectfully requested that the Court award a fair and reasonable award, payable by the Plaintiff, BARBARA CARROLL (formerly Manning), on behalf of the Defendant, JOHN MANNING, within ten (10) days of the entry of an Order on the within application.

  
\_\_\_\_\_  
JENNIFER S. DeSIMONE MURPHY, ESQ.

Subscribed to and sworn to  
before me on this 10<sup>th</sup> day  
of June, 2010.



THOMASINA BRESCIA  
A Notary Public of New Jersey  
My Commission Expires September 12, 2012



GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

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BARBARA MANNING,  
(n/k/a Barbara Carroll)

Plaintiff

vs.

JOHN MANNING

Defendant

---

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
DOCKET NUMBER: FM-02-6706-93

CIVIL ACTION

CERTIFICATION

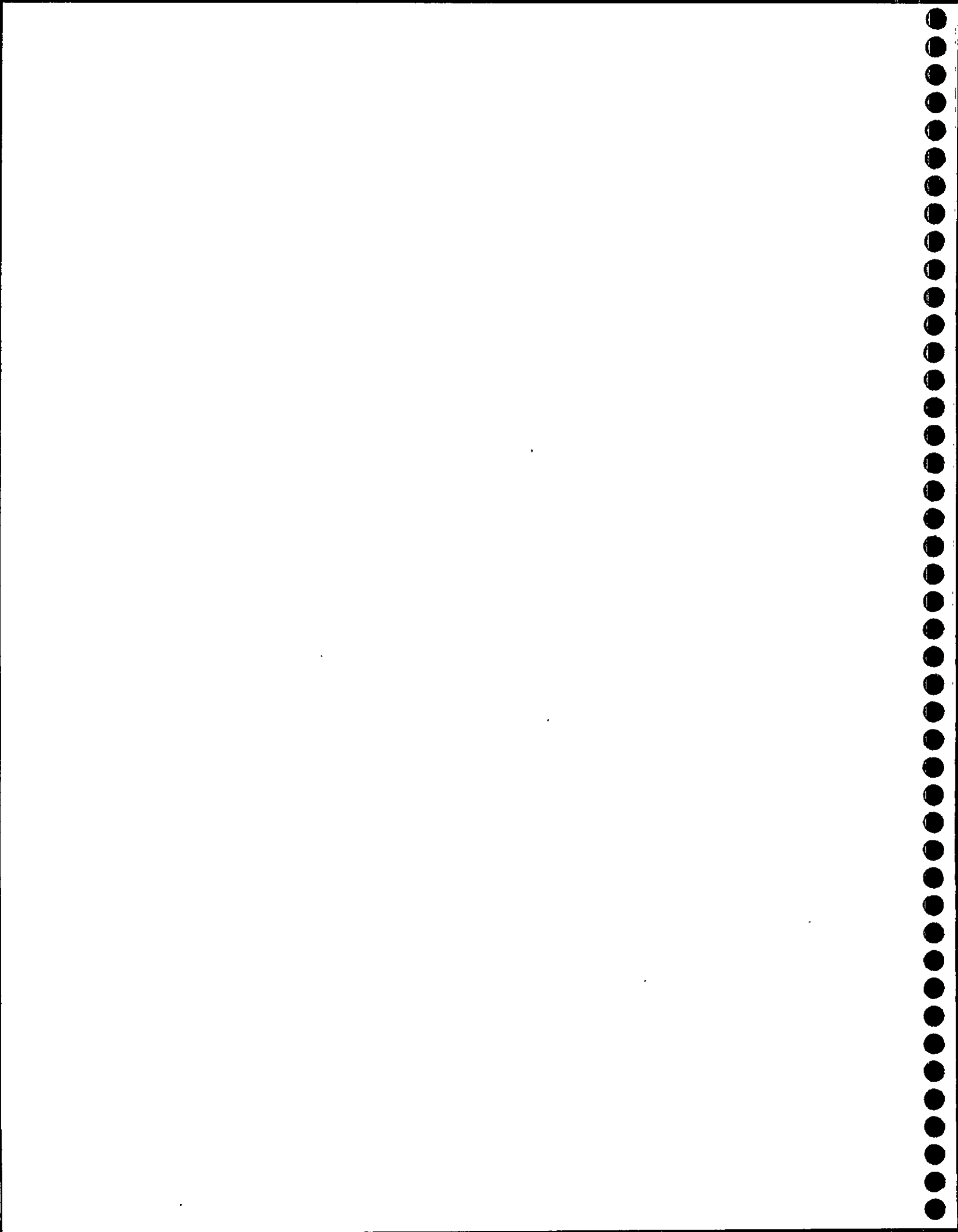
I, Barbara Carroll, of full age, hereby certify as follows:

1. I am the plaintiff in the above captioned matter and I make this certification in opposition to the Notice of Motion filed by the defendant, which is to be heard before the Court on Friday, July 9, 2010.

2. The defendant's wages were garnished because he has a long history of not paying. For years, the defendant had a history of not paying. For the first two years he was in rehab and payments were sporadic. Needless to say he had a long history of not paying and when we were before Judge Koblitz

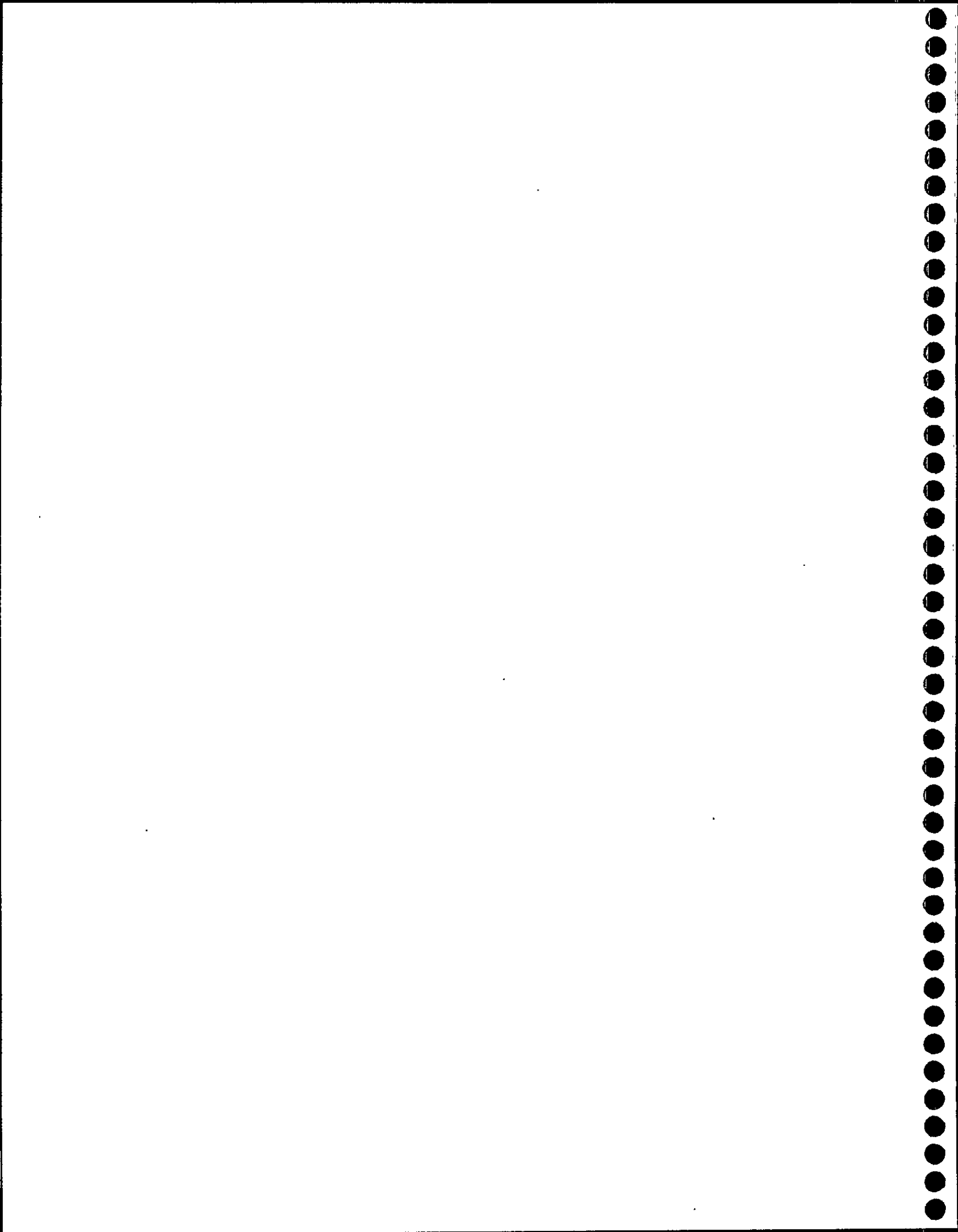
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on July 20, 2007, that Order resulted in a settlement where I conceded certain things just to be done with it.

3. The defendant was aware of his daughter Amy, his second eldest daughter, graduating because she verbally told him so over the telephone. The reason for the telephone call was for Amy to express her sympathy due to the defendant's brother's death. He was aware of the graduation and her sister's graduation plans for the following year. The defendant was not aware of the fact that Amy had to wait to take her Nursing Boards and was unemployed for six months until finding a nursing job. As far as the probation records stating three unemancipated children, the plaintiff had nothing to do with this notification. The defendant did make payments from the 2007 Order up until around August of 2009, when he stopped paying. Payments after August 2009 were sporadic. It is obvious from the defendant's own certification and the probation department records, that he was not meeting his obligation. It is bad enough that he did not pay the original amounts when they were due, but he violated the Settlement Order of July 20, 2007. He does not really address the fact as to why he did not make the payments. He provides absolutely no information as far as disability or workers' compensation. As the Court knows, in Florida as any other state, I am sure documents and medical reports have to be filed, but none of that has been furnished. In addition, I would like to point out that when he lived in this area, his parents lived in Franklin Lakes and were somewhat wealthy. His father has passed away and his brother has passed away. I do not know his mother's

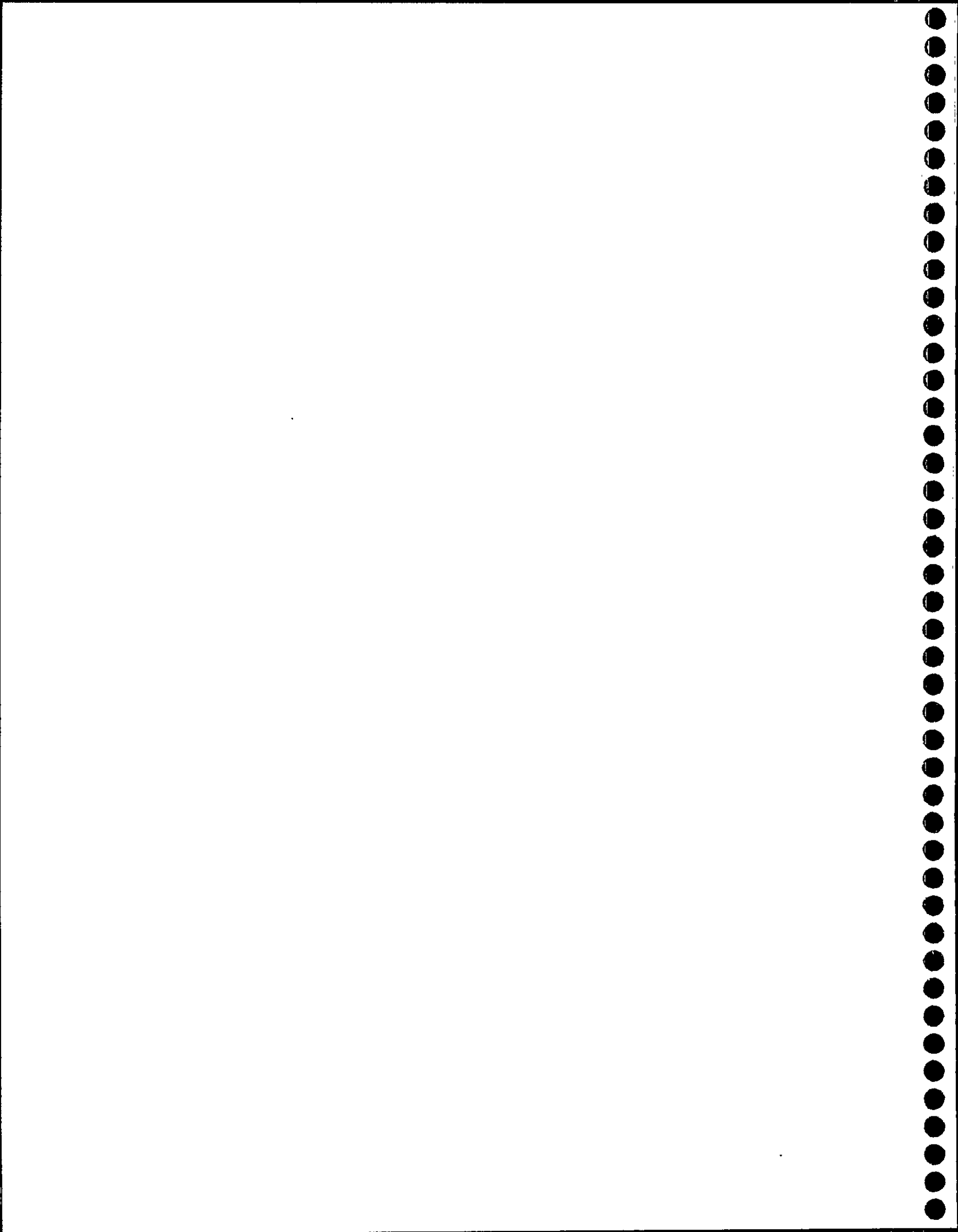


situation. In addition, the last I heard, he had remarried and his new wife had a business in Florida by way of a restaurant or bar.

4. In regard to paragraph number four, our daughter Melissa is emancipated. I would point out that our daughter Melissa graduated from The College of New Jersey with a nursing degree. She then graduated from the University of Pennsylvania with a Masters degree in nursing. I have paid for her whole education along with taking out loans for our children. Melissa, as with my other children, are not on any other loans. I am the only one on them. I put Amy through college and she graduated from Felician College. Our daughter Samantha graduated from Monmouth University. The defendant paid absolutely nothing towards any of these costs. I paid them entirely and incurred loans to do so. The defendant was aware of this and volunteered nothing. Historically, he was determined not to participate by not returning their calls and visiting them or letting them visit him.

5. Amy graduated May 18, 2008 from Felician College and started working on December 1, 2008. While she was unemployed, I supported her, in fact, she still lives with me at the house along with Samantha. Samantha graduated on May 20, 2009 and is not permanently employed but has had several temporary jobs lastings 3 days to 3 months. I am, therefore, supporting her as well.

6. I am supposed to receive \$642.00 per month as per the settlement. The defendant is the one who ignored the settlement and violated the Court Order by failing to make the payments. He did not apply to the Court to

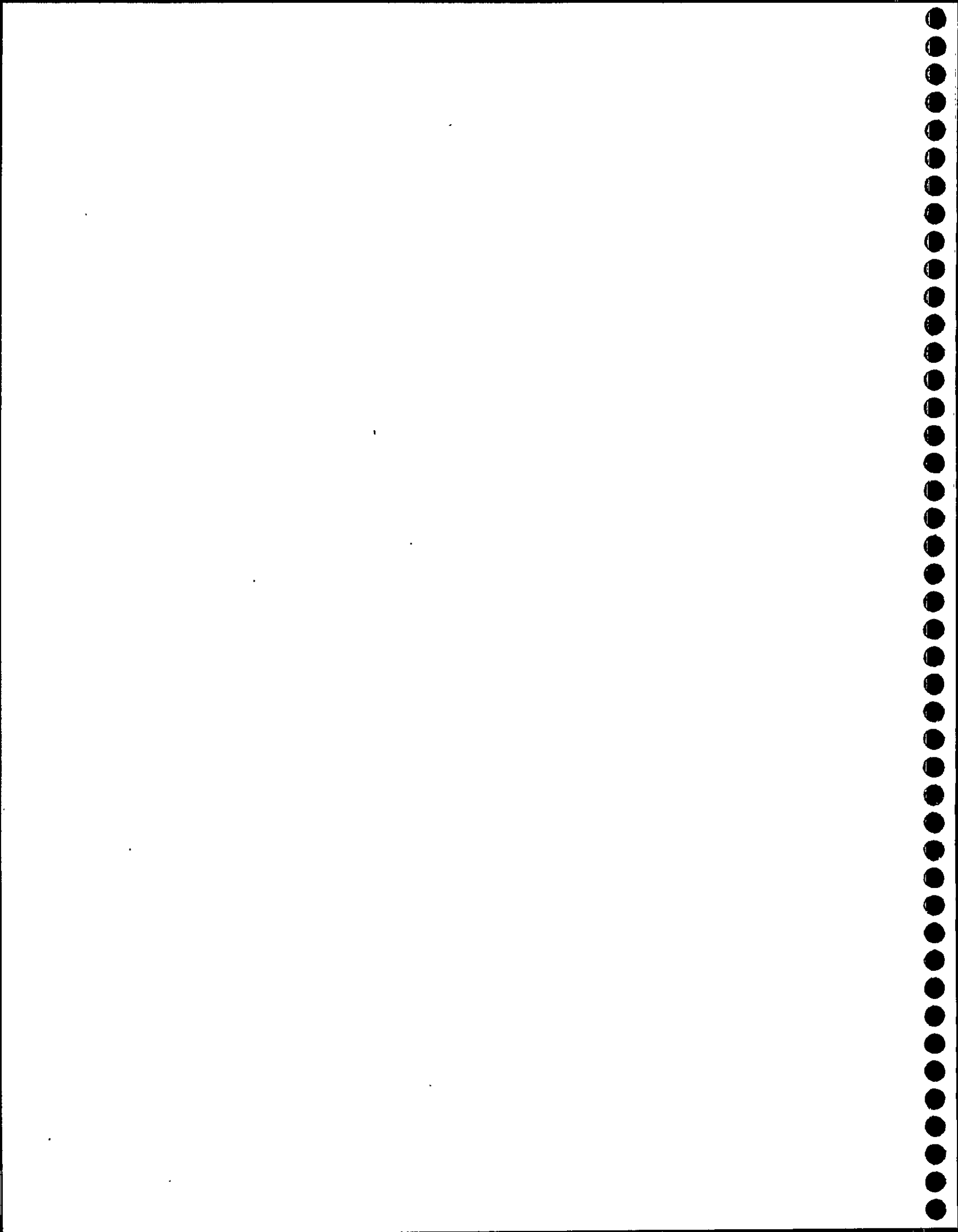


terminate or reduce the payments by reason of disability. He chose to ignore it and then pay an attorney \$7,500.00. He could have just as easily turned around and used that to satisfy most of his obligations to me.

7. He knew directly from Amy when she graduated. He knew from Judge Martinotti's Order that Melissa was emancipated. Samantha, he knew when she graduated, I believe. He has totally ignored his children over the years. At one time, Samantha was in Florida for something and she visited him with her girlfriend. He was supposed to drive them to the airport, but he would not do it. He lives almost an hour away from the airport. When he refused to pay for them to go to the airport, I had to pay for someone to do it. He was supposed to pay for the airfare but did not do that either. Again, I had to pay for the airfare as well.

When his brother passed away, all three girls reached out to him. However, he chose to ignore them. He raises an issue and then says he does not want to waste time on it. However, the truth should be known since he raised the issue. When his attorney attempted to address the issue of his alleged disability, she did not answer the question as to what was wrong with him. My question is, did he fall off the wagon again because of drugs or alcohol or was he physically disabled? He did not forward papers to me stating what the nature of the disability was.

There was correspondence between his attorney and my attorney, however, as I stated, upon reviewing his documentation, he paid a retainer of



\$7,500.00. This very easily could have covered the bulk of the arrearages instead of wasting it on threatening letters from his attorney.

8. Number 11 is somewhat humorous when you consider that over the years he has continually violated the Court Order on support. He has never contributed a dime extra. I pay far more in support than he did. In addition, I put all three girls through college incurring loans and debt on my own, which I am not complaining about, in fact, I am proud I did it. One would think he would have some shame as to the way his disregarded the girls and contributed nothing to their higher education.

8. Item 12 will be answered by my attorney.

9. In response to number 13, this man has a lot of nerve when you consider the fact that he is writing letters and the whole time he is not making payments and now he is complaining that I did not comply with the Order.

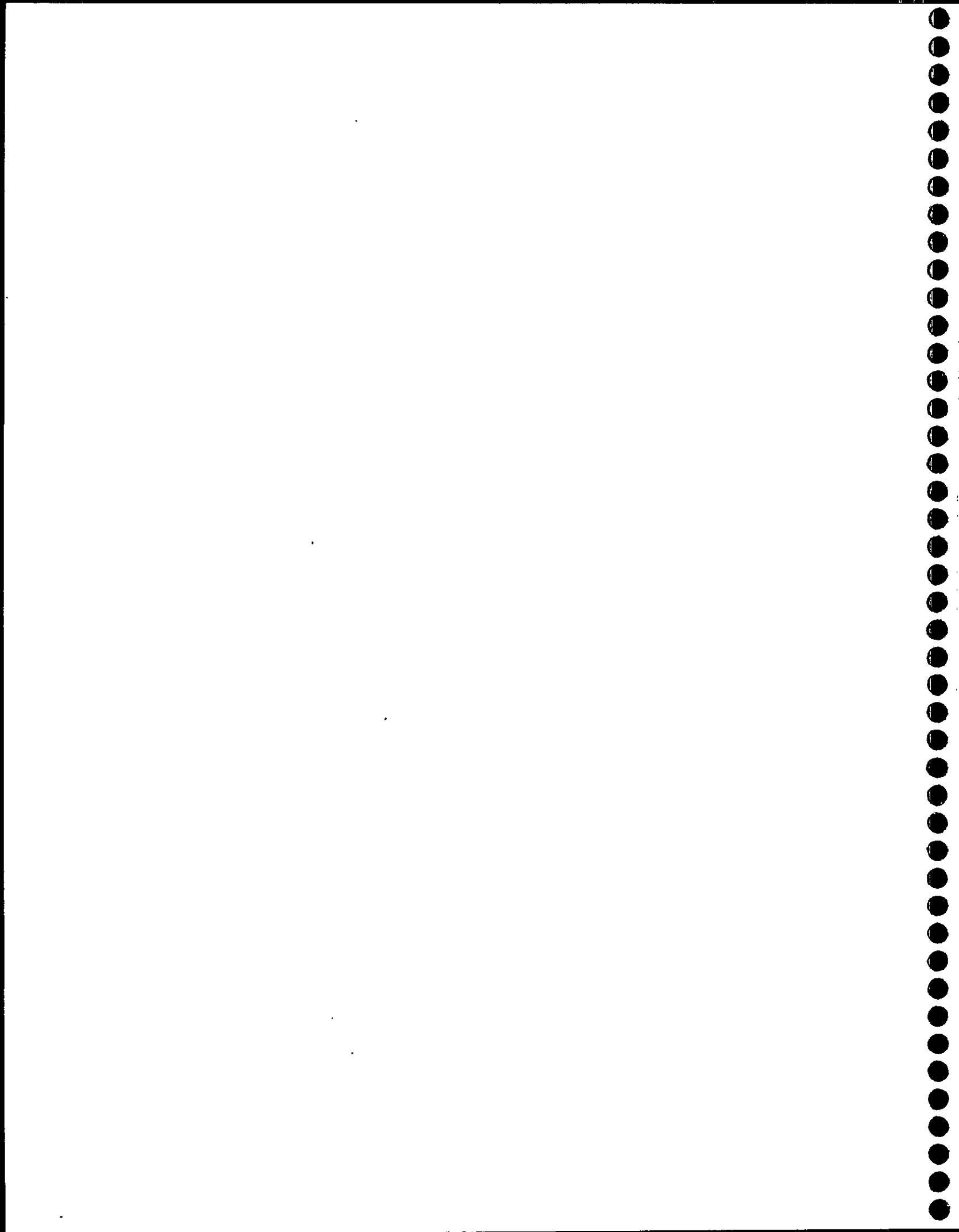
10. With regard to number 14, I am not sure what he is complaining about.

11. In response to number 15, I wish to state that I did not intentionally fail to comply with the July 20, 2007 Order. What the defendant expects the Court to believe is that even though he knew he was not making the payments, he did not care that he was not in compliance with the Order.

12. In contradiction to his statement in number 16, he full well knew that the girls had graduated.

13. My question is why should I have to settle again off a settlement. The original matter was settled in 2007 pursuant to Judge Koblitz's Order. Why





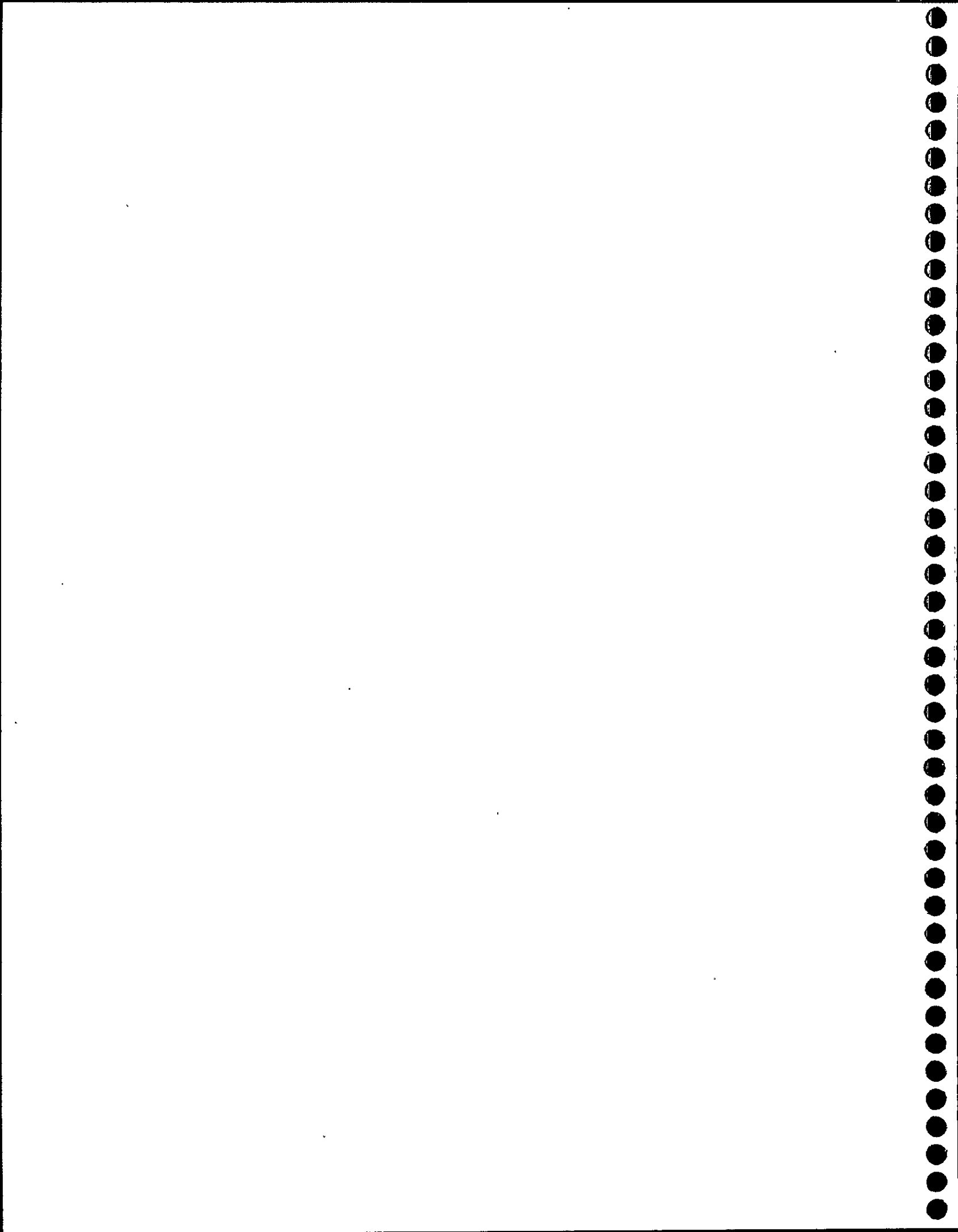
now, two or three years later, should I have to take a further reduction? Not only is he asking me to take a reduction, but he just stopped payments in the summer of 2009. He did not provide any proof, even through his attorney as to any medical conditions.

14. In regard to paragraphs 19 and 20 of his certification, I wish to point out that I am presently paying in excess of \$160,000.00 in student loans, that I personally took out to put the three children through college. My monthly payments are a minimum of \$1,500.00 a month. He is complaining to the Court about paying \$592.00 a month. He will not go into great detail about his medical condition. However, he has not shown to the Court, any reason why he stopped making the payments. He should have made the application or had his attorney contact me before he terminated his payments. I would like to also point out, that I am not seeking anything from him as to the college. I assumed the responsibility and I completed it. He can live with the fact that he made absolutely no effort to do anything, even though he knew his children were in college.

15. My attorney has addressed his question as to the exact amount in correspondence.

16. His attorney should have tried to deal with the difference of \$600.00 or \$700.00, instead of spending \$9,000.00 of her client's money to send correspondence.

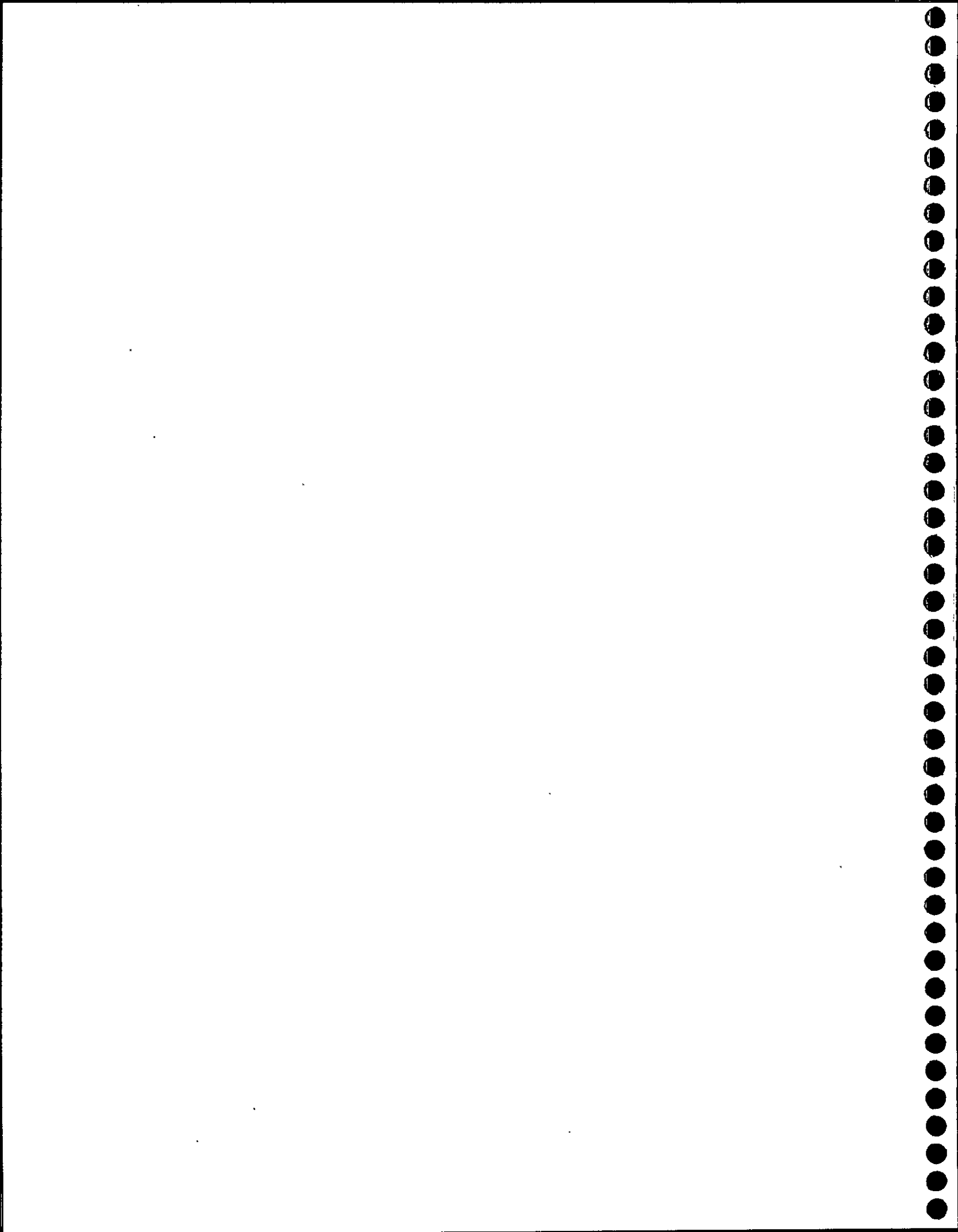
17. In response to number 22, I am leaving it to the probation to make the adjustment.



18. In number 23, it is very hard to understand how the defendant could claim clean hands when, in fact, he just stopped paying when he full well knew that he still owed money under the formula that was put in place in the Order of 2007.

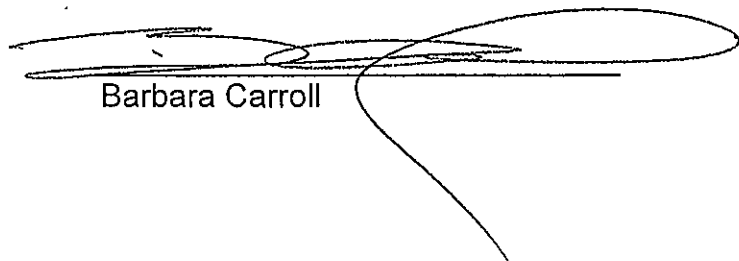
19. In regard to number 25, the claim is that his attorney was acting in good faith. If the Court reviews the correspondence, each letter includes threats about going to Court and legal fees and costs being assessed against me. It would have been much better if we had let the probation department work it out and then the defendant could have kept paying the amount that he pays monthly, which he still has to pay. We have not reached any point where the defendant would be ahead on his payments. In fact, at the present time, the defendant still owes approximately \$8,000.00, which if he actually paid \$7,500.00 to his attorney, could have been paid to probation and resolved this matter very quickly.

20. In paragraph 30, the defendant complains about my attorney and me, however, the fact is that he still owes arrearages. Why have those monies not been sent instead of engaging in six months of unprofessional correspondence from his attorney? I would point out that he is the one who stopped paying in the summer of 2009, which put him immediately in violation of the Court Order. He did not contact me through his attorney then, but waited until December 2009. If he had written a letter or contacted me, or even made a Motion to the Court, it probably would have been different. He, however, decided on his own, to engage in self-help. His attorney suggested we compromise for



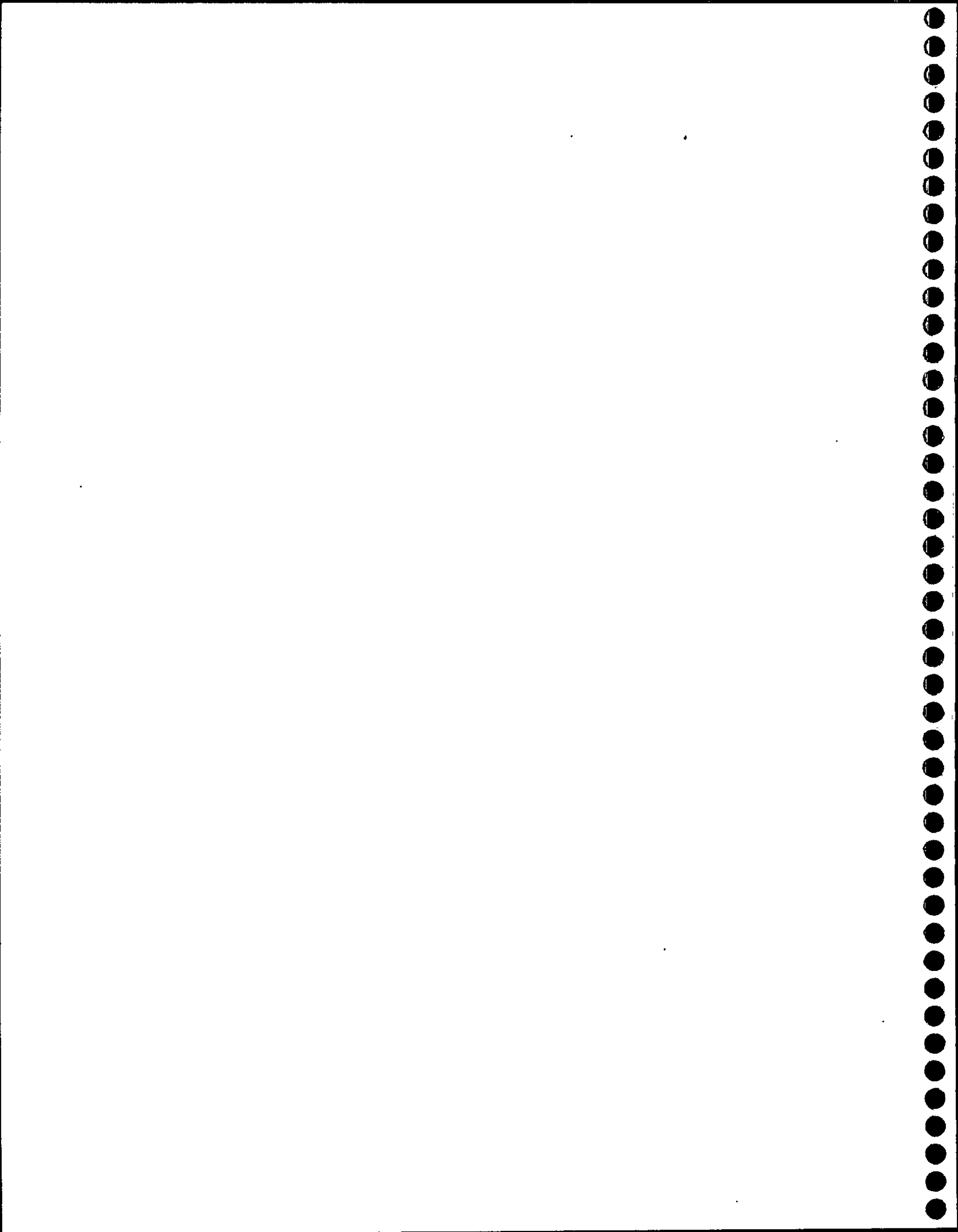
some reason, I believe, in January of 2010. My question is why? The prior settlement is very clear as to the amount owed.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



Barbara Carroll

DATED: June 22, 2010



GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

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BARBARA MANNING,  
(n/k/a Barbara Carroll)

Plaintiff

vs.

JOHN MANNING

Defendant

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
DOCKET NUMBER: FM-02-6706-93

CIVIL ACTION

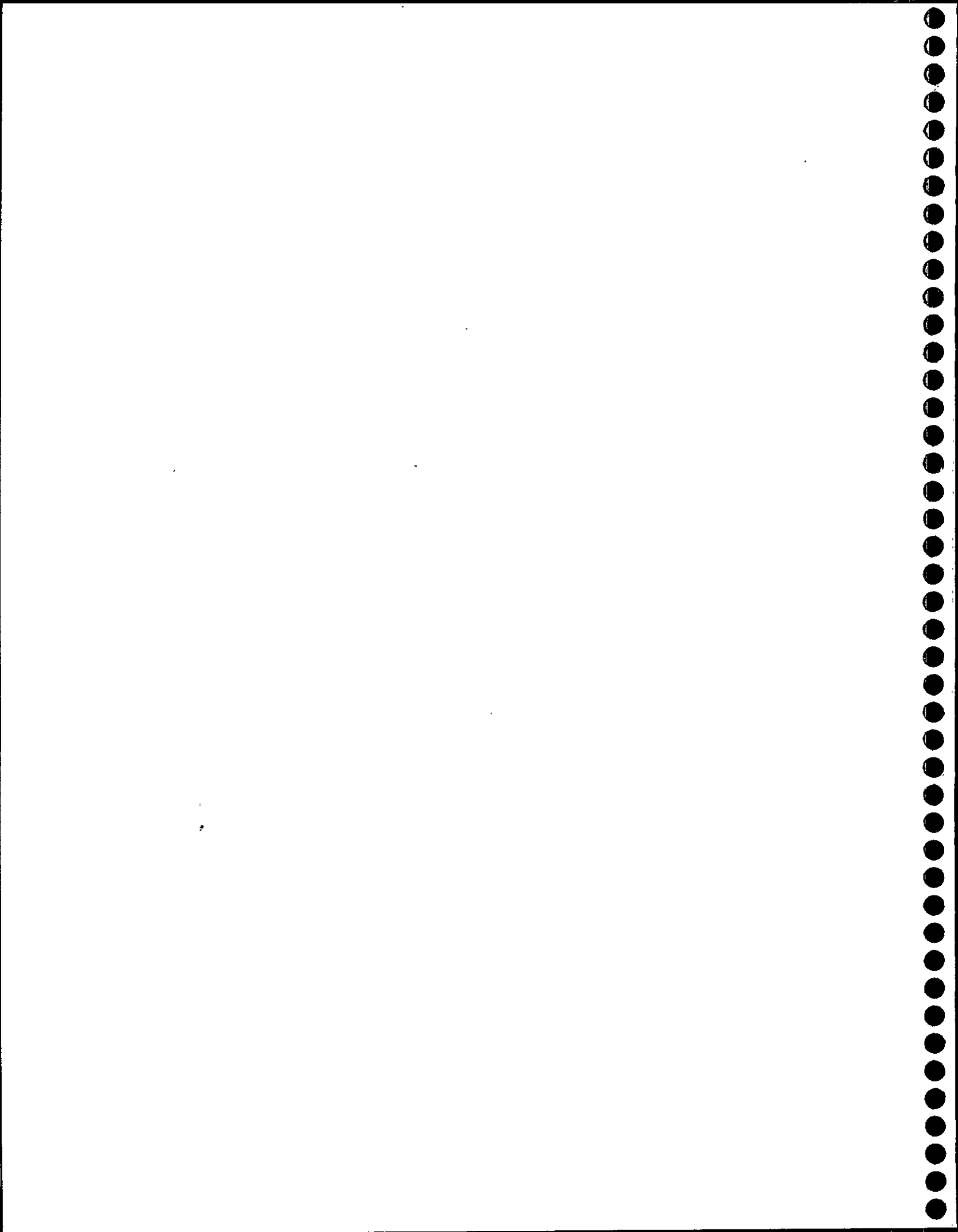
CERTIFICATION

I, George B. Wolfe, of full age, hereby certify as follows:

1. I make this Certification in opposition to the Notice of Motion brought by the defendant, currently listed for July 9, 2010.
2. By letter dated December 29, 2009, the defendant's attorney requested that I provide the date that Samantha Manning graduated from college. On January 7, 2010, six business days later, the attorney again requested the date of Samantha Manning's graduation. The New Year's holiday was in the time frame between the attorney's letters.

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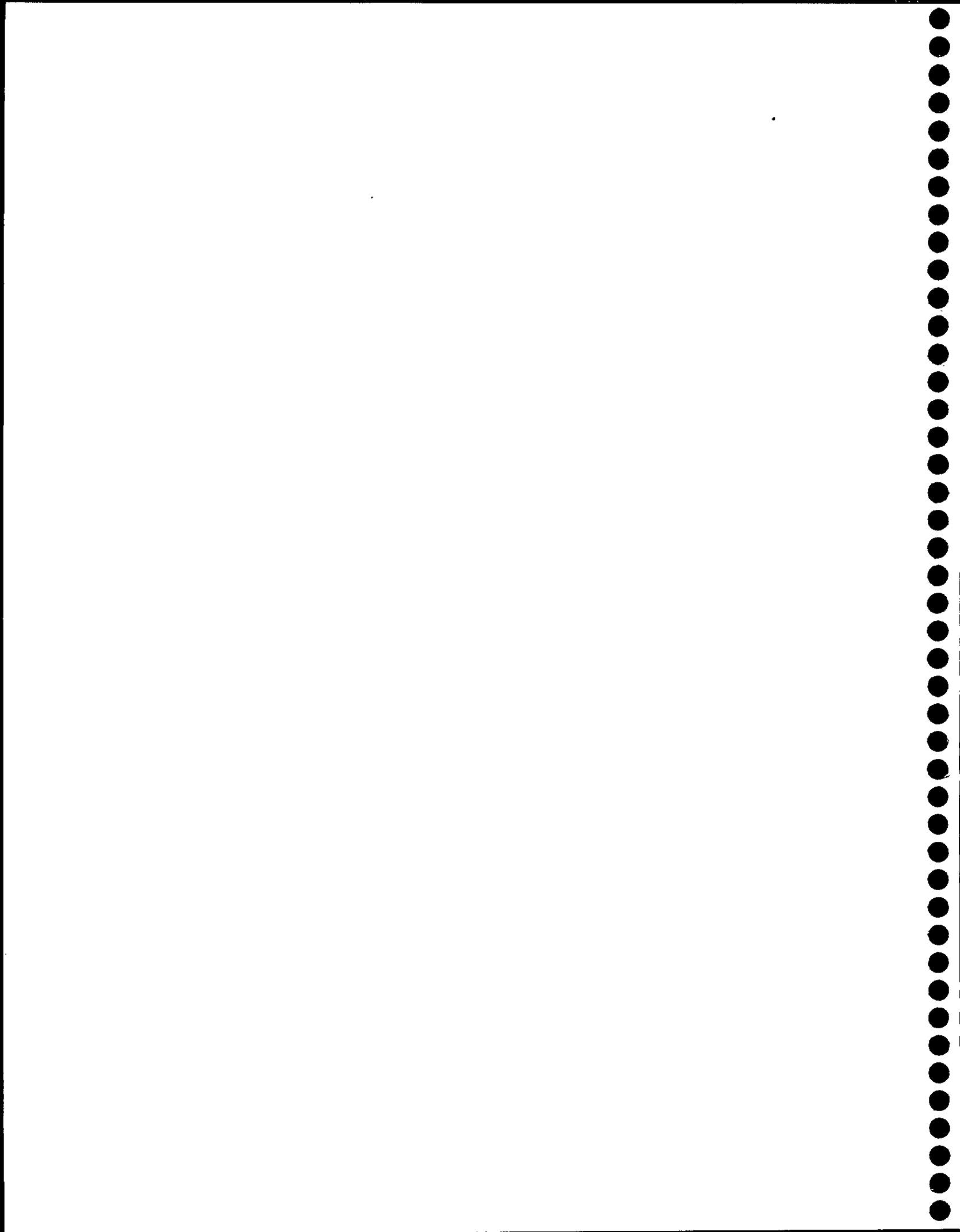
3. On January 7, 2010, I provided the date of Samantha's graduation, in accordance with the attorney's request.

4. By letter dated January 19, 2010, the defendant's attorney requested the date that Amy Manning graduated from college. At this time, the attorney began her outrage at the plaintiff's oversight in not informing the Probation Department of the dates of these graduations. This, she claimed, caused great hardship to her client. She did not, however, address the fact that her client had openly, notoriously, and continuously ignored previous Court Orders, leading to the current payment scheme, in which the defendant was paying down more than \$16,000.00 in arrears. The defendant's current failure to comply with the latest Court Order because of alleged injuries or other disability has not been documented.

5. On January 19, 2010, I provided the date of Amy's graduation, in accordance with the attorney's request.

6. By letter dated January 25, 2010, the defendant's attorney provided calculations in which she alleged an outstanding balance of arrears of \$7,814.63, and offered a one-time, lump-sum payment of \$3,900.00 in full settlement of the outstanding balance. This portion of her letter was redacted from the copy provided to the Court in the defendant's certification. Defendant now wants a settlement of a settlement.

7. At this point, I requested that my client provide her records of payments made by the defendant, pursuant to the July 20, 2007 Court Order. Obtaining this data took some time, as my client normally works 12 hours per day, six or



seven days per week. I also requested a copy of the payment history from the Bergen County Probation Department.

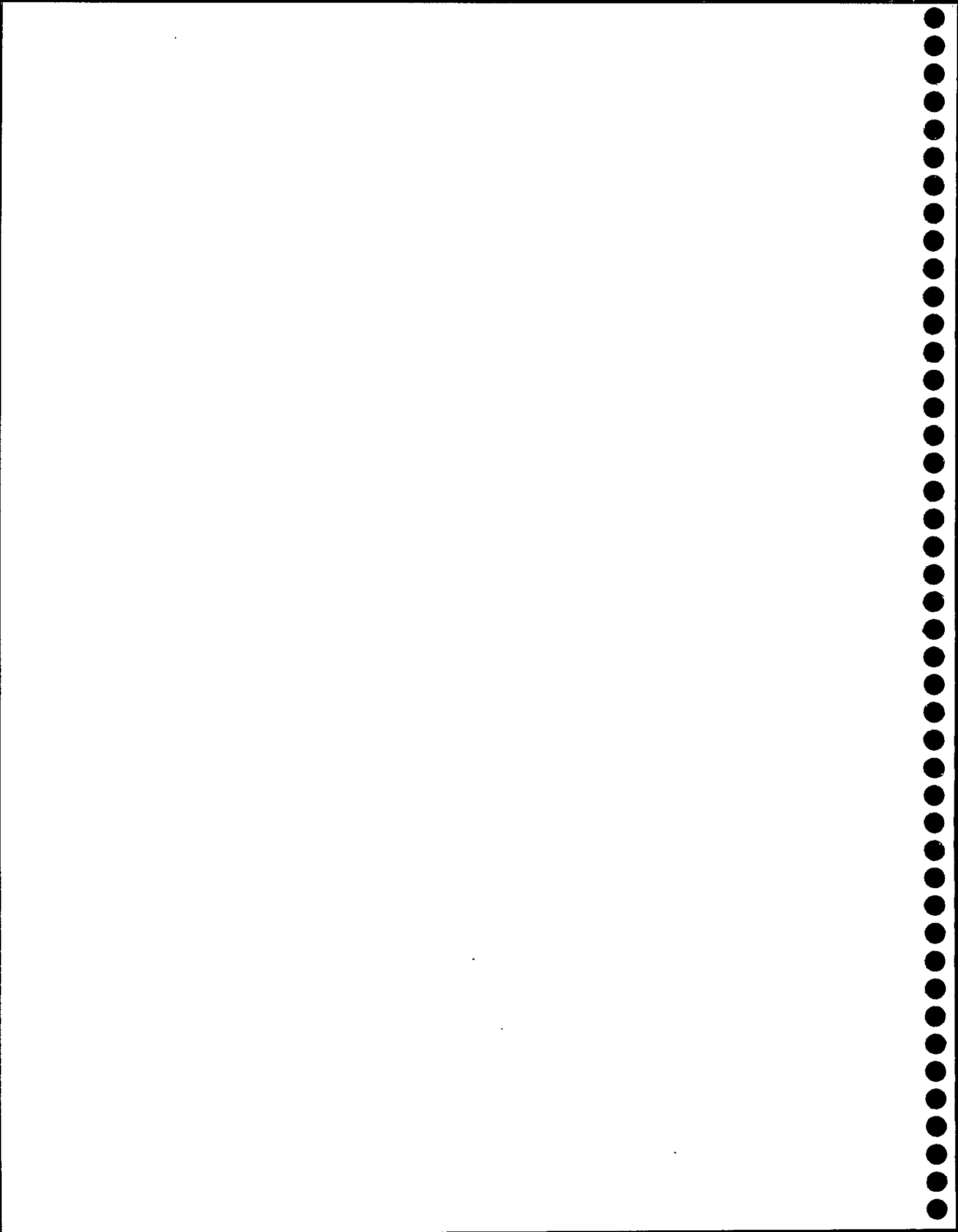
8. On February 11, 2010, the dates that Amy Manning and Samantha Manning graduated from college were supplied to the Probation Department.

9. On February 17, 2010, after reviewing my client's records and the records of Bergen County Probation, my client rejected the offer of \$3,900.00, indicated that the calculations provided on behalf of the defendant were in error, and provided her own analysis of the outstanding balance of arrears, which was calculated to be \$8,494.07, as of December 31, 2009.

This amount was calculated by computing the support due for each calendar year, subtracting that amount from the actual payments made by the defendant, and reducing the arrears by the excess of the payments over the support obligation. This method assured that the defendant was credited with any excess payments made, and also assured that all payments made were first applied to support and the excess of payments were credited to arrears.

From August to December, 2007, the defendant owed 5 months of support at \$592.00 per month. This totaled \$2,960.00. The actual payments made during 2007 were \$3,654.40. \$694.40 was therefore credited to arrears.

From January to May, 2008, the defendant owed 5 months of support at \$592.00 per month (\$2,960.00) and 7 months of support at \$296.00 per month (\$2,072.00) for a total support obligation of \$5,032.00. During this time, the defendant's payments continued at the rate of \$148.15 weekly. For 2008, the defendant paid a total of \$7,851.95. The excess of payments over support



equaled \$2,819.95, which amount was credited to arrears.

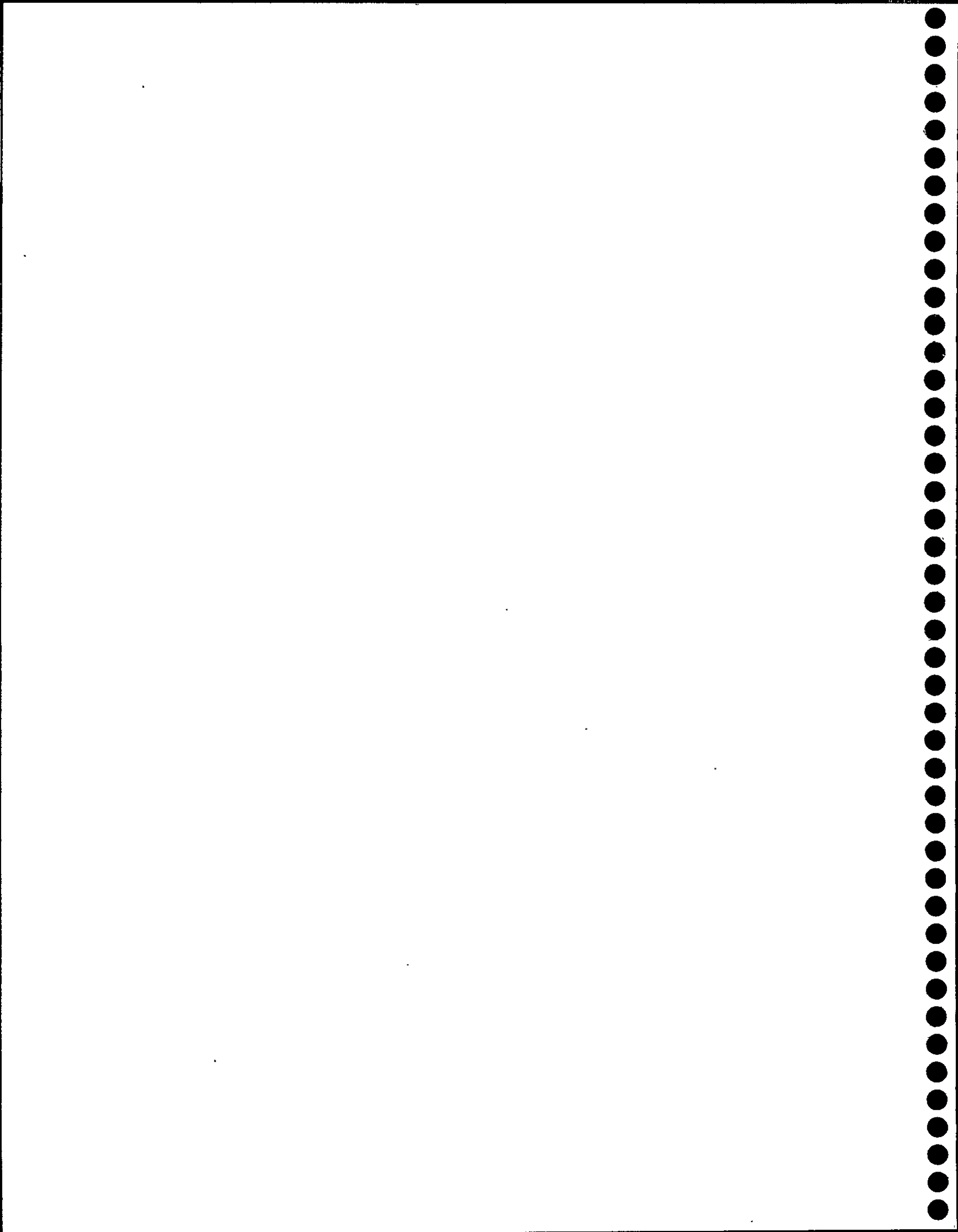
From January to May, 2009, the defendant owed 5 months of support at \$296.00 per month (\$1,480.00), at which time the support obligation ended. From June to December, 2009, all payments were credited to arrears. The defendant's total payments for calendar year 2009 were \$6,074.21. Please note that the defendant did not make regular payments during 2009. The excess of payments over support equaled \$4,594.21, which was credited to arrears.

The original balance of arrears was \$16,602.63 according to the July, 2007, Court Order. That amount is not in dispute. The total credits applied to outstanding arrears are \$8,108.56, leaving a December 31, 2009 balance of arrears due of \$8,494.07.

10. The defendant and his attorney were aware that the actual amount in dispute was \$697.44. In her letter of January 25, 2010, the attorney alleged that the outstanding balance of arrears due was \$7,814.63. By my client's calculations, the outstanding balance of arrears was \$8,494.07.

11. At no time did the attorney acknowledge the plaintiff's calculations. At no time did the attorney offer any reasons why the plaintiff's calculations were in error. At no time did the attorney contact me to attempt to negotiate a resolution of the \$697.44 difference in the amounts claimed to be due for arrears. Instead, the attorney began preparing unilateral and unsolicited Consent Orders and drafted increasingly threatening and strident letters demanding settlement on her terms.

12. By letter dated February 19, 2010, the defendant's attorney again made



an issue of the failure to provide the dates of graduation to the probation department. She again ignored the defendant's past failures to comply with Court Orders. By this time, the dates of graduations had been provided to the Probation Department, and revised calculations were completed.

13. Clearly the calculations as to the balance of arrears would have had to have been made regardless of when the notice was provided to Probation. Whether they were made twice, in June of 2008 and June of 2009 when each child graduated, or once, at the current time, they still needed to be done. The defendant was not harmed in any way, as by his attorney's own admission, there was at least \$7,814.63 still due as outstanding arrears.

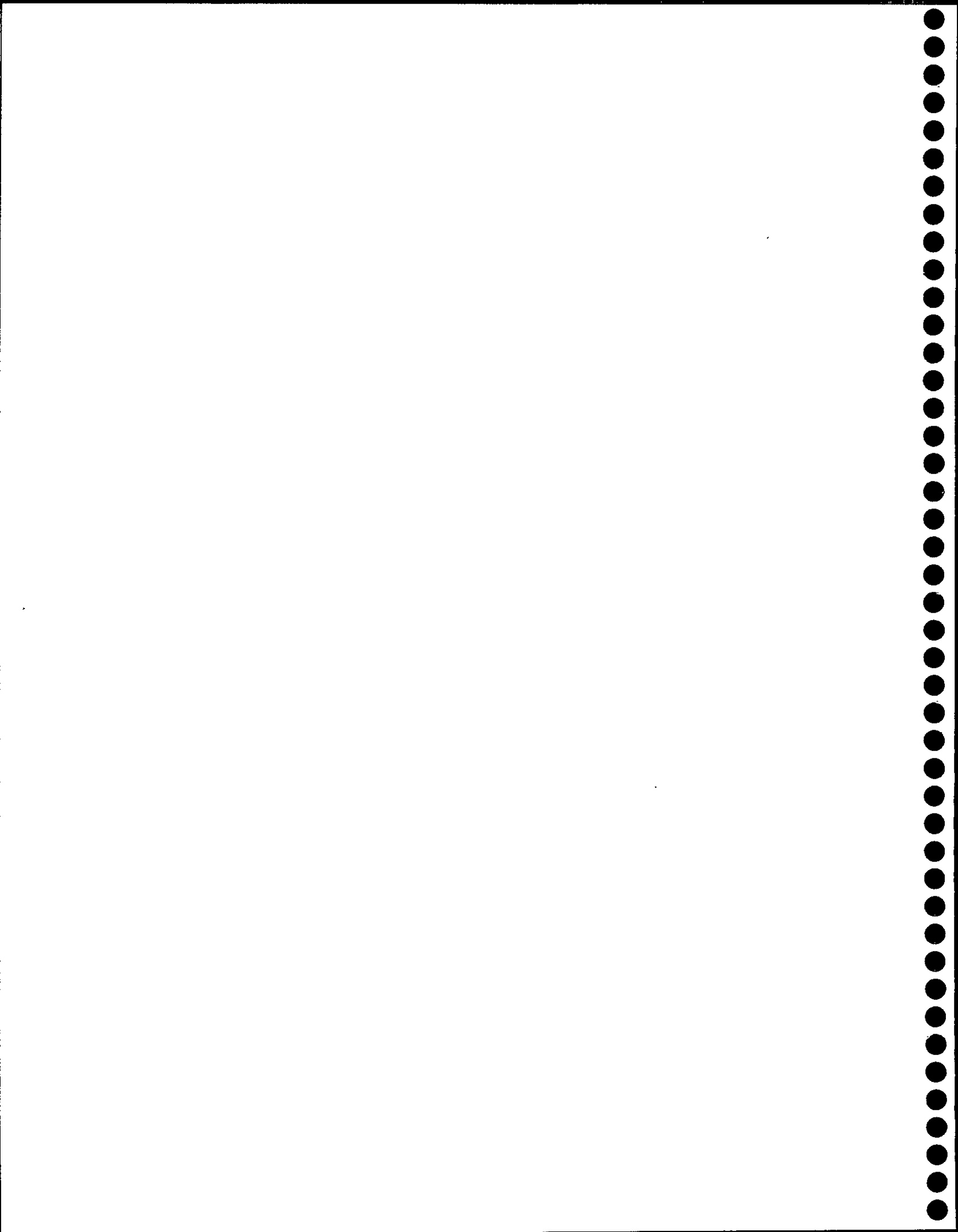
14. On, February 19, 2010, I reminded the attorney that the current arrangement was set up because of the defendant's past failures to comply with Court Orders. I also noted that the plaintiff was forced to pay all of the expenses of the children's college educations, as the defendant contributed nothing toward those costs.

15. On or about March 1, 2010, I made another review of the defendant's payment history. In all her correspondence, the attorney never acknowledged that between January 1, 2010 and February 28, 2010, the defendant paid only \$296.31 to the Probation Department.

16. On March 24, 2010, the defendant's attorney forwarded another letter, with revised calculations as to the outstanding amount of arrears.

17. On March 24, 2010, I responded to that letter with a copy of my revised calculations giving the defendant credit for the one payment of \$296.31 made





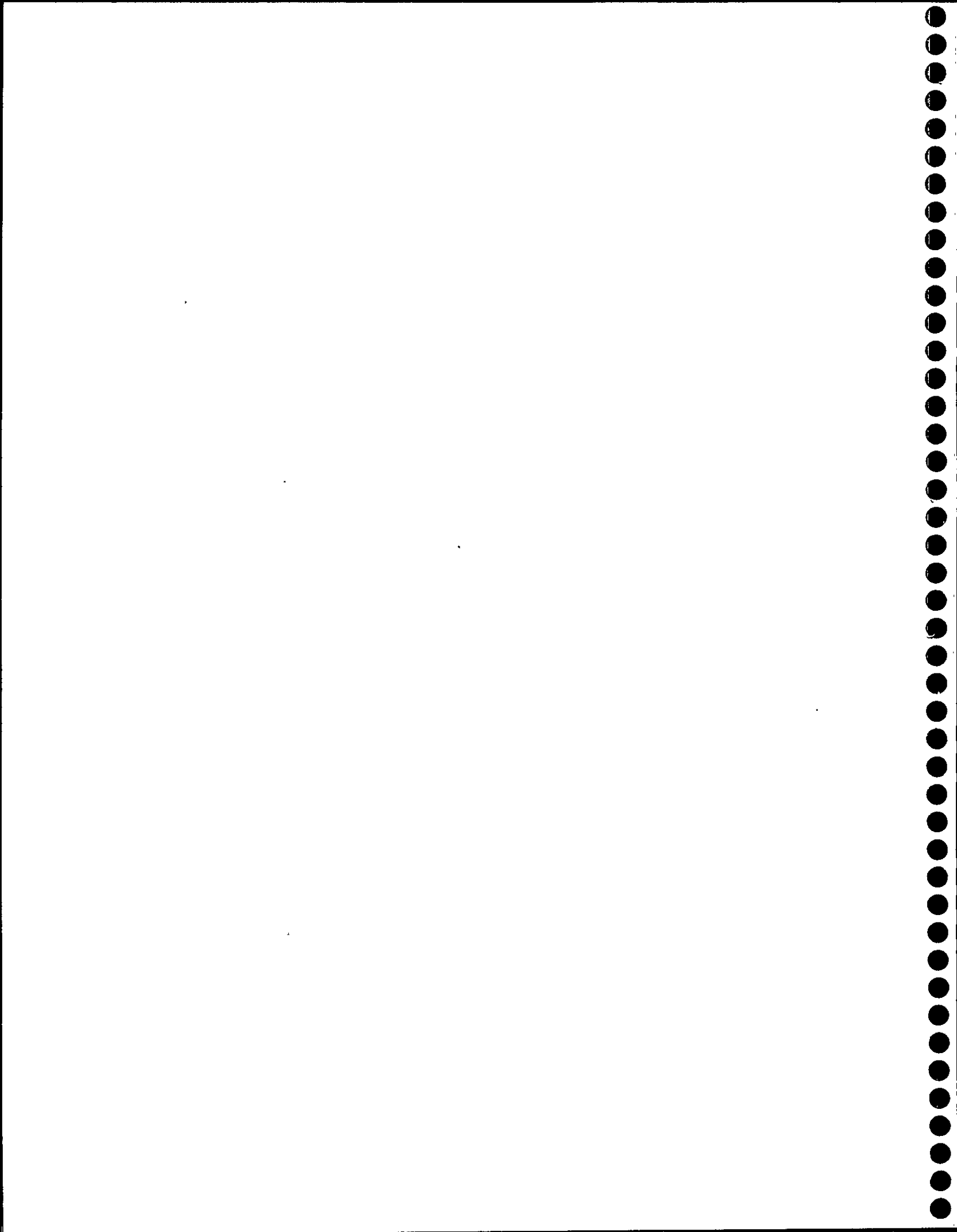
between January 1, 2010 and February 28, 2010. At this time, I requested that the attorney provide a copy of her calculations, as I could not arrive at her figures no matter how I manipulated the defendant's payments and the outstanding balance of arrears.

18. Nothing was received from the defendant's attorney, and my client advised me that defendant had stopped all payments to Probation. Accordingly, on May 3, 2010, a letter was forwarded to the Bergen County Probation Department requesting their intervention.

19. Please note that, had the defendant complied with the July, 2007, Court Order, and continued making the \$642.00 payments monthly that are required therein, the balance of arrears could have been reduced by an additional \$3,120.00 (based upon 5 months of payments in 2010). Unfortunately, the defendant did not comply with the terms of that Court Order. The defendant's attorney continued to make an issue of the delay in providing the children's graduation dates to Probation, and ignored her own client's non-compliance with that Order.

20. By letter dated May 13, 2010, the defendant's attorney responded to my request of March 24, 2010, in which I requested an explanation of her calculations. Upon a review of the attorney's letter of May 13, 2010, I discovered that she misinterpreted the Court Order of July, 2007, and that caused the errors in her calculations. I so advised the attorney.

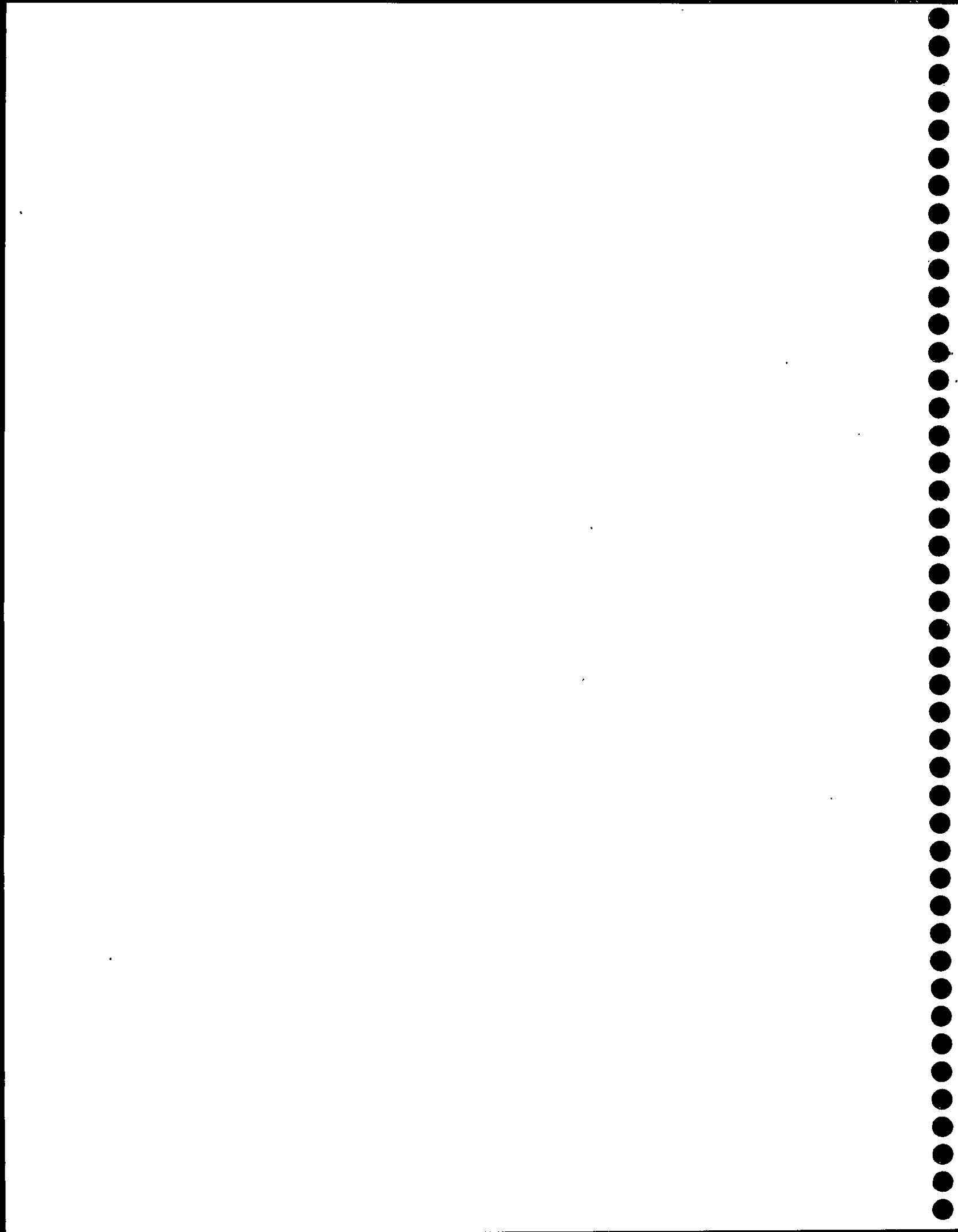
21. By letter dated May 17, 2010, the defendant's attorney refused to admit her error and alleged that, apparently, the Consent Order, which she drafted in



2007, did not adequately express the Court's intent. Paragraph 2 of the July 27, 2009, Court Order provided that the defendant was to pay the sum of \$592.00 per month as child support (Paragraph 2). He was also ordered to pay the sum of \$50.00 per month as payment on account of the arrears (paragraph 3). It does not provide for any other payment scheme. It does provide that once the oldest unemancipated child became emancipated, the support obligation was to be reduced to \$296.00 per month, and that the balance (\$296.00 per month) or the former support obligation was to be applied to arrears. Once the youngest child became emancipated, the support would terminate and the entire \$592.00 per month previously paid as support was to be applied to arrears. The additional \$50.00 per month toward arrears was not to change. Therefore, even after emancipation of both children, the total payment due was \$642.00 per month, not \$592.00 per month. At no time was the \$50.00 of the \$592.00 support to be credited to arrears, as the attorney alleges.

This is consistent with the payment history supplied by the Probation Department, and is also consistent with the weekly payments made by the defendant, which are reflected on the Probation Department payment history. (\$642.00 monthly payment due x 12 months = \$7,704.00 due annually / 52 weeks = \$148.15 weekly payment.)

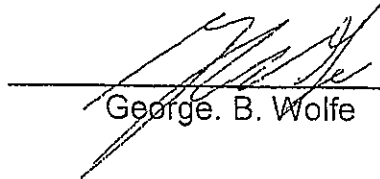
Had the defendant's attorney wished for a different result, she had ample opportunity to draft the July, 2007, Consent Order to her liking. As the attorney prepared the Order in its current form, obviously, the attorney understood and was satisfied with its terms at that time. To allege, now, that the Order is not



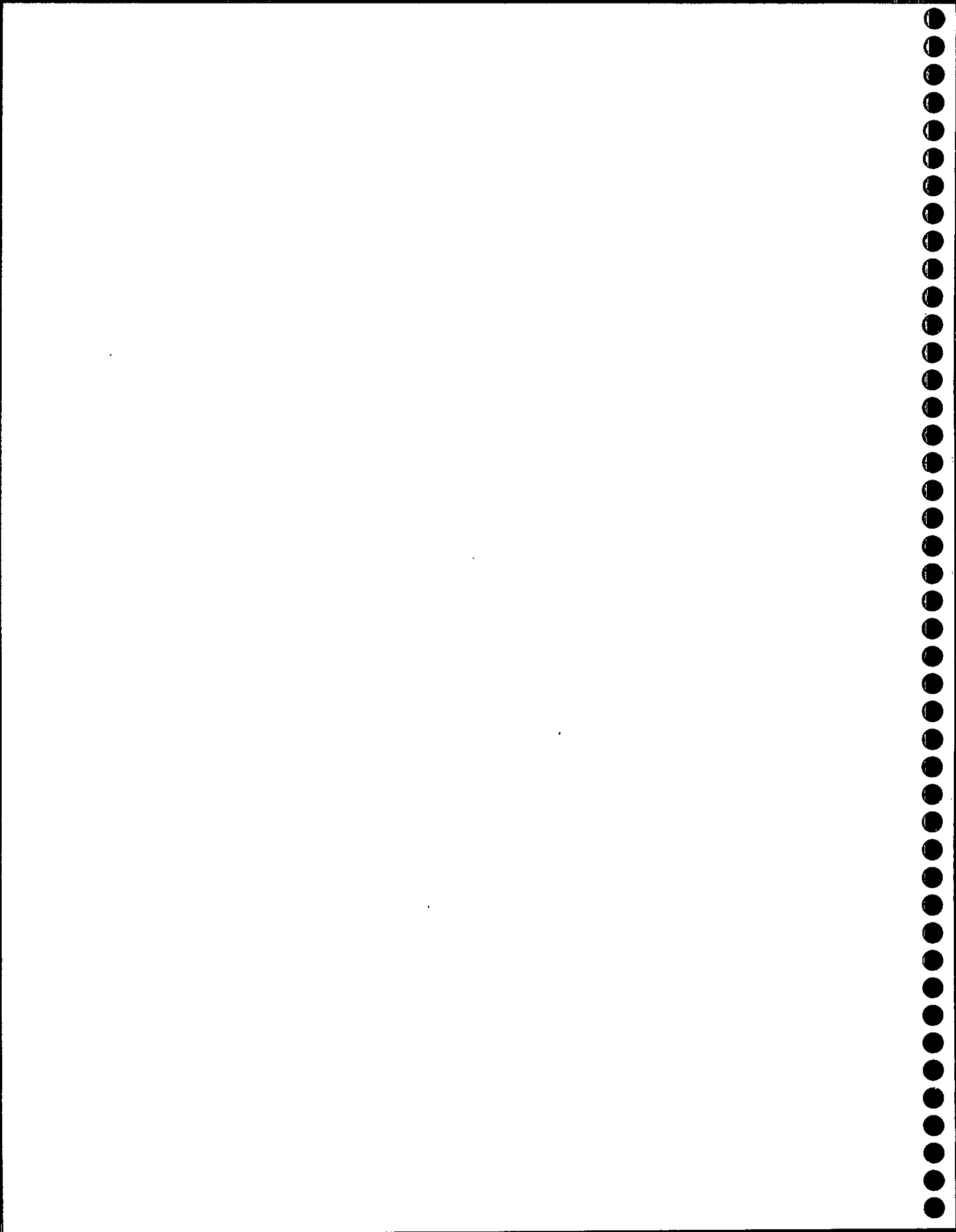
correct, or that some other payment scheme is appropriate strains the bounds of credibility.

22. Even in the first paragraph of her letter of May 17, 2010, the attorney still misinterprets her client's payment obligation, ignores his payment history, and attempts to intimidate the plaintiff into accepting less than what is actually due to her.

I certify that the foregoing statements are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

  
George. B. Wolfe

Dated: June 23, 2010



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

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BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING,	)	Civil Action
	)	
Defendant.	)	<b>REPLY CERTIFICATION OF</b>
	)	<b>JOHN MANNING</b>
	)	<b>Dated: June 30, 2010</b>

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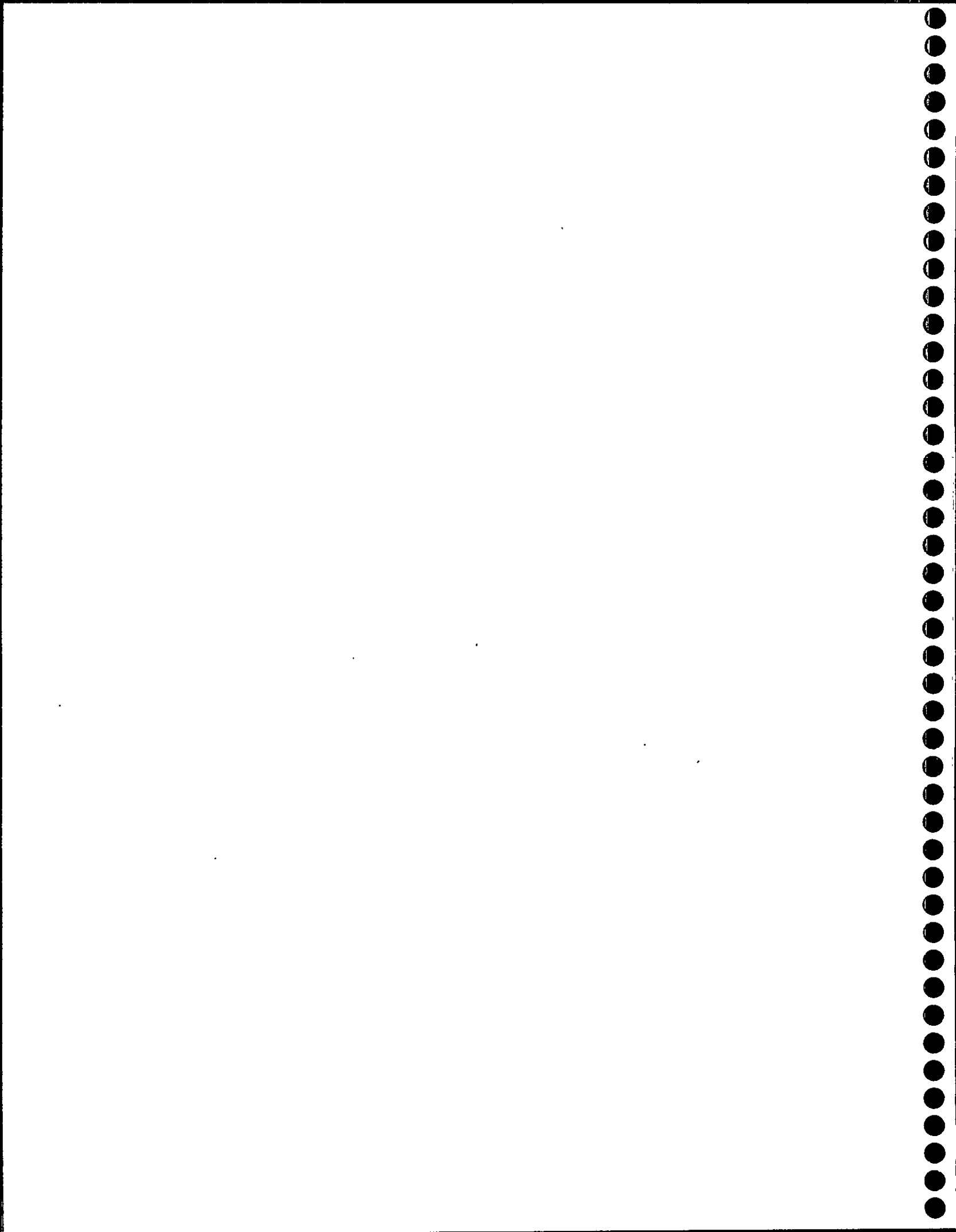
JOHN MANNING, of full age, hereby certifies as follows:

1. I am the Defendant in the above-captioned matter and submit this Certification in response to the opposing Certification filed by the Plaintiff and in further support of the Notice of Motion filed by my attorneys on my behalf. Said application is presently returnable before this Court on Friday, July 9, 2010.

2. I will not waste this time responding to each and every baseless accusation and inaccurate statement set forth by the Plaintiff in her Certification dated June 22, 2010, but rather will focus my response to the genuine issues that are presently before this Court. That being said, I am appalled and offended by the Plaintiff's cruel attempt to portray me as some degenerate

- 143a -



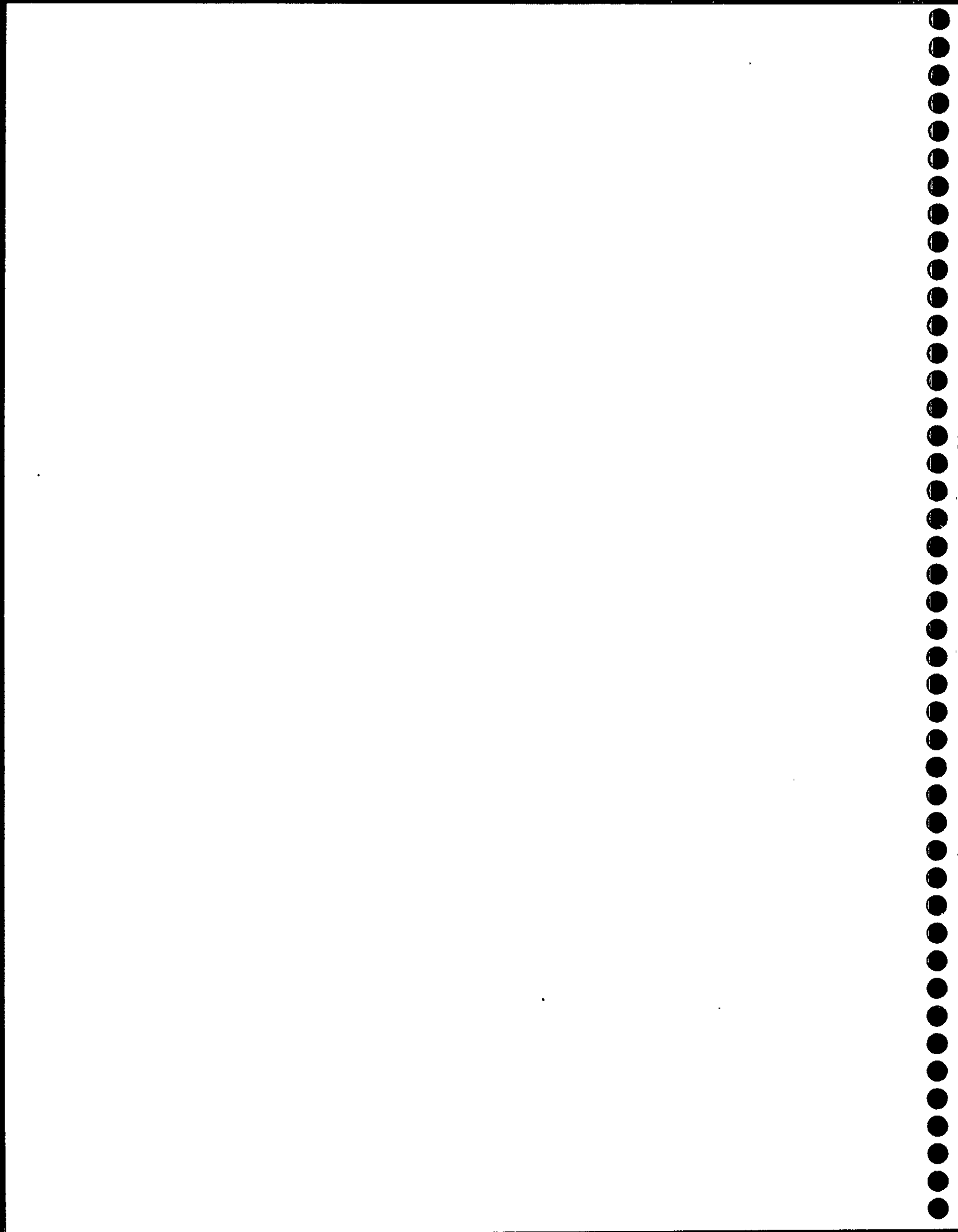


alcoholic or drug user. Those statements are blatantly false as I have never been in rehab for any alcohol or substance abuse. The fact that Plaintiff raises this in her Certification at this point, after being divorced for more than sixteen years, can only be perceived as Plaintiff's attempt to discredit me and distract this Court from the real issues at hand. I did not forward any documentation pertaining to my extensive injuries and multiple surgeries and procedures because Plaintiff is not entitled to that information and same is not relevant to the merits of my application.

3. However, given the Plaintiff's and, quite frankly, her attorney's harping on this issue as though my lack of information in this regard was in some way calculated, I will share with the Court the history of my extensive injuries. In fact, as of the date of this Certification my most recent MRI of today revealed I have fluid surrounding my spinal column and it is likely that I will become paralyzed.

4. I was seriously injured in a construction accident at work on July 10, 2008. I was standing on the 16<sup>th</sup> floor of a hotel we were building when post tension cables under stress exploded through the concrete floor where I was standing. My left foot, ankle and leg and were severely injured.

5. On July 16, 2008 I had major surgery on my left foot to repair my shattered heel. Dr. Lam, a podiatric surgeon, performed the surgery and installed an external fixation with eight rods to re-align and re-attach so that the bone would heal and make fusion possible. This device was in my leg and heel until September 16, 2008 when I underwent yet another surgery to have same removed. During this period of time it was necessary for a nurse to come in every other day to clean and re-dress the steel rods to keep them sterile until their removal. Despite this, I still suffered with seven major infections and eventually had to be treated by an infectious disease specialist. During the entire aforementioned time I was bound to a wheelchair.

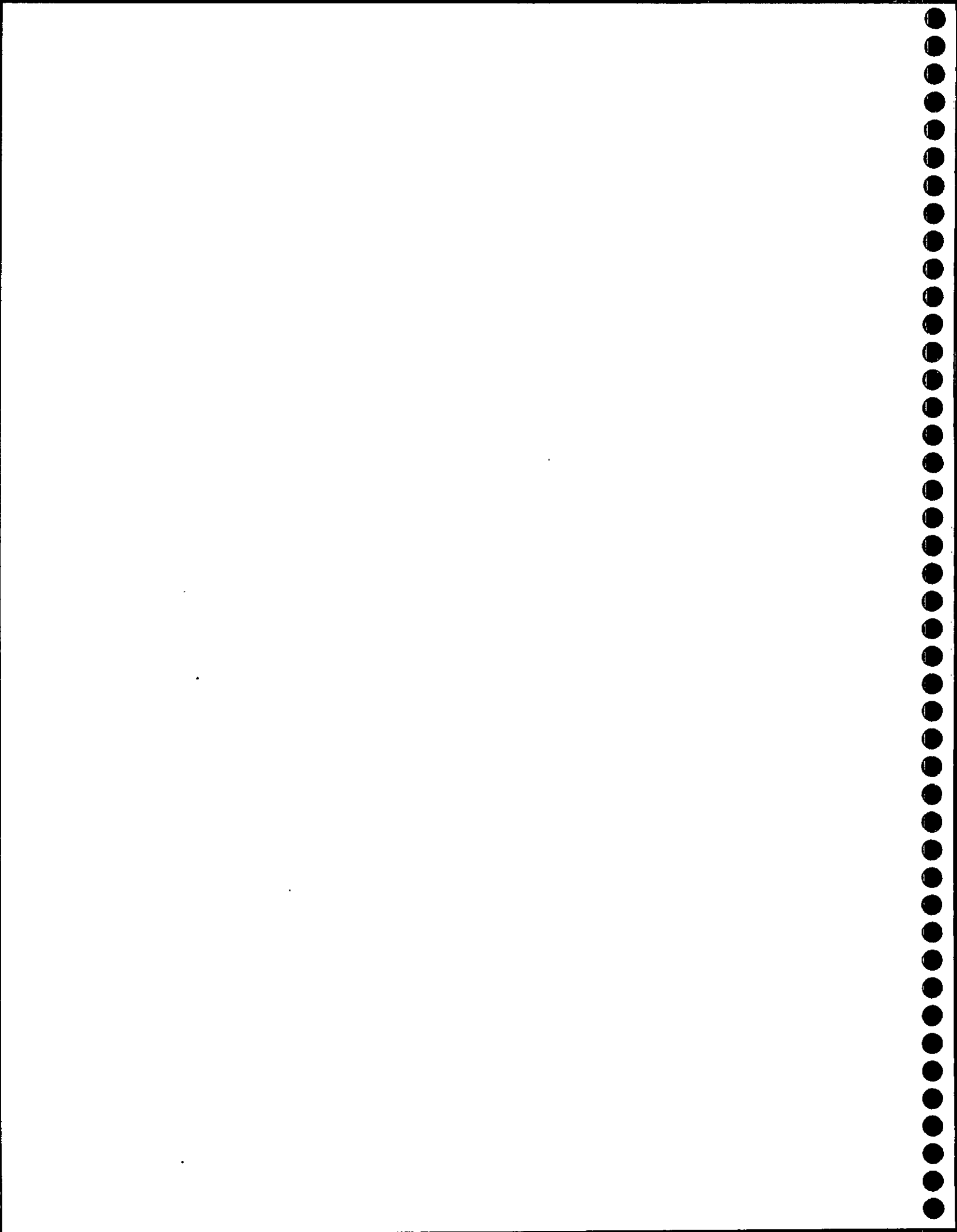


6. It was not until November of 2008 that I was able to begin rehabilitation and physical therapy for my foot. At that time I began using crutches. It was the first time I was out of a wheelchair since the accident. When I commenced my weight bearing treatments I was experiencing excruciating pain in my knee and was therefore referred to a knee specialist. An MRI of my left knee revealed tears and I was sent to aqua therapy because an operation at that point was absolutely out of the question due to the condition of my foot and the status of my infections. During the land and water therapy I was given ten shock treatments to de-sensitize the pain in my foot.

7. On October 2, 2009 I underwent arthroscopic surgery on my ankle due to other complications. Following this surgery my podiatrist informed me I had permanent impairment and nerve damage in my left foot.

8. Due to my therapy sessions, which occurred four to five times per week since November 2008, I developed problems in my neck and left shoulder and was referred to a neurologist. An EMG test revealed some type of nerve and atrophy problems, and an MRI revealed spinal damage to my cervical thoracic vertebrae due to the trauma of my injury. I was prescribed OT therapy and had thirty-two sessions. I am presently awaiting a consultation with a neuro surgeon because it is my understanding I will need to undergo surgery to fix this issue as well.

9. Most recently, on May 19, 2010, I had knee surgery and am presently undergoing physical therapy for that. On June 10, 2010 I received information from Social Security indicating I was approved for permanent disability. I will be able to supply all of that documentation, with medical records and therapy sessions and surgeries, if necessary. I attach hereto as Exhibit B the only documentation I have thus far confirming my approval of permanent disability.

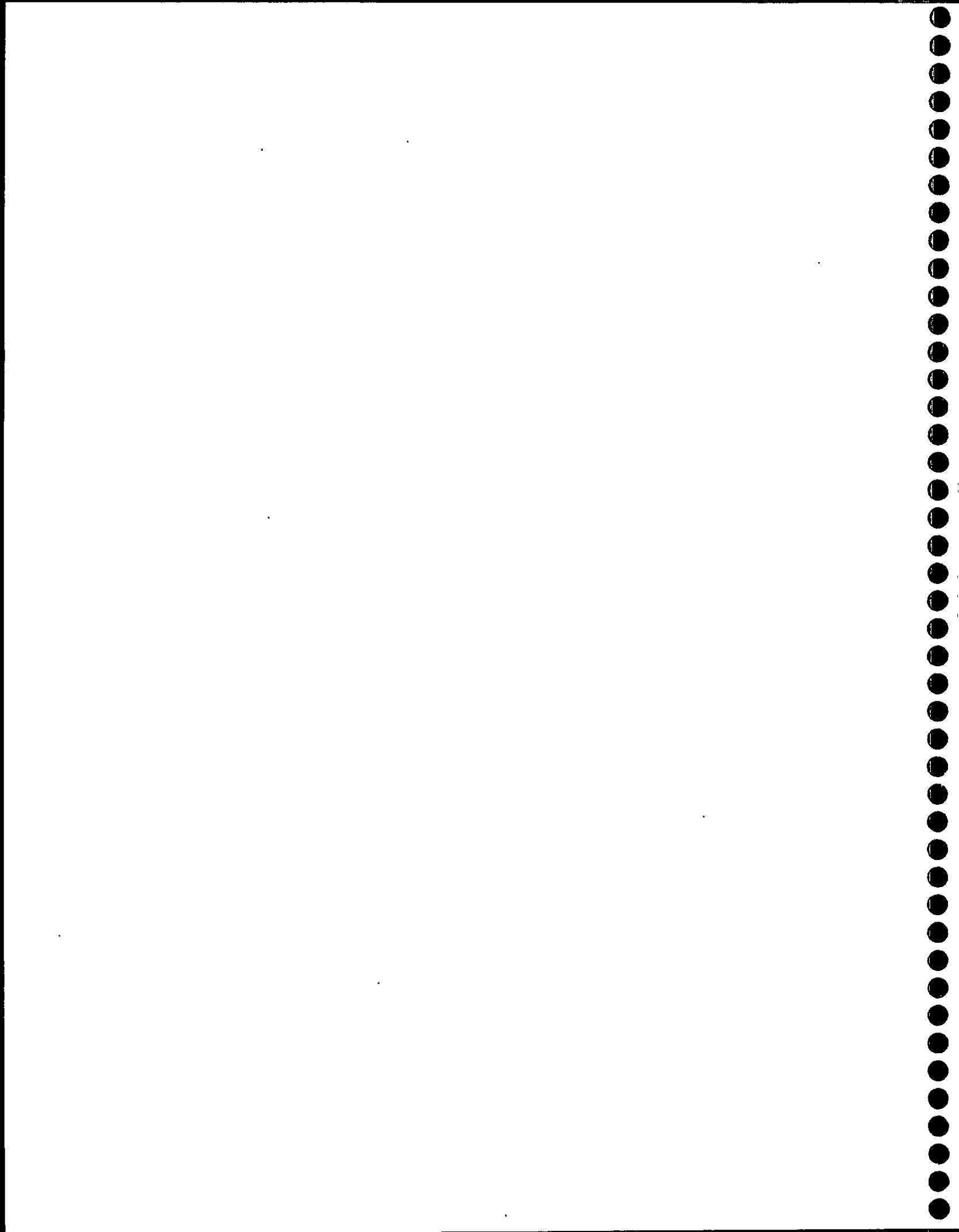


10. Again, while I did not believe the aforementioned information was necessarily pertinent to the application filed on my behalf, particularly as I did not seek a downward modification of my support obligation, given the light in which Plaintiff and her attorney have attempted to portray me, which is absolutely false and without merit, I felt this Court should be made aware of the facts and circumstances of my situation. All I am asking is for my Probation account to be credited properly as it was to be pursuant to this Court's July 20, 2007 Order, with my arrearages paid down accordingly.

11. I did not know of my daughters' graduations from college. Had I known, I would have contacted my attorney at that time and requested the proper forms be prepared and submitted to the Court so that the Probation Department could appropriately calculate my payments, which have continued to be made as reflected in the Probation account printout attached as Exhibit R to my moving Certification and appropriately credited to my arrears. Despite the cavalier attitude and assertion by Plaintiff's counsel regarding this matter, it has most certainly affected my life in a negative fashion.

12. Moreover, pursuant to this Court's Order, the Plaintiff had an affirmative obligation to notify me, with documentation, at the time each of our children graduated from college and was emancipated. I certainly do not believe that the Probation Department would simply have taken my word for it had I called them and advised them my children were emancipated. That is the very reason language was included in the Order which indicated it was the Plaintiff's affirmative obligation to provide the notification. This is clearly a point the Plaintiff tends to glaze over and minimize.

13. My attorney has worked tirelessly in an effort to reach an agreement on a particular number so as to avoid motion practice and/or having to request that the Probation Department conduct an audit given the complexities of the payment schedule and arrangements as set forth in



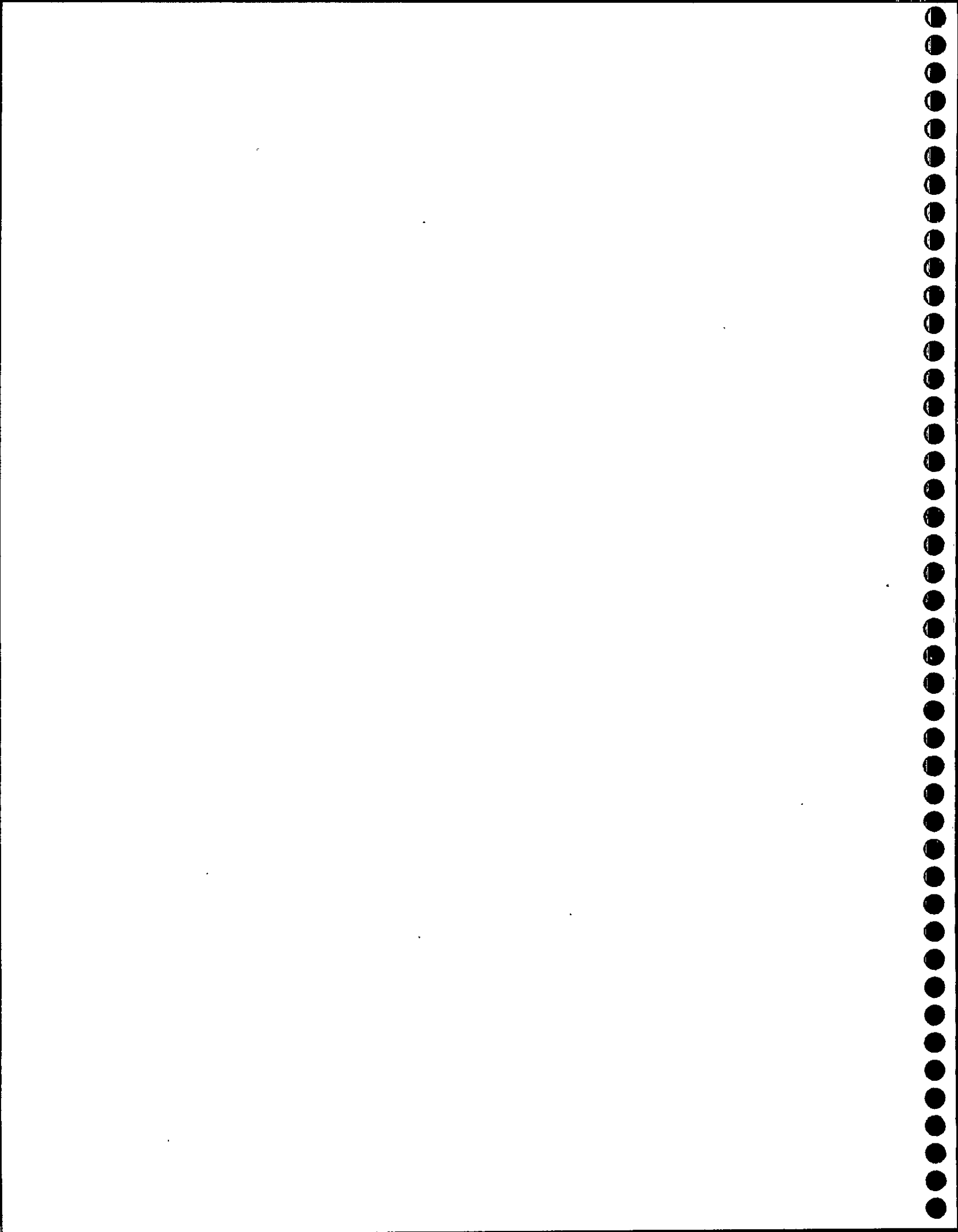
the prior Order of this Court. My attorney attempted to clearly set forth the payments that were required and the amount of such payments that should have been applied toward arrears, as opposed to ongoing child support obligations given the dates of emancipation of each child.

14. I take particular issue with Plaintiff attempting to portray our settlement negotiations, which as I understood it were not to be disclosed to this Court, as some nefarious or egregious conduct on my part. The truth is that given the mess my Probation account is in through no fault of my own at this point, I wanted to be able to pay it in full and satisfy this amount so as to clear up my Probation account. These arrearages have been reflected on my credit; they have been discovered by potential employers; and, as I understand it, could in fact be the basis for the issuance of a bench warrant for my arrest. While Plaintiff's counsel does not feel any of these issues are significant, I most certainly disagree. I was not trying to force anything upon the Plaintiff; I simply was attempting to resolve this matter. I did not know that attempts at settlement negotiations (again which I do not believe were properly presented to this Court) could be used against me.

15. Moreover, I felt that the offer of a lump sum payment which I was going to borrow from my mother would be more useful and beneficial to the Plaintiff rather than smaller payments paid over the course of the next few years. That being said, I certainly fully intend to comply with the Order of this Court and I have done so despite the erroneous assertions set forth by both the Plaintiff and Plaintiff's counsel.

16. Attached hereto as **Exhibit B** is a copy of the most recent statement I received relative to my Probation account which clearly indicates that according to Bergen County Probation, my arrears exceed \$17,000 as of July 1, 2010. Despite the fact that I have continued to make payments on my account since the entry of the July 20, 2007 Order, three years later my account reflects arrears that exceed the amount of arrears originally established. Despite the



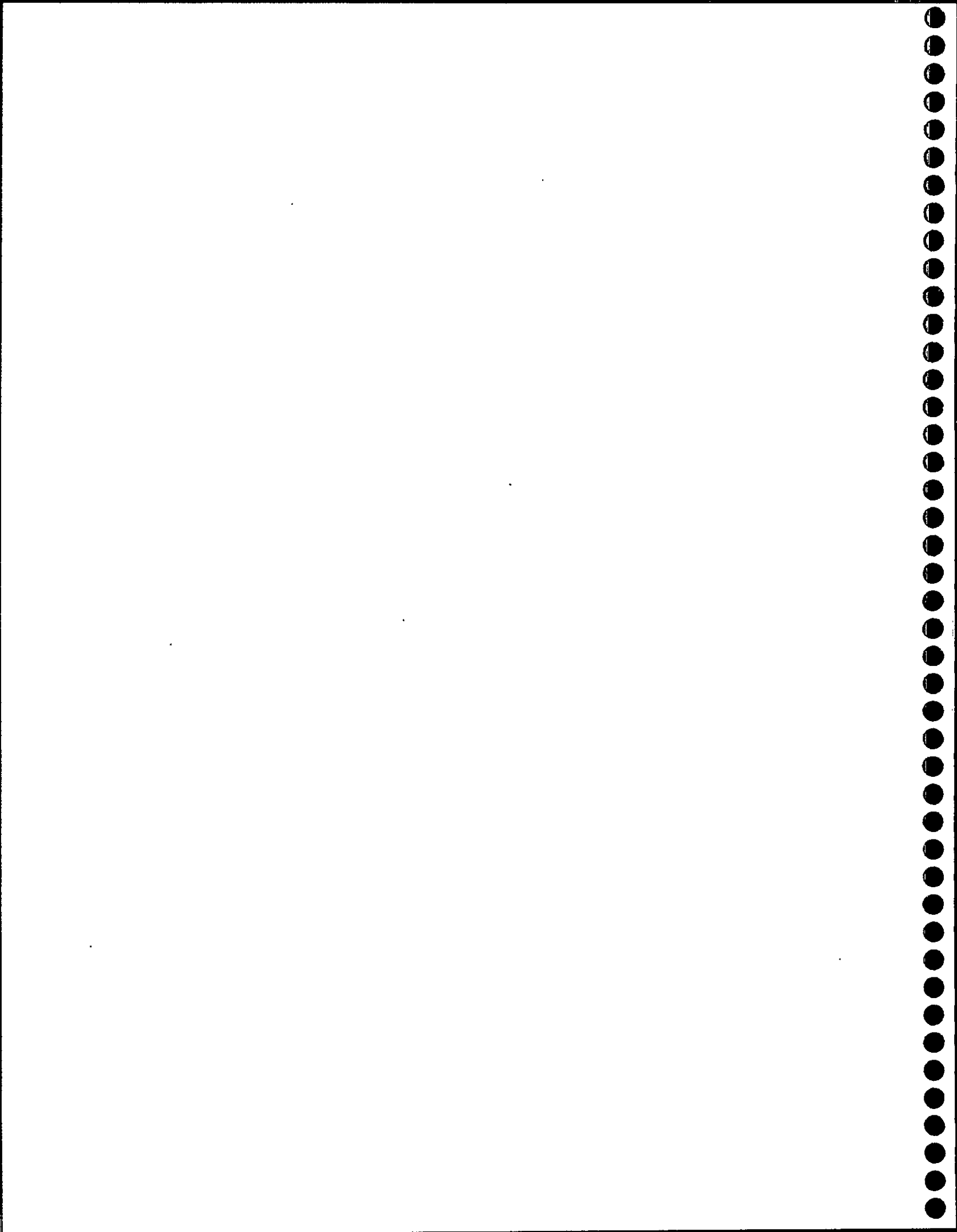


assertion by Plaintiff's counsel that Probation corrected this figure, he is clearly mistaken. It is to such a degree that I can only assume that his assertion in this regard was intentionally known to be false and misleading to this Court. That is the type of conduct we have had to contend with throughout this litigation.

17. Plaintiff attempts to make an issue out of the fact that I did not seek a modification of my support obligation. The fact is I did not do so because I know that I have arrears outstanding and in light of the fact that all of our children are now emancipated, 100% of my payments were to be applied toward those arrears, not reflected as an ongoing support obligation. That is the reason I did not seek a downward modification of support. I am aware of the fact that I have arrears. This was specifically known and addressed at the time this Court entered the Order of July 20, 2007. Plaintiff's counsel's insinuation that I am somehow a horrible person because I maintain arrears is certainly not well received and I believe inappropriately repeatedly asserted by and officer of this Court. I have made my payments as best I could given my current circumstances and have continued to make payments, even when I was not receiving a full income.

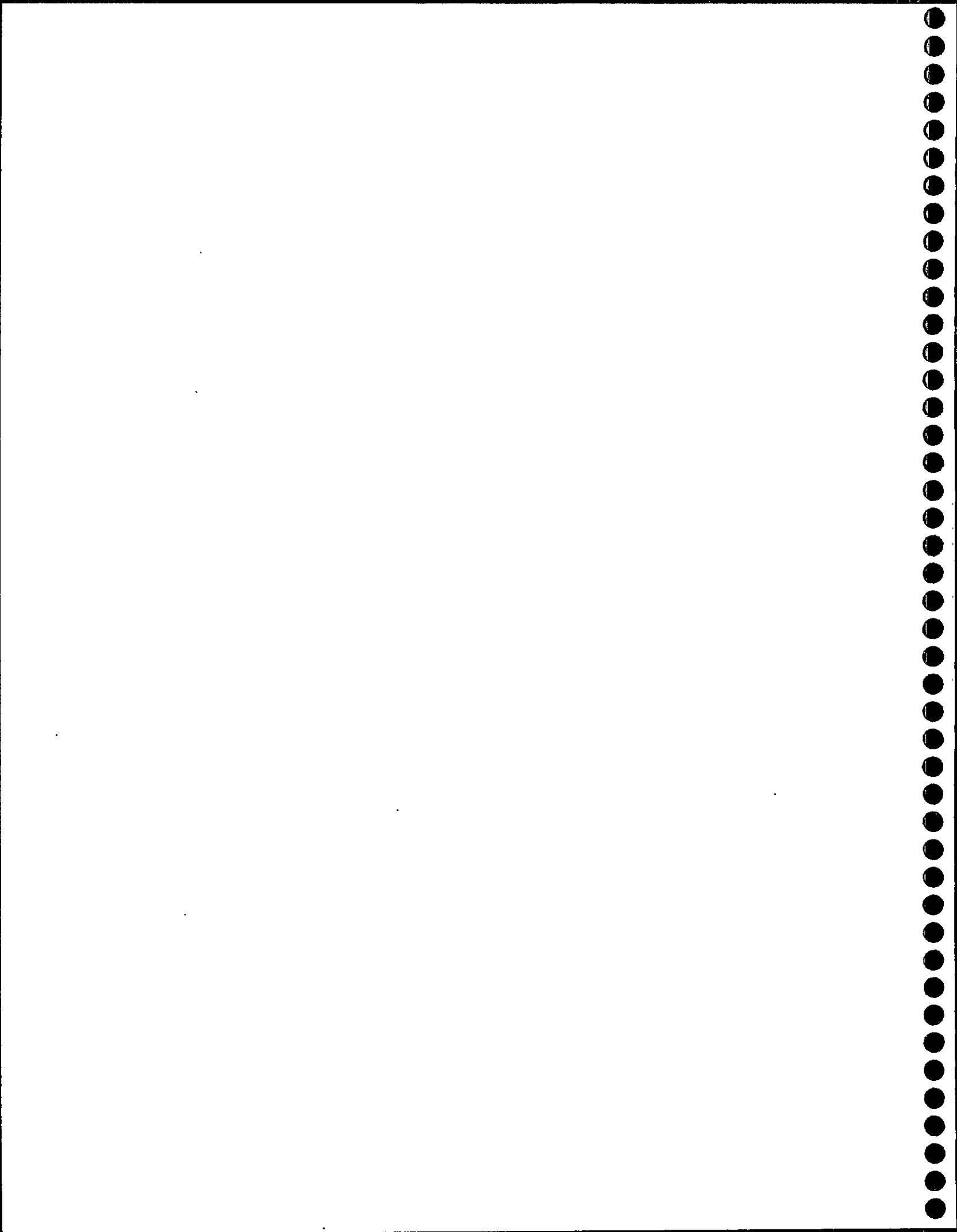
18. This application was filed on my behalf because I believe that the Plaintiff's willful, intentional and continued refusal to notify me and/or this Court and the Probation Department of the emancipation of each child, which has now occurred over the course of the last two years, is egregious conduct on her part. I believe this Court's Orders are entitled to enforcement and more respect than the Plaintiff has shown.

19. All I am asking for is that which was provided in the July 20, 2007 Order entered by this Court. I will continue to make my payments monthly but ask that this Court enter an Order directing Probation to perform an audit and appropriately calculate my payments, as my attorney has done numerous times in the letters attached to my moving Certification. At this point in time,



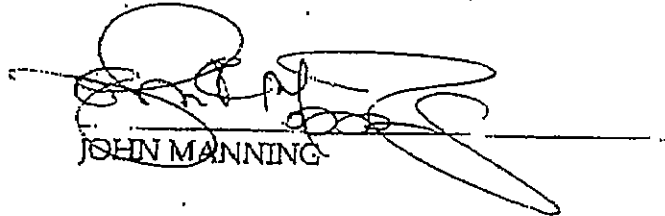
there does not appear to be any dispute that 100% of all of my payments are to be applied toward my outstanding arrears. That is what all I am asking for so that I can finally put this matter to rest.

20. I do genuinely believe that based upon Plaintiff's clear disdain and lack of respect for the authority of this Court, coupled with her intentional failure to comply with a Court Order, I ask that this Court direct her to pay my counsel fees and costs incurred in connection with this application.

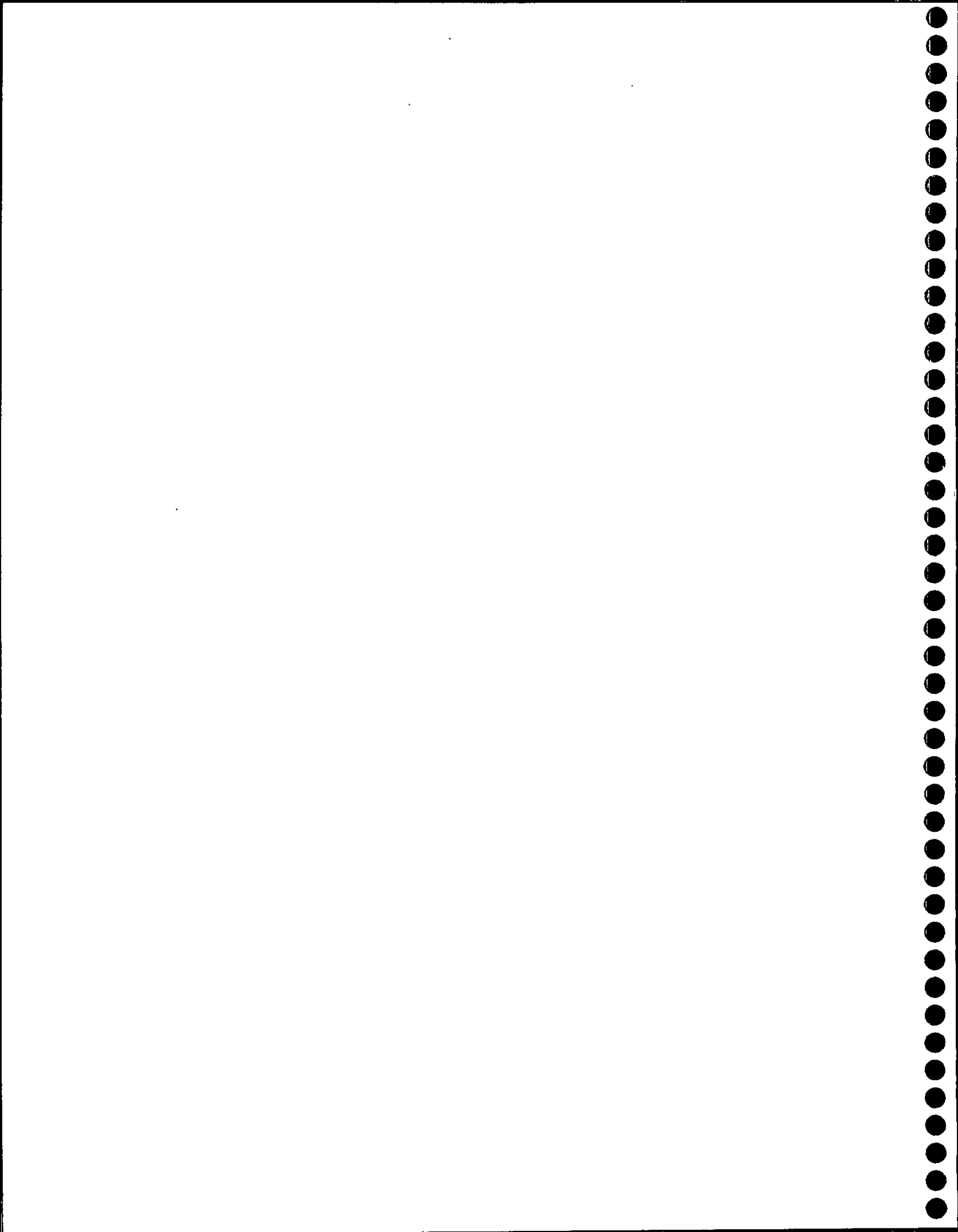


CERTIFICATION

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
JOHN MANNING

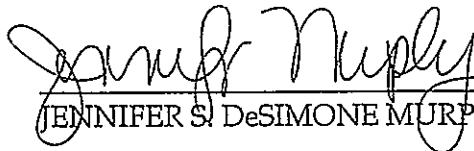
Dated: June 10, 2010



FACSIMILE AFFIDAVIT CERTIFICATION  
PURSUANT TO R. 1:4-4(c)

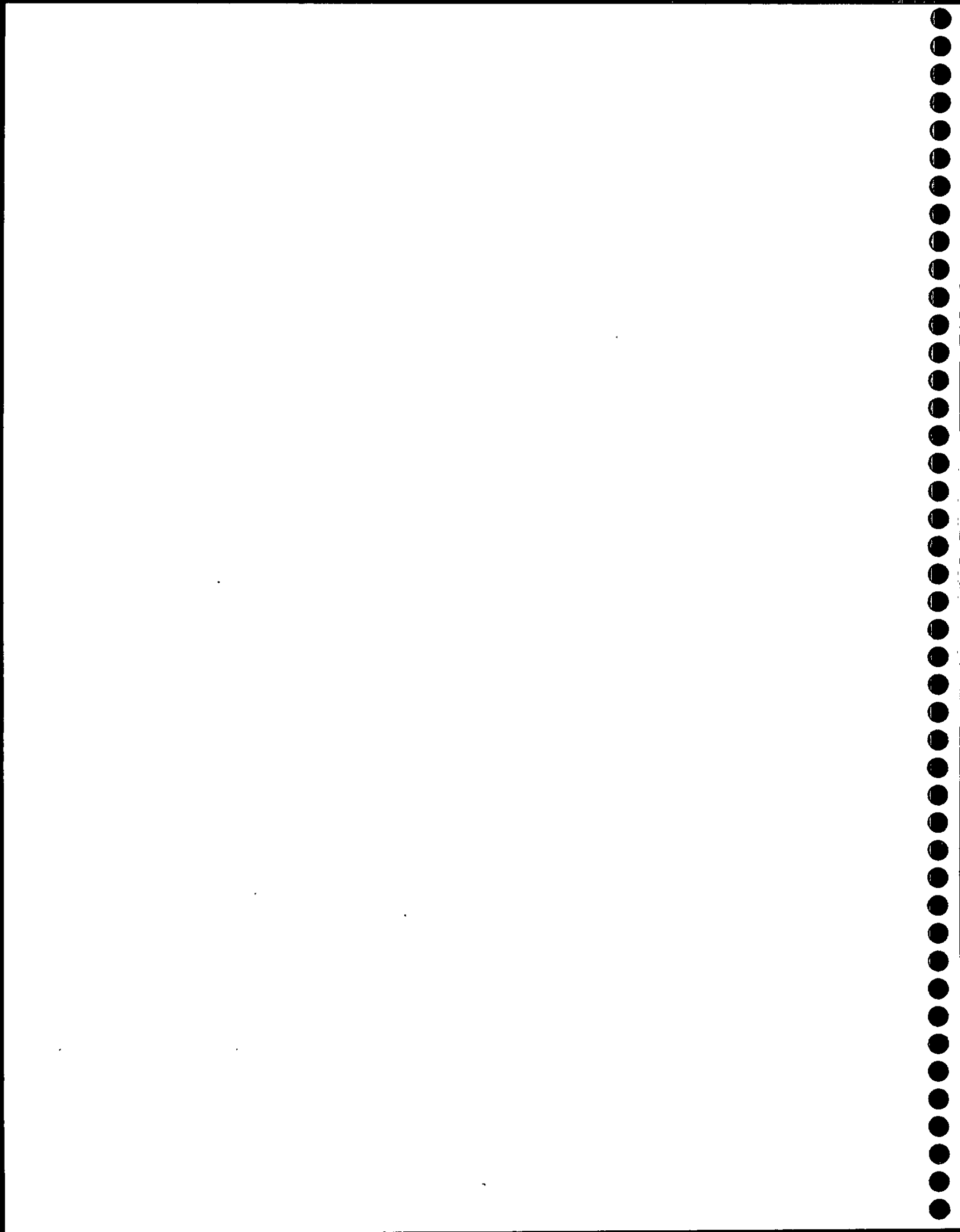
The signature affixed to the within Certification is a facsimile. I certify that the affiant has acknowledged, to my satisfaction, the genuineness of his signature and that the original signature copy of the Certification will be filed if requested by the Court or by a party to this litigation.

Dated: June 30, 2010

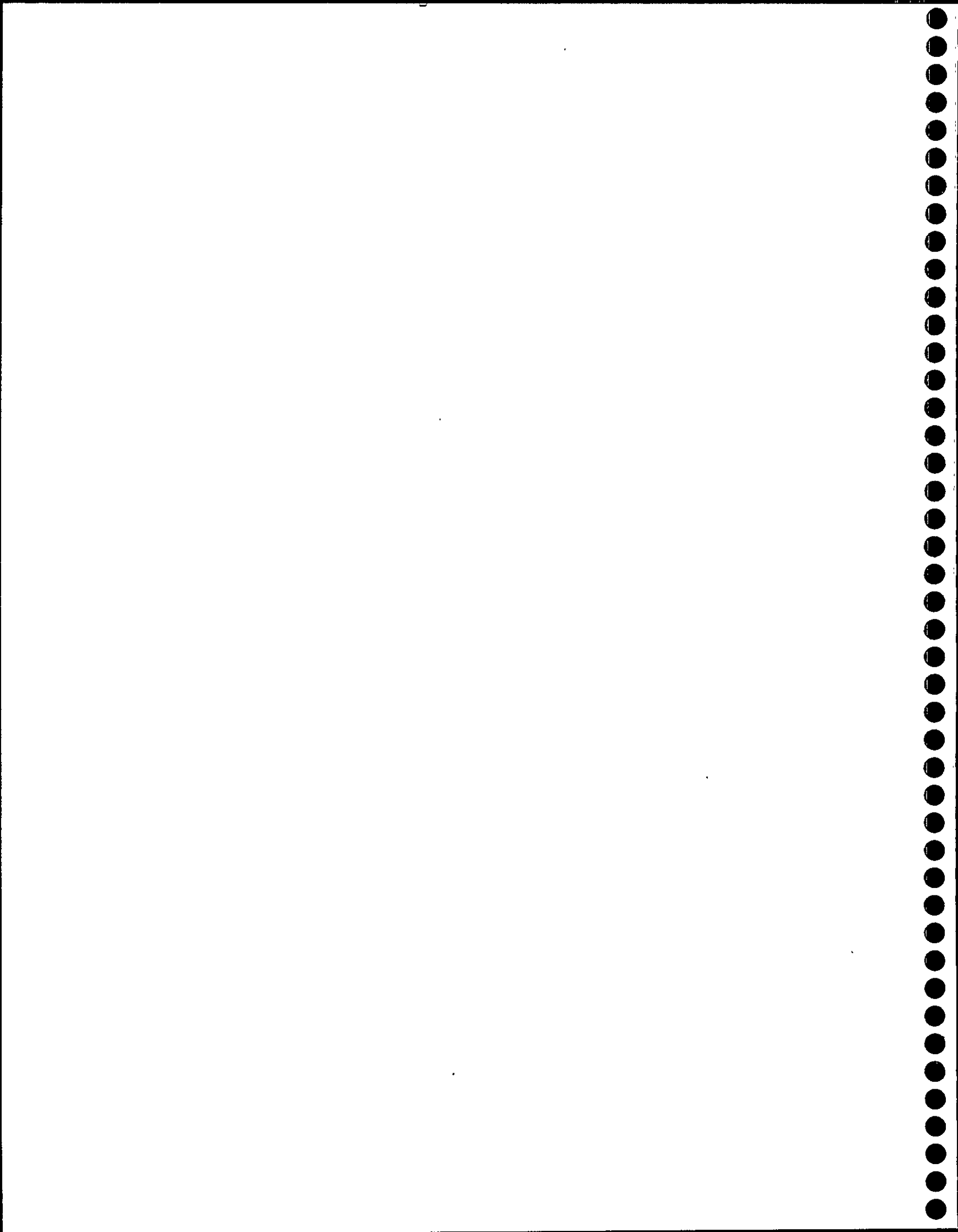


JENNIFER S. DeSIMONE MURPHY, ESQ.





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BEFORE COMPLETING THIS FORM, PLEASE CAREFULLY REVIEW THE INSTRUCTIONS BEGINNING ON PAGE 3

NOTE: Health care providers shall legibly and accurately complete all sections of this form, limiting their responses to their area of expertise.

1. Insurer Name: <i>WFLA</i>	2. Visit/Review Date: <i>1/13/08</i>	5. FOR INSURER USE ONLY
3. Injured Employee (Patient) Name: <i>W. B. ...</i>	4. Date of Birth: <i>...</i>	
6. Date of Accident: <i>...</i>	7. Employer Name: <i>...</i>	8. Initial visit with this physician? <input checked="" type="checkbox"/> a) NO <input type="checkbox"/> b) YES

**SECTION I - CLINICAL ASSESSMENT / DETERMINATIONS**

9.  No change in items 9 - 13d since last reported visit. If checked, GO TO SECTION II.

10. Injury/illness for which treatment is sought is:  
 a) NOT WORK RELATED     b) WORK RELATED     c) UNDETERMINED as of this date

11. Has the patient been determined to have Objective Relevant Medical Findings? Pain or abnormal anatomical findings, in the absence of objective relevant medical findings, shall not be an indicator of injury and/or illness and are not compensable.  
 a) NO     b) YES     c) UNDETERMINED as of this date

If YES or UNDETERMINED, explain:

12. Diagnosis(es):

13. Major Contributing Cause: When there is more than one contributing cause, the reported work-related injury must contribute more than 50% to the present condition and be based on the findings in Item 11.

a) Is there a pre-existing condition contributing to the current medical disorder?  
 a<sub>1</sub>) NO     a<sub>2</sub>) YES     a<sub>3</sub>) UNDETERMINED as of this date

b) Do the objective relevant medical findings identified in Item 11 represent an exacerbation (temporary worsening) or aggravation (progression) of a pre-existing condition?  
 b<sub>1</sub>) NO     b<sub>2</sub>) exacerbation     b<sub>3</sub>) aggravation     b<sub>4</sub>) UNDETERMINED as of this date

c) Are there other relevant co-morbidities that will need to be considered in evaluating or managing this patient?  
 c<sub>1</sub>) NO     c<sub>2</sub>) YES

d) Given your responses to the items above, is the injury/illness in question the major contributing cause for:  
 d<sub>1</sub>) NO     d<sub>2</sub>) YES    the reported medical condition?  
 d<sub>3</sub>) NO     d<sub>4</sub>) YES    the treatment recommended (management/treatment plan)?  
 d<sub>5</sub>) NO     d<sub>6</sub>) YES    the functional limitations and restrictions determined?

**SECTION II - PATIENT CLASSIFICATION LEVEL**

14. LEVEL I - Key issue: specific, well-defined medical condition, with clear correlation between objective relevant physical findings and patients' subjective complaints. Treatment correlates to the specific findings.

15. LEVEL II - Key issue: regional or generalized deconditioning (i.e. deficits in strength, flexibility, endurance, and motor control). Treatment: physical reconditioning and functional restoration.

16. LEVEL III - Key issue: poor correlation between patient's complaints and objective, relevant physical findings, indicating both somatic and non-somatic clinical factors. Treatment: interdisciplinary rehabilitation and management.

17. LEVEL UNDETERMINED AS OF THIS DATE.

**SECTION III - MANAGEMENT / TREATMENT PLAN**

18. No clinical services indicated at this time. If checked, GO TO SECTION IV

19. No change in items 20a - 20g since last report submitted. If checked, GO TO SECTION IV

20. The following proposed, subsequent clinical service(s) is/are deemed medically necessary.

a) Consultation with or referral to a specialist. Identify principal physician: \_\_\_\_\_  
 Identify specialty & provide rationale: \_\_\_\_\_  
 a<sub>1</sub>) CONSULT ONLY     a<sub>2</sub>) REFERRAL & CO-MANAGE     a<sub>3</sub>) TRANSFER CARE

b) Diagnostic Testing: (Specify) \_\_\_\_\_

c) Physical Medicine. Check appropriate box and indicate specificity of services, frequency and duration below:  
 c<sub>1</sub>) Physical/Occupational therapy, Chiropractic, Osteopathic or comparable physical rehabilitation.  
 c<sub>2</sub>) Physical Reconditioning (Level II Patient Classification)  
 c<sub>3</sub>) Interdisciplinary Rehabilitation Program (Level III Patient Classification)

Specific instruction(s): *...*

d) Pharmaceutical(s) (specify): \_\_\_\_\_

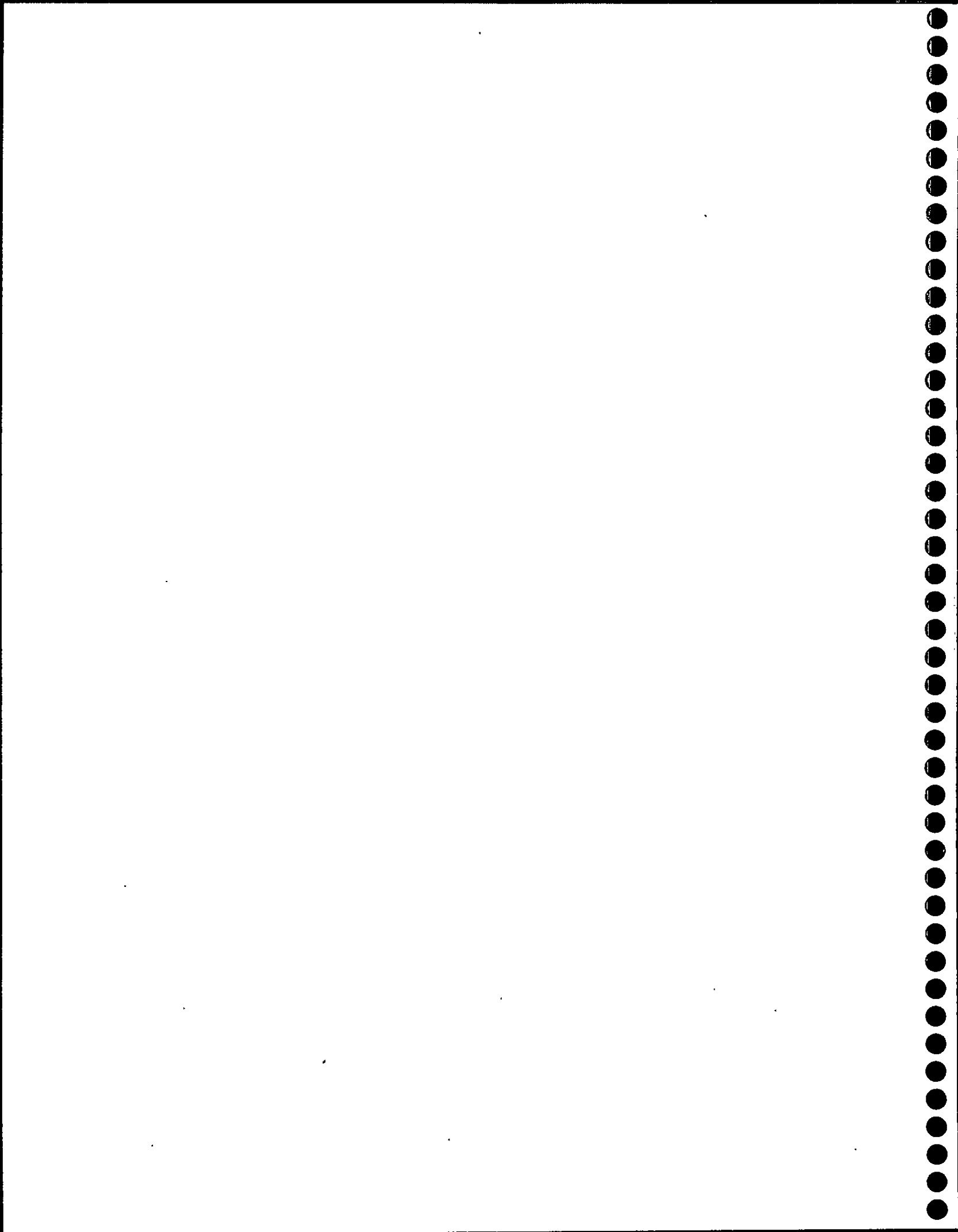
e) DME or Medical Supplies: *...*

f) Surgical Intervention - specify procedure(s): \_\_\_\_\_  
 f<sub>1</sub>) In-Office: \_\_\_\_\_  
 f<sub>2</sub>) Surgical Facility: \_\_\_\_\_  
 f<sub>3</sub>) Injectable(s) (e.g. pain management): \_\_\_\_\_

g) Attendant Care: \_\_\_\_\_

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Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form - PAGE 2

Patient Name: [REDACTED] DIA: [REDACTED] Visit/Review Date: [REDACTED]

SECTION IV - FUNCTIONAL LIMITATIONS AND RESTRICTIONS

Assignment of limitations or restrictions must be based upon the injured employee's specific clinical dysfunction or status related to the work injury. However, the presence of objective relevant medical findings does not necessarily equate to an automatic limitation or restriction in function.

- 21. No functional limitations identified or restrictions prescribed as of the following date: \_\_\_\_\_
- 22. The injured workers' functional limitations and restrictions, identified in detail below, are of such severity that he/she cannot perform activities, even at a sedentary level (e.g. hospitalization, cognitive impairment, infection, contagion), as of the following date: \_\_\_\_\_ Use additional sheet if needed.
- 23. The injured worker may return to activities so long as he/she adheres to the functional limitations and restrictions identified below. Identify ONLY those functional activities that have specific limitations and restrictions for this patient. Identify joint and/or body part \_\_\_\_\_ Use additional sheet if needed.

Functional Activity	Load	Frequency & Duration	ROM/Position & Other Parameters
<input type="checkbox"/> Bend			
<input type="checkbox"/> Carry			
<input type="checkbox"/> Climb			
<input type="checkbox"/> Grasp			
<input type="checkbox"/> Kneel			
<input type="checkbox"/> Lift-floor > waist			
<input type="checkbox"/> Lift-waist > overhead			
<input type="checkbox"/> Pull			
<input type="checkbox"/> Push			
<input type="checkbox"/> Reach-overhead			
<input type="checkbox"/> Sit			
<input type="checkbox"/> Squat			
<input type="checkbox"/> Stand			
<input type="checkbox"/> Twist			
<input type="checkbox"/> Walk			
<input type="checkbox"/> Other			

Other choices; Skin Contact/ Exposure; Sensory; Hand Dexterity; Cognitive; Crawl; Vision; Drive/Operate Heavy Equipment; Environmental Conditions: heat, cold, working at heights, vibration; Auditory; Specific Job Task(s); etc.

NOTE: Any functional limitations or restrictions assigned above apply to both on and off the job activities, and are in effect until the next scheduled appointment unless otherwise noted or modified prior to the appointment date. Specify those functional limitations and restrictions, in item 23, which are permanent if MMI / PIR have been assigned in item 24.

SECTION V - MAXIMUM MEDICAL IMPROVEMENT / PERMANENT IMPAIRMENT RATING

- 24. Patient has achieved maximum medical improvement?
  - a) YES, Date: \_\_\_\_\_
  - b) NO
  - c) Anticipated MMI date: \_\_\_\_\_
  - d) Anticipated MMI date cannot be determined at this time. Future Medical Care Anticipated: e)  Yes f)  No

25. \_\_\_\_\_ % Permanent Impairment Rating (body as a whole) Body part/system: \_\_\_\_\_

26. Guide used for calculation of Permanent Impairment Rating (based on date of accident - see instructions):

- a) 1998 FL Uniform PIR Schedule
- b) Other, specify \_\_\_\_\_

27. Is a residual clinical dysfunction or residual functional loss anticipated for the work-related injury?

- a) YES
- b) NO
- c) Undetermined at this time.

SECTION VI - FOLLOW-UP

28. Next Scheduled Appointment Date & Time: \_\_\_\_\_

SECTION VII - ATTESTATION STATEMENT

"As the Physician, I hereby attest that all responses herein have been made, in accordance with the instructions as part of this form, to a reasonable degree of medical certainty based on objective relevant medical findings, are consistent with my medical documentation regarding this patient, and have been shared with the patient."

Physician Group: \_\_\_\_\_ Date: [REDACTED]

Physician Signature: [REDACTED] Physician DOH License #: P03160

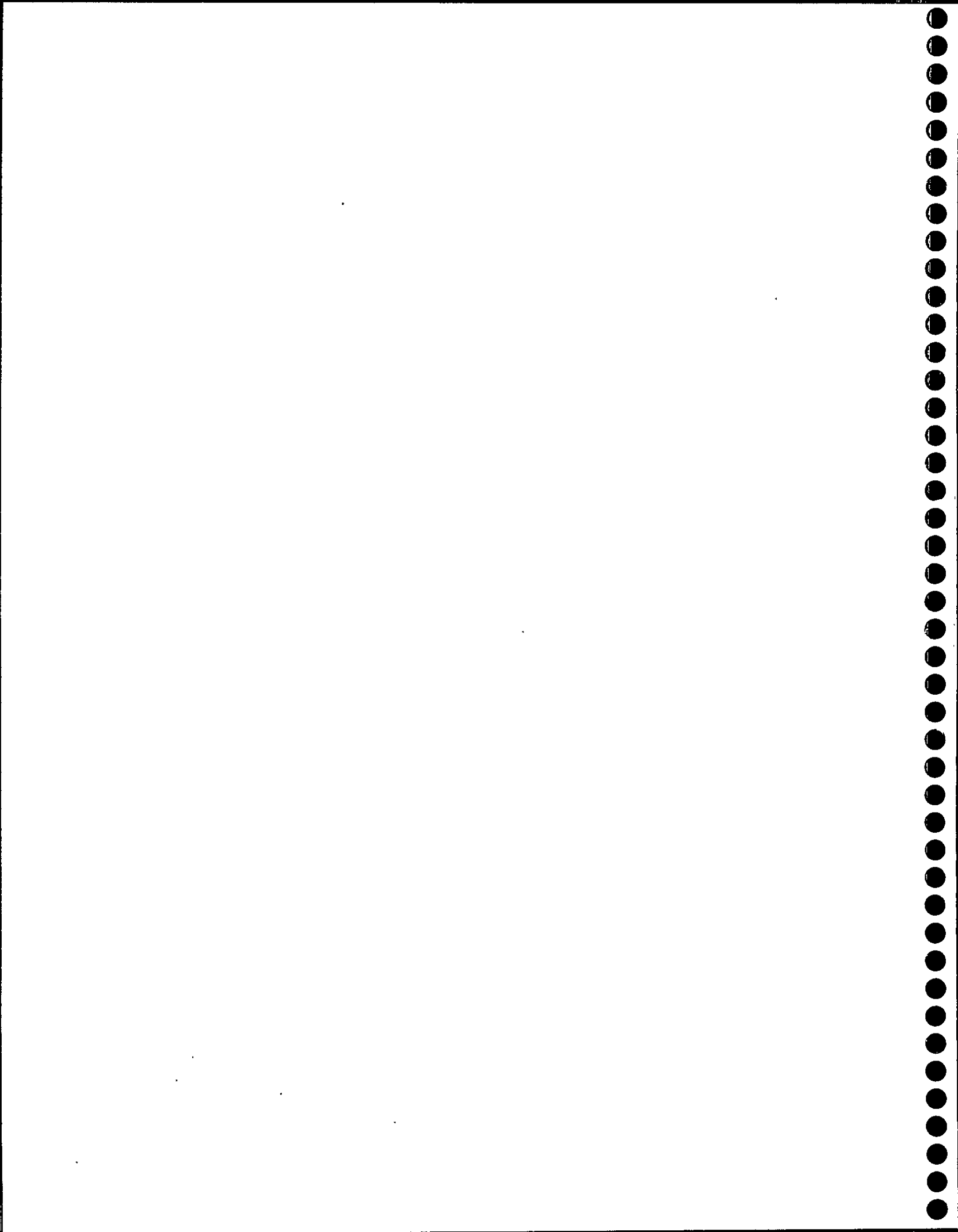
Physician Name: DR. KEVIN CAM [REDACTED] Physician Specialty: PODIATRIC SURGERY

(print name)

If any direct billable services for this visit were rendered by a provider other than a physician, please complete sections below: I hereby attest that all responses herein relating to services rendered have been made, in accordance with the instructions as part of this

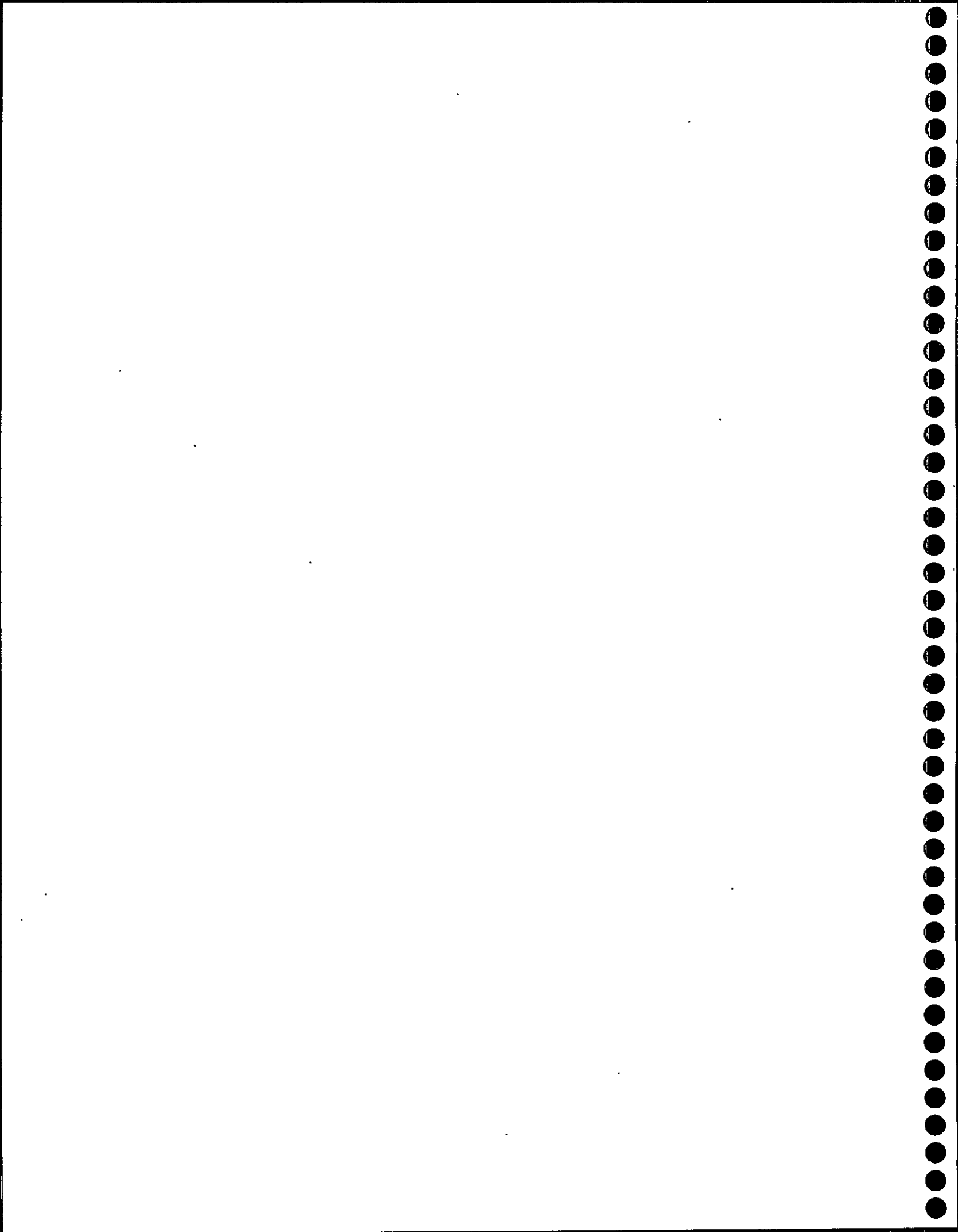
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- 155 a -







Bergen County Child Support  
101 - 103 Hudson Street  
Hackensack, NJ 07601  
Worker No.: LORI.

Return Service Requested

25-202 NJ2Coup\_06C210.1/6383

CASE NAME

BARBARA CARROLL

CASE NUMBER

CS42816275A

APPEARS AMOUNT

\$17,558.59

JOHN F MANNING  
28729 MEGAN DR  
BONITA SPRINGS FL 34135-6887

Please write your case number on your payment and mail it with your payment coupon. DO NOT SEND CASH!

NOTICE

The New Jersey Child Support Program, in its continuing efforts to improve customer service and the delivery of service to the families we serve, is pleased to announce the upgrading of its current statewide child support system to "NJKIDS" (New Jersey Kids Deserve Support). More information can be found on our website at [www.njchildsupport.org](http://www.njchildsupport.org) or by calling 1-800-621-KIDS (5437).

IMPORTANT CHANGES IN YOUR SUPPORT PAYMENT COUPON

You will now begin receiving payment coupons quarterly (every 3 months). You should receive enough coupons for the number of payments you are required to make during this period. If you are unable to include a coupon for any reason, or the amount on the coupon differs from your court order, you are still required to make your payments as directed by your court order. If there is a change in the amount of support you are required to pay, please continue to use your old coupons until you receive updated ones. MAKE YOUR PAYMENT PAYABLE TO : NJ FAMILY SUPPORT PAYMENT CENTER

REMEMBER: ALWAYS INCLUDE YOUR CASE NUMBER ON YOUR CHECK OR MONEY ORDER.

If you would like to know the amount you owe, the date of your last payment or the total amount you have paid this year, please call 1-800-621-KIDS (5437). You will need to know your case number to get this information.

FORMER CHANGE FROM

CASE NUMBER: CS42816275A

Name(s) \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Employment \_\_\_\_\_

Home Phone ( ) \_\_\_\_\_ Business Phone ( ) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

notify us by using the  
at the right for all name,  
ss, and telephone  
anges.

completed form to:

Bergen County Child Support  
103 Hudson Street  
Hackensack, NJ 07601

THIS PORTION  
YOUR RECORDS

DUE DATE	PAYMENT AMOUNT	AMOUNT ENCLOSED	CHECK NUMBER
07/01/2010	\$651.75		

NJCP1e

PAYER: JOHN F MANNING

CASE NUMBER: CS42816275A

FREQUENCY: MONTHLY

NJ2Coup\_060210.1/6383

COUPONS MUST ACCOMPANY EACH PAYMENT!

Make your payment payable to :

NJ FAMILY SUPPORT CENTER  
PO BOX 4880  
TRENTON NJ 08650-4880



STATE OF NEW JERSEY  
SUPPORT PAYMENT

CS42816275A

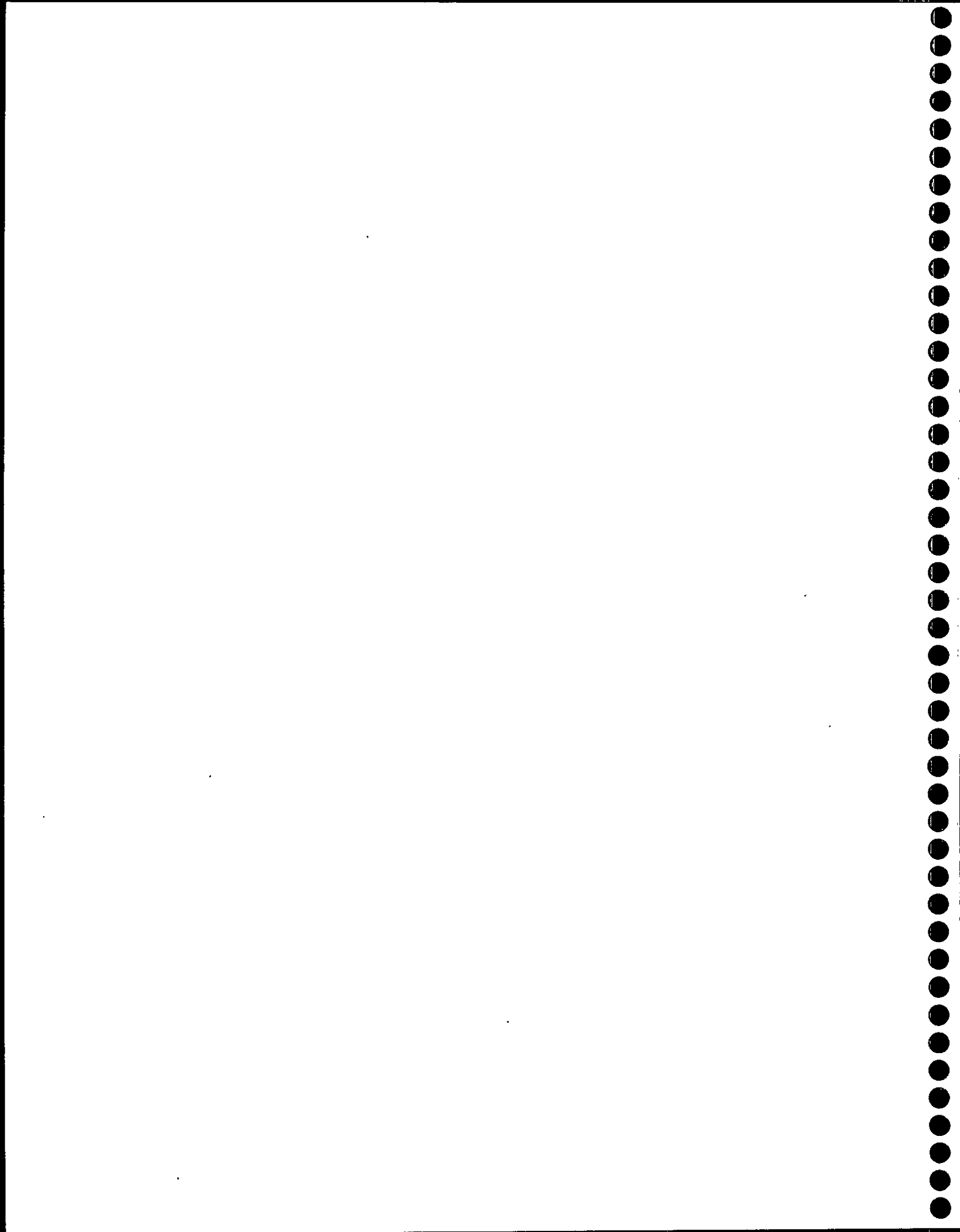
LORI.

0000065175

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THIS PORTION  
OF YOUR RECORDS

DUE DATE	PAYMENT AMOUNT	AMOUNT ENCLOSED	CHECK NUMBER
08/01/2010	\$651.75		

NJCP2b

PAYER: JOHN F MANNING

CASE NUMBER: CS42816275A

COUPONS MUST ACCOMPANY EACH PAYMENT!

FREQUENCY: MONTHLY

Make your payment payable to :

NJ2Coup\_060210.1/6383



STATE OF NEW JERSEY  
SUPPORT PAYMENT

NJ FAMILY SUPPORT CENTER  
PO BOX 4880  
TRENTON NJ 08650-4880

CS42816275A      LORI.      00000065175

THIS PORTION  
OF YOUR RECORDS

DUE DATE	PAYMENT AMOUNT	AMOUNT ENCLOSED	CHECK NUMBER
09/01/2010	\$651.75		

NJCP2b

PAYER: JOHN F MANNING

CASE NUMBER: CS42816275A

COUPONS MUST ACCOMPANY EACH PAYMENT!

FREQUENCY: MONTHLY

Make your payment payable to :

NJ2Coup\_060210.1/6383



STATE OF NEW JERSEY  
SUPPORT PAYMENT

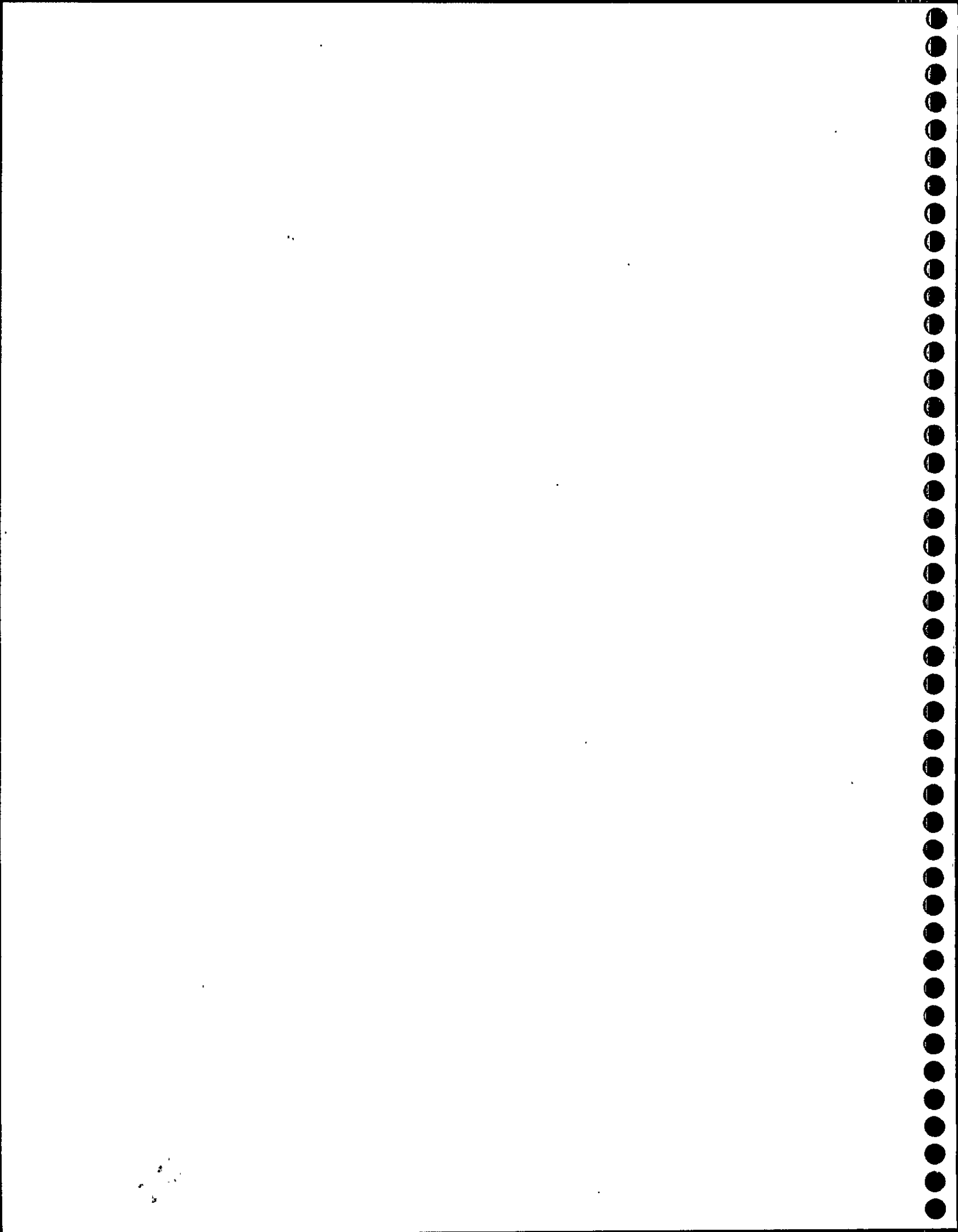
NJ FAMILY SUPPORT CENTER  
PO BOX 4880  
TRENTON NJ 08650-4880

CS42816275A      LORI.      00000065175



-157a-

PO



*PREPARED BY THE COURT*

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
BERGEN COUNTY: FAMILY PART  
DOCKET NO.: FM-02-6706-93-G

BARBARA MANNING,

Plaintiff,

VS.

CIVIL ACTION

RECEIVED/FILED

JOHN MANNING,

JUL - 9 2010

ORDER

Defendant

---

FRANCES A. MCGROGAN, J.S.C.

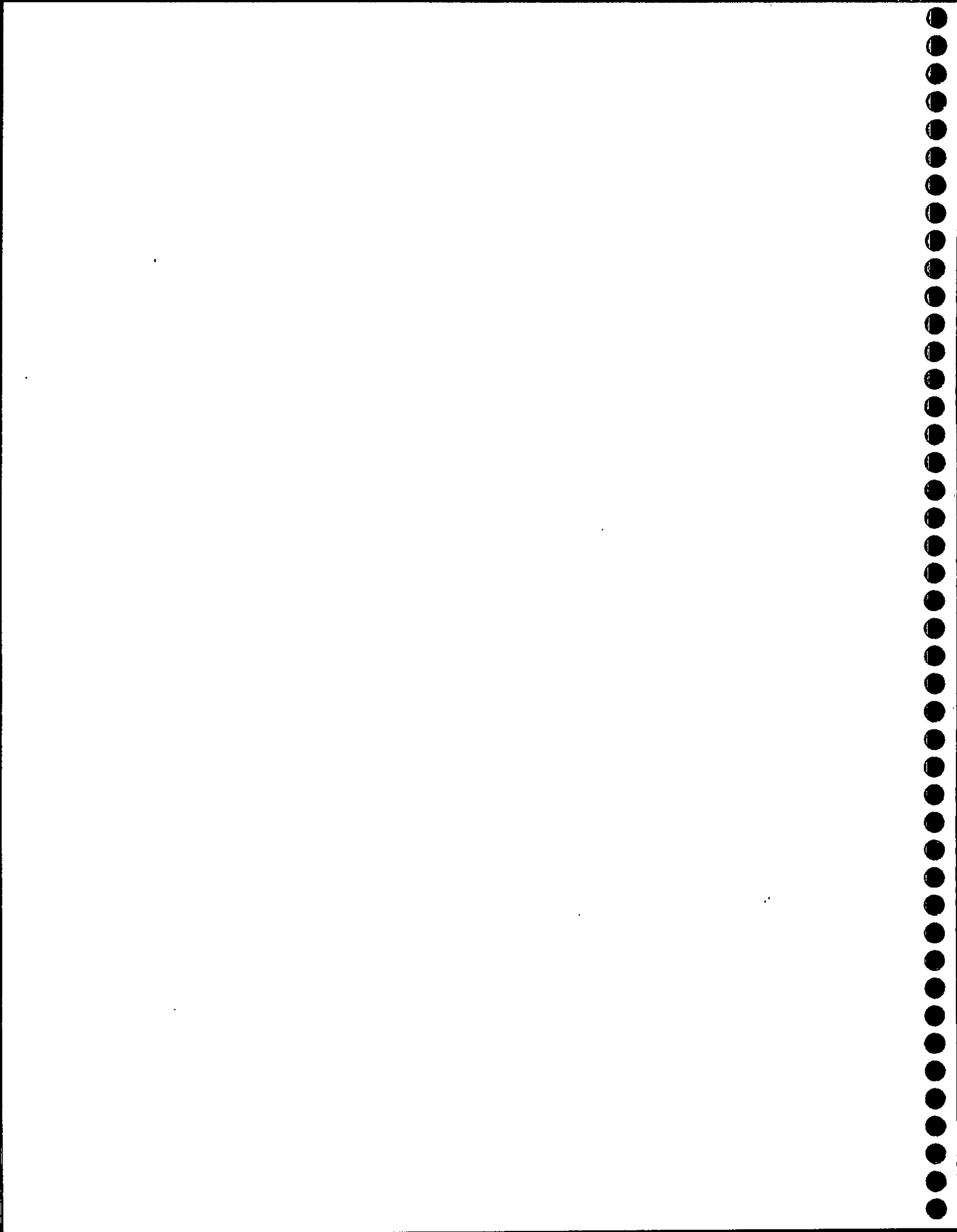
**THIS MATTER** having been opened to this Court upon Motion filed by Defendant, though his attorney Jennifer DeSimone, Esq., with Cross-Motion from Plaintiff, through her attorney George Wolfe, Esq., the Court having considered the arguments and papers submitted, and upon good cause shown;

**IT IS on this 9<sup>th</sup> day of July, 2010;**

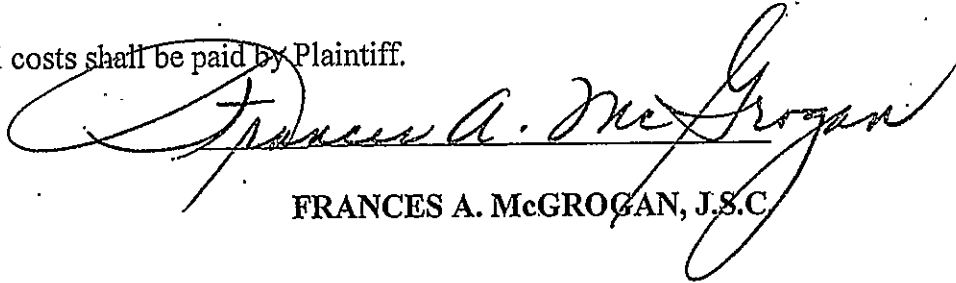
**ORDERED** as follows:

1. Melissa is hereby emancipated as of March 17, 2006.
2. Amy is hereby emancipated as of May 18, 2008.
3. Samantha is hereby emancipated as of May 20, 2009.
4. Child support for Melissa should have been terminated as of March 17, 2006.
5. Child support for Amy should have been terminated as of May 18, 2008.
6. Child support for Samantha should have been terminated as of May 20, 2009.
7. Probation shall adjust its records accordingly.

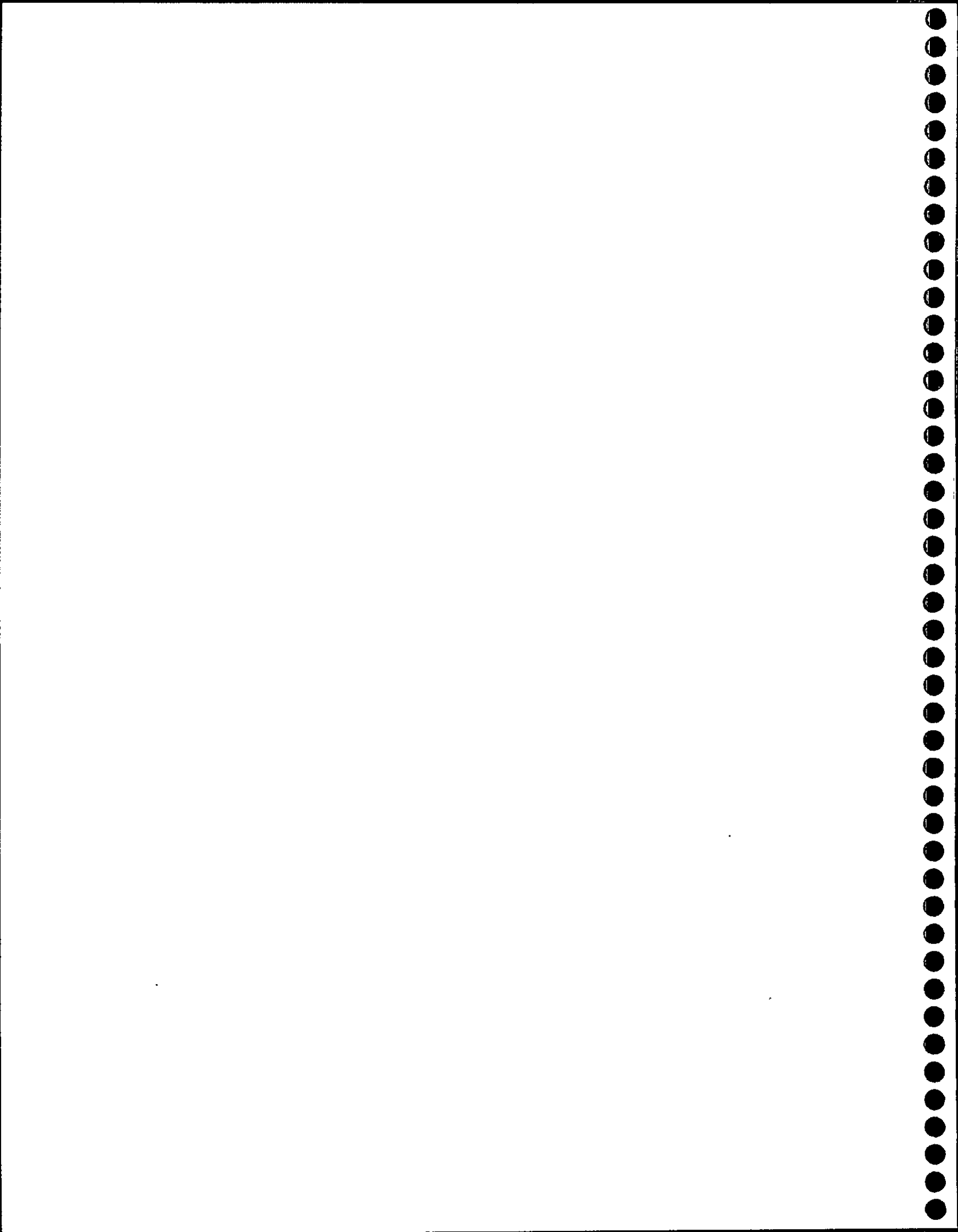
- 158a -



8. Pursuant to R. 5:3-5, this Court rules that Mr. Manning does not have the ability to pay his own fees. This Court finds that Ms. Manning was not acting in good faith, and Mr. Manning had to incur fees in order to compel her to cooperate. Defendant's attorney's fees and costs shall be paid by Plaintiff.

  
FRANCES A. MCGROGAN, J.S.C.





GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

BARBARA MANNING, now known  
as Barbara Carroll,

Plaintiff,

vs.

JOHN MANNING,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
Docket No. FM-02-6706-93

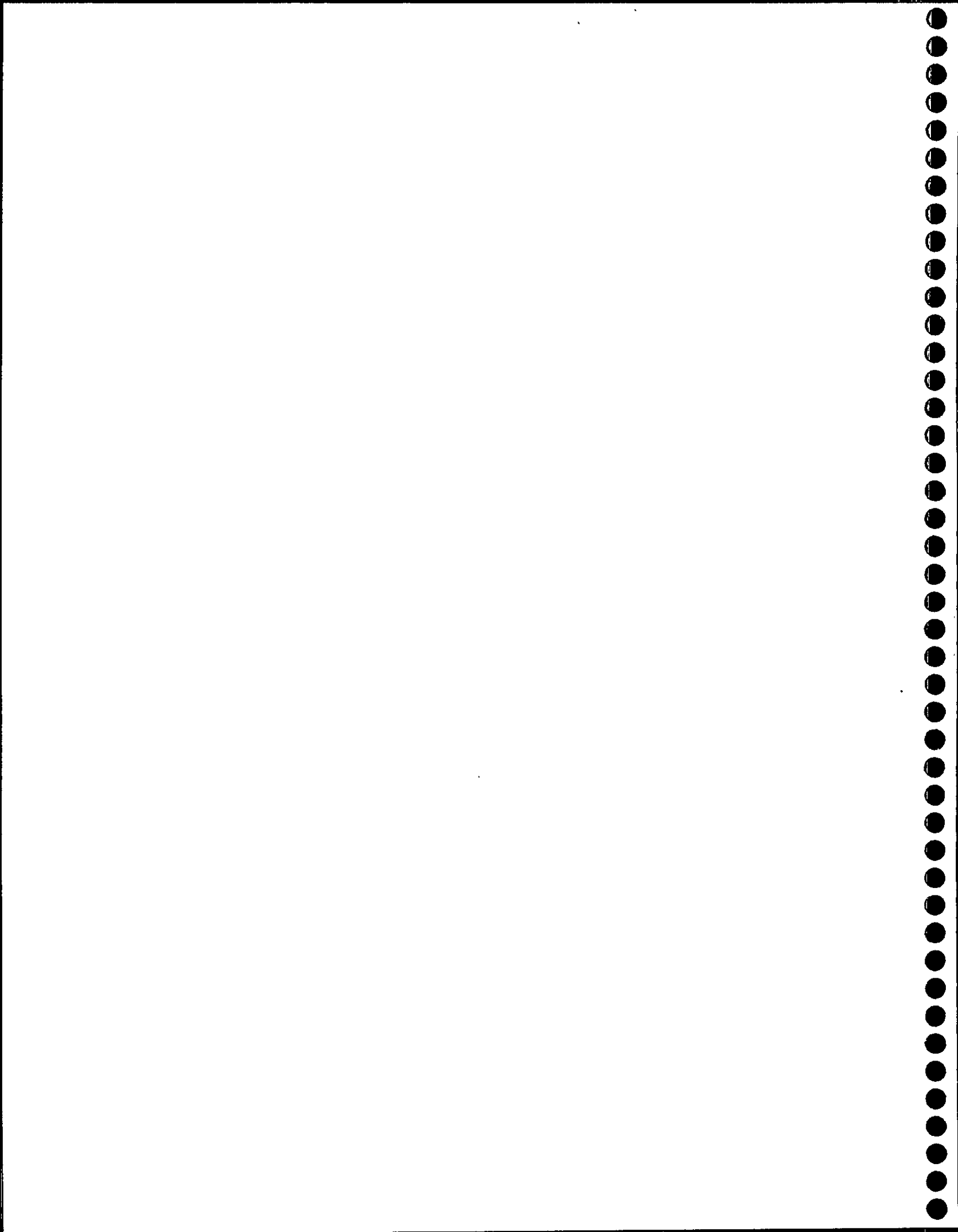
Civil Action

NOTICE OF MOTION

To: Smith & Doran, P.C.  
Attorneys for Defendant  
60 Washington Street  
Morristown, New Jersey 07960

SIR/MADAM:

PLEASE TAKE NOTICE that on Thursday, September 16, 2010, at nine o'clock in the forenoon, or as soon thereafter as counsel may be heard, the undersigned, attorney for the plaintiff, Barbara Carroll, shall apply to the above Court, at the Bergen County Justice Center, 10 Main Street, in Hackensack, New Jersey, for an Order granting a stay as to Paragraph 8 of

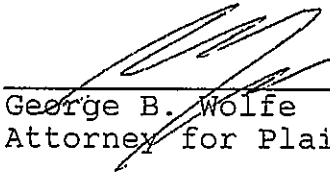


the Order entered by The Honorable Frances A. McGrogan on July 9, 2010, pending a decision by the Appellate Court on that issue.

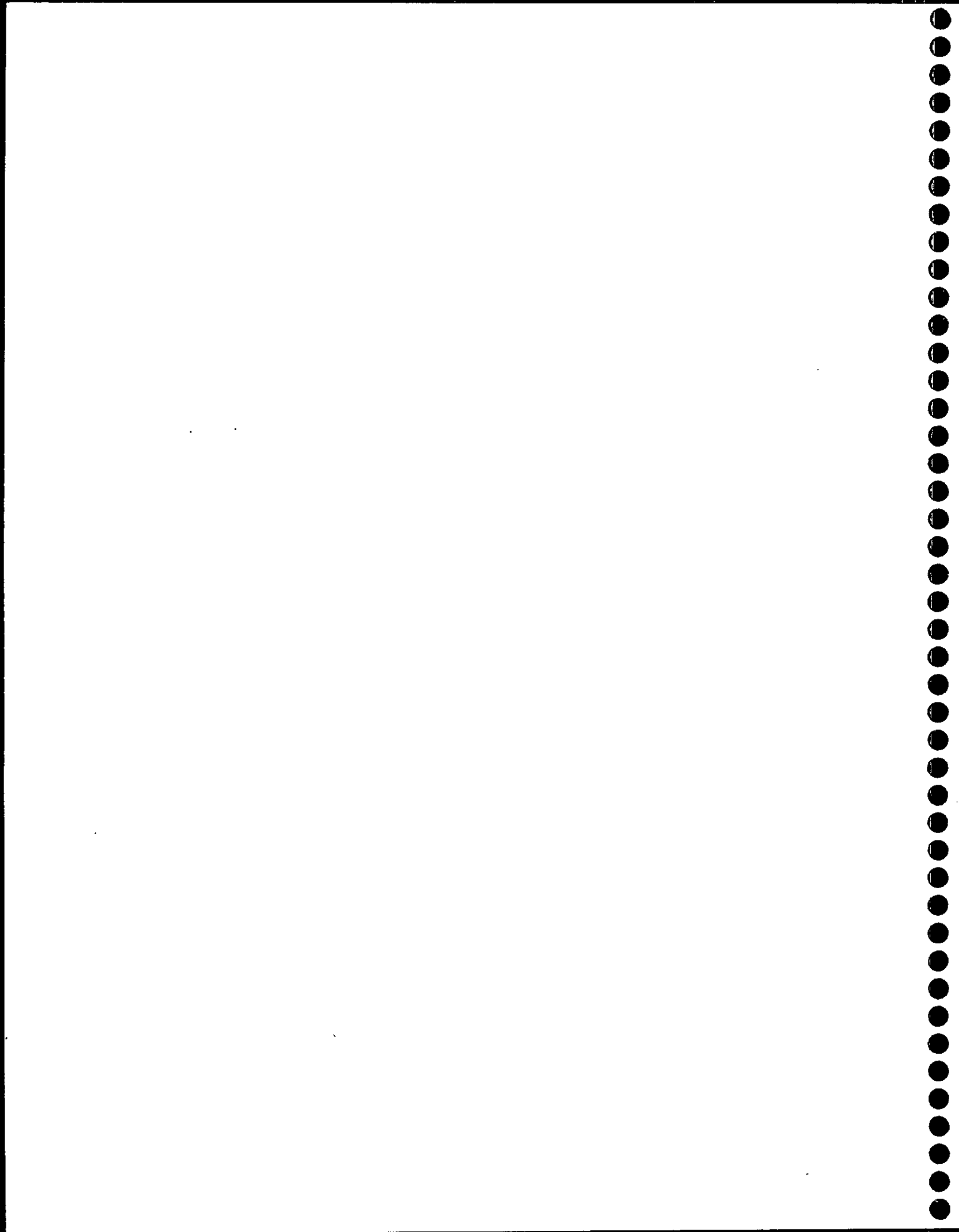
The undersigned hereby waives oral argument. In accordance with Rule 1:6-2, a proposed form of Order is annexed.

In support of the within application, reliance shall be made on the annexed Certification of counsel.

I certify that the original Notice of Motion was filed with the Clerk of the Court, in Hackensack, together with the required \$30.00 fee, and two copies of the above served upon counsel for the defendant via regular mail.

  
George B. Wolfe  
Attorney for Plaintiff

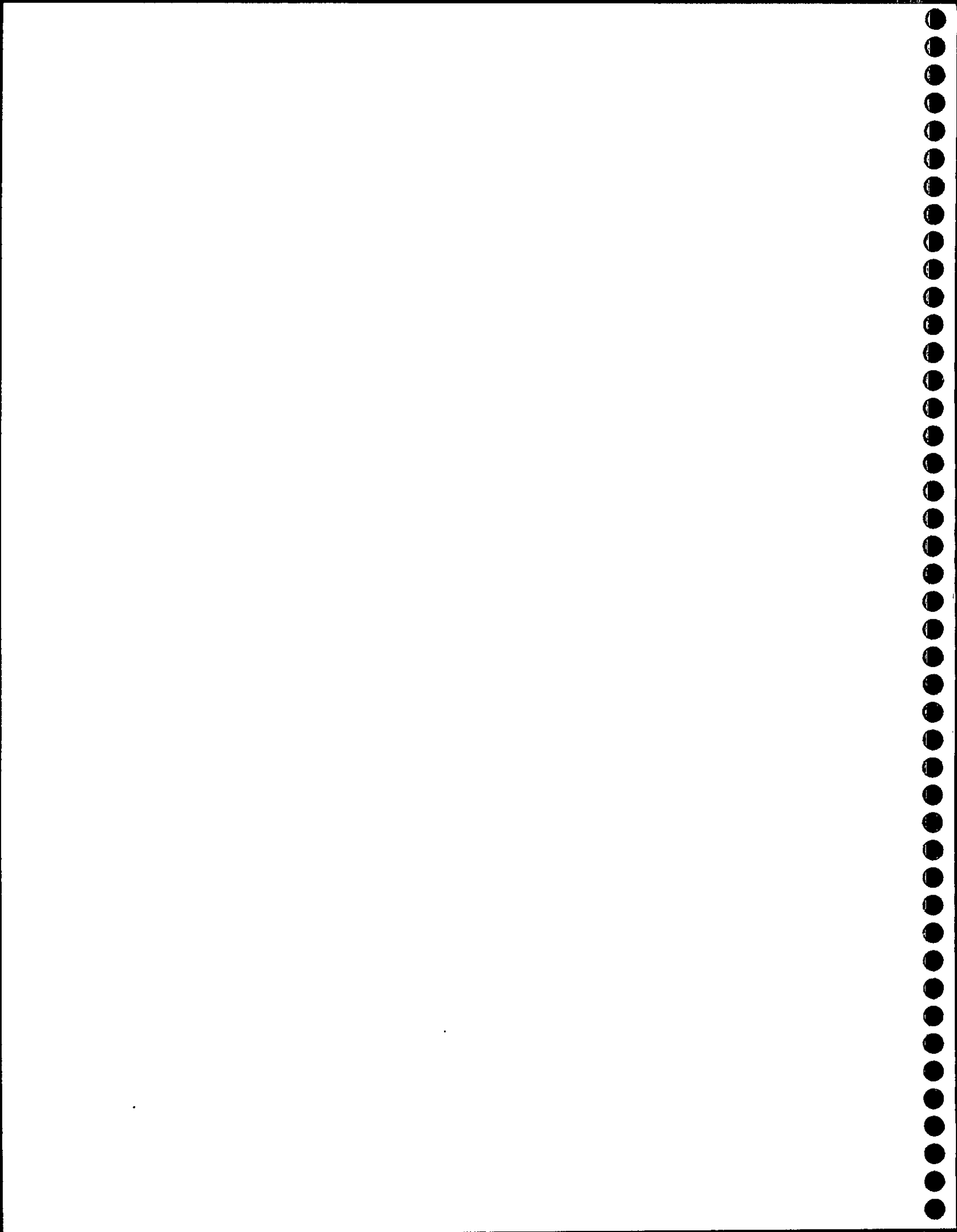
Dated: August 20, 2010



NOTICE TO LITIGANTS: IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING. This written response shall be by affidavit or certification. (Affidavits and certifications are documents filed with the court. In either document the person signing it swears to its truth and acknowledges that they are aware that they can be punished for not filing a true statement with the court. Affidavits are notarized and certifications are not.) If you would also like to submit your own separate requests in a motion to the judge you can do so by filing a cross-motion. Your response and/or cross-motion may ask for oral argument. That means you can ask to appear before the court to explain your position. However, you must submit a written response even if you request oral argument. Any papers you send to the court must be sent to the opposing side, either to the attorney if the opposing party is represented by one, or to the other party if they represent themselves. Two copies of all motions, cross-motions, certifications, and briefs shall be sent to the opposing side.

The response and/or cross-motion must be submitted to the court by a certain date. All motions must be filed on the Tuesday 24 days before the return date. A response and/or cross motion must be filed fifteen days (Thursday) before the return date. Answers or responses to any opposing affidavits and cross-motions shall be served and filed not later than eight days (Thursday) before the return date. No other response is permitted without permission of the court. If you mail in your papers you must add three days to the above time periods.

Response to motion papers sent to the court are to be sent to the following address: Bergen County Superior Court, Family Part, Justice Center, 10 Main, Hackensack, New Jersey 07601. Call the Family Division Manager's office (201-527-2502) if you have any questions on how to file a motion, cross-motion or any response papers. Please note that the Family Division Manager's office cannot give you legal advice.



GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

BARBARA MANNING, now known  
as Barbara Carroll,

Plaintiff,

vs.

JOHN MANNING,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
Docket No. FM-02-6706-93

Civil Action

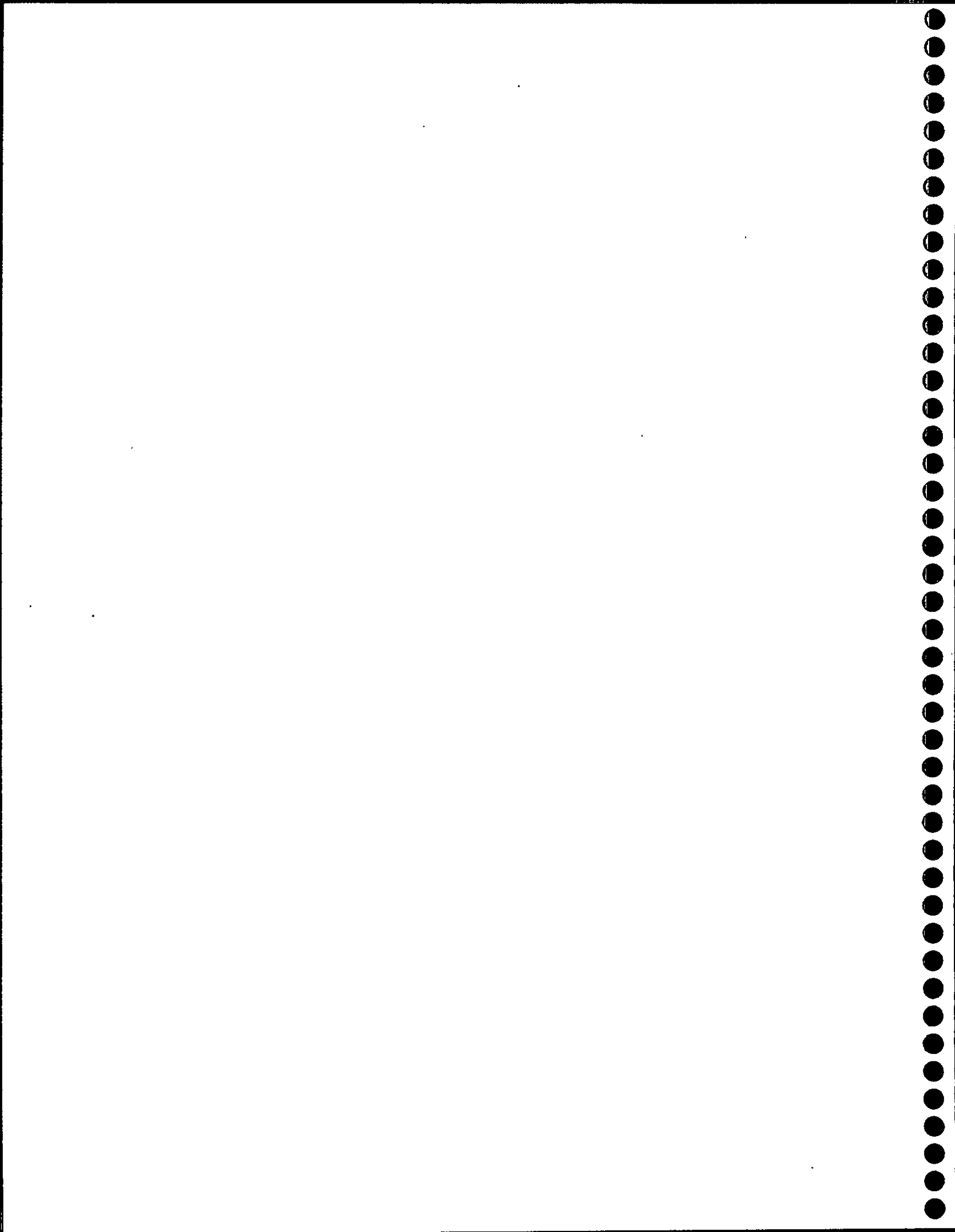
ORDER GRANTING STAY AS TO  
PARAGRAPH 8 OF THE ORDER OF  
JULY 9, 2010, ENTERED BY THE  
HON. FRANCES A. MCGROGAN

This matter being opened to the Court by George B. Wolfe, Esq., attorney for the plaintiff, Barbara Manning, now known as Barbara Carroll, and due notice having been given to Smith & Doran, P.C., attorneys for the defendant, John Manning, and the Court having read and considered the submissions, and for good cause shown;

IT IS ON THIS                      DAY OF                      , 2010;

ORDERED; that Paragraph 8 of the Order entered by The Honorable Frances A. McGrogan, on July 9, 2010, be and is hereby





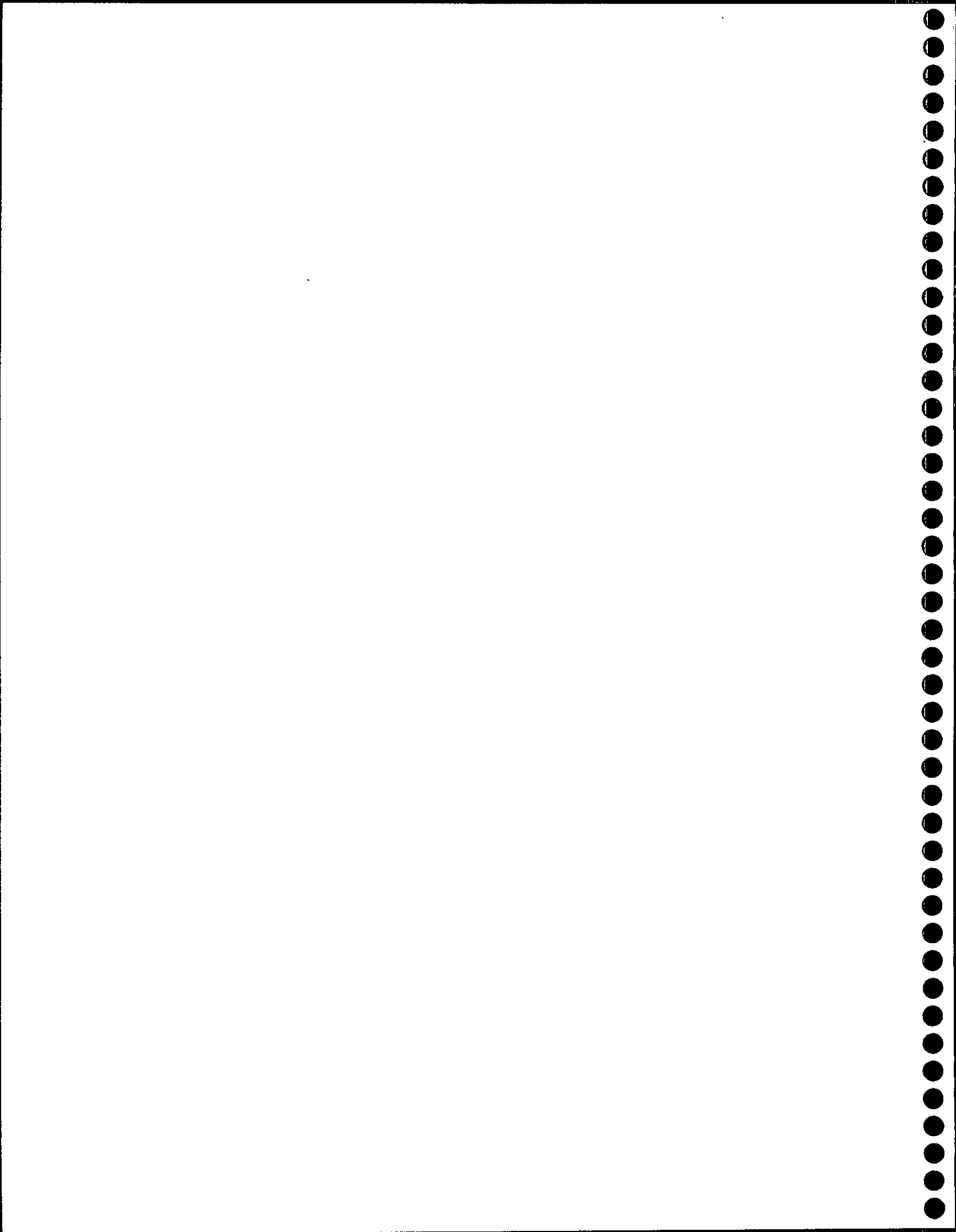
stayed pending a decision by the Superior Court of New Jersey, Appellate Division, on that issue; and it is further

ORDERED, that Paragraphs 1 through 7 of the July 9, 2010, Order remain in full force and effect.

\_\_\_\_\_  
J.S.C.

CHECKLIST OF PAPERS CONSIDERED BY JUDGE

1. \_\_\_\_\_ Notice of Motion returnable / /
2. \_\_\_\_\_ Movant's Affidavit/Certification dated / /
3. \_\_\_\_\_ Movant's Brief dated / /
4. \_\_\_\_\_ Answering Affidavit/Certification dated  
/ / , submitted on behalf of \_\_\_\_\_
5. \_\_\_\_\_ Answering Brief dated / / , sub-  
mitted on behalf of \_\_\_\_\_
6. \_\_\_\_\_ Notice of Cross Motion returnable / /  
filed by \_\_\_\_\_
7. \_\_\_\_\_ Movant's Reply dated / /
8. \_\_\_\_\_ Other:



GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

BARBARA MANNING, now known  
as Barbara Carroll,

Plaintiff,

vs.

JOHN MANNING,

Defendant.

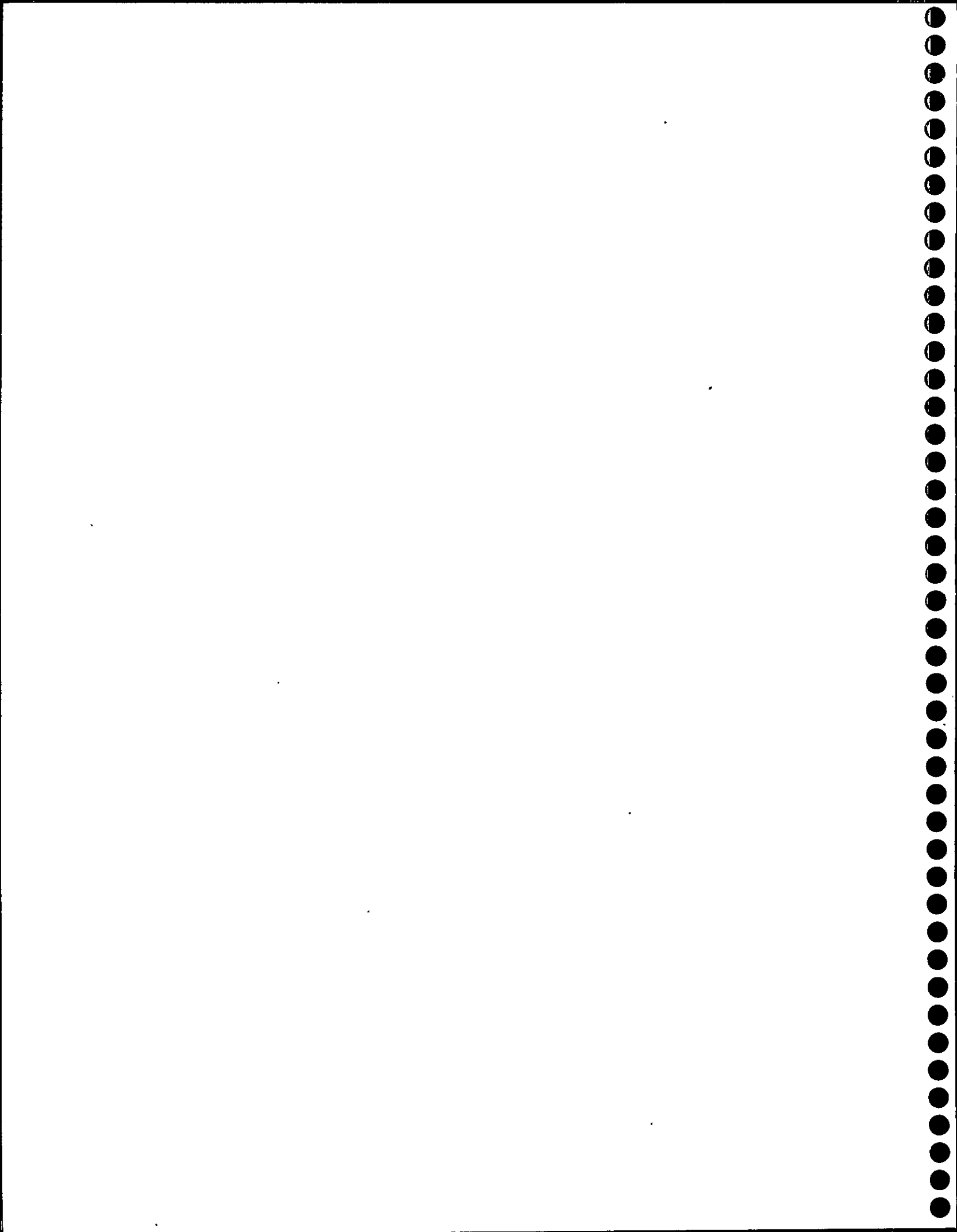
SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
Docket No. FM-02-6706-93

Civil Action

CERTIFICATION OF PLAINTIFF

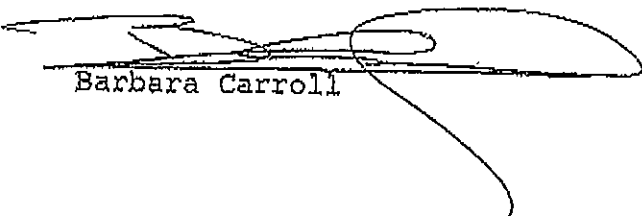
BARBARA CARRÓLL, of full age, hereby certifies as follows:

1. I am the plaintiff in the above-captioned matter.
2. Attached as Exhibit A is a copy of the Order entered by The Honorable Frances A. McGrogan on July 9, 2010.
3. Attached as Exhibit B is a copy of correspondence from my attorney to the Appellate Division filing the Notice of Appeal as to the Order of July 9, 2010.
4. It is respectfully requested that Paragraph 8 of the Order be stayed pending the decision of the Appellate Division on the issue of counsel fees.



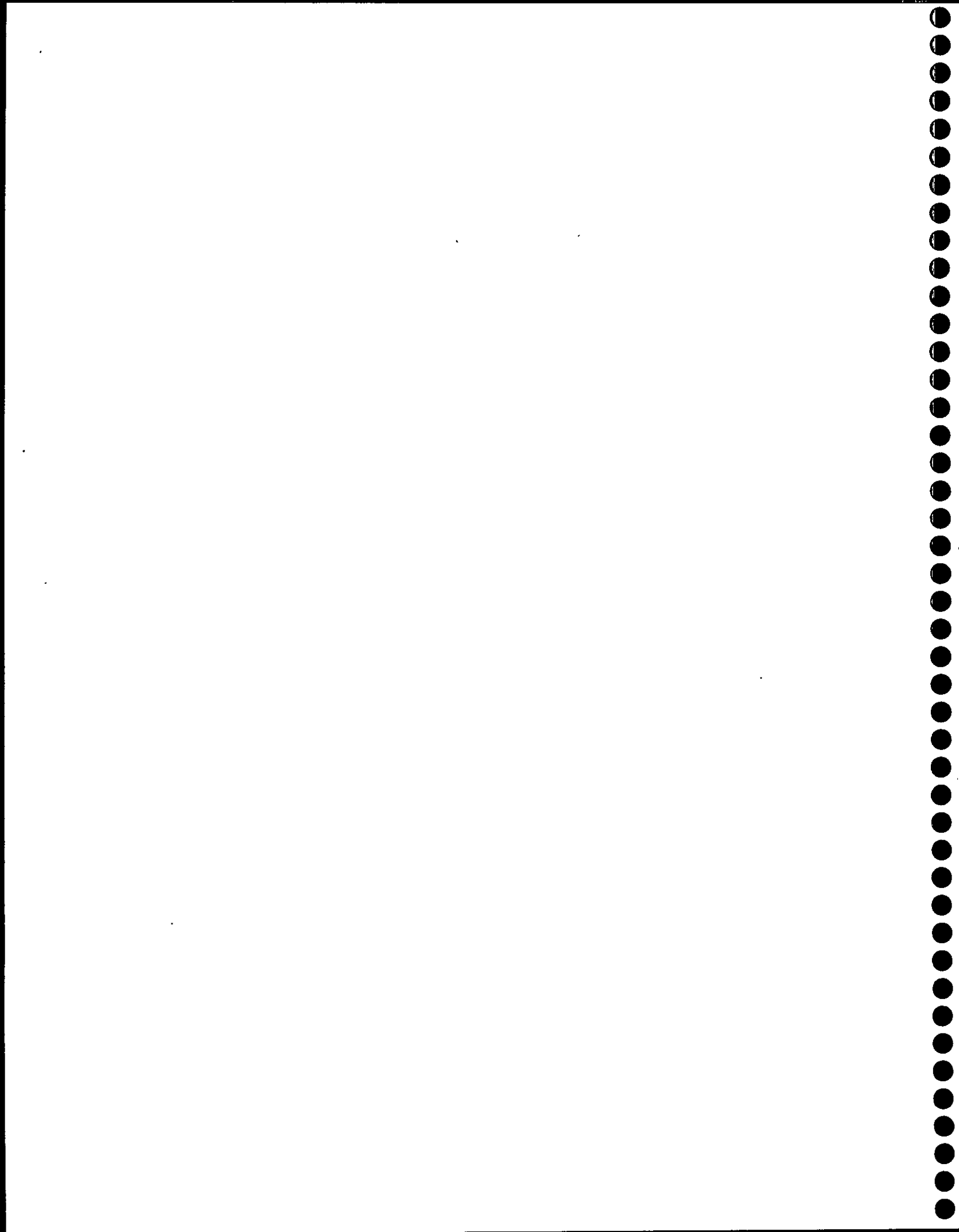
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

---

  
Barbara Carroll

Dated: August 20, 2010

— 166 a —



CERTIFICATION PURSUANT TO RULE 1:4-4(c)

I, George B. Wolfe, Esq., by way of Certification say:

1. The Affiant in the within Certification was not available and is submitting said Certification with a facsimile of the original signature.

2. I certify that I contacted the Affiant whereby the genuineness of the signature was acknowledged.

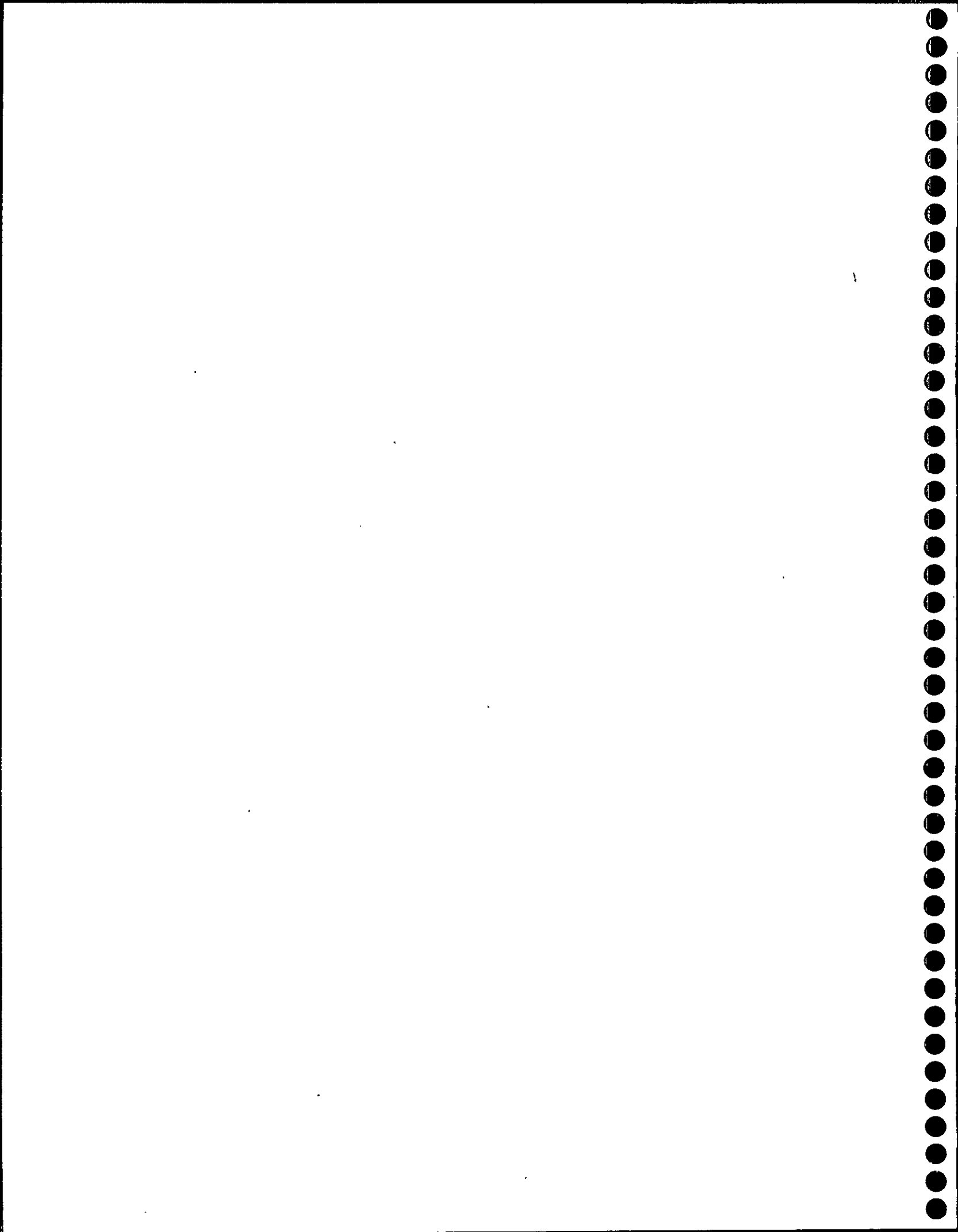
3. Upon request by the Court or a party to the action, this document or a copy with an original signature will be filed.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

  
George B. Wolfe

Dated: August 20, 2010





PREPARED BY THE COURT

BARBARA MANNING,

Plaintiff,

VS.

JOHN MANNING,

Defendant

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
BERGEN COUNTY: FAMILY PART  
DOCKET NO.: FM-02-6706-93-G

CIVIL ACTION

ORDER

RECEIVED/FILED

JUL - 9 2010

FRANCES A. MCGROGAN, J.S.C.

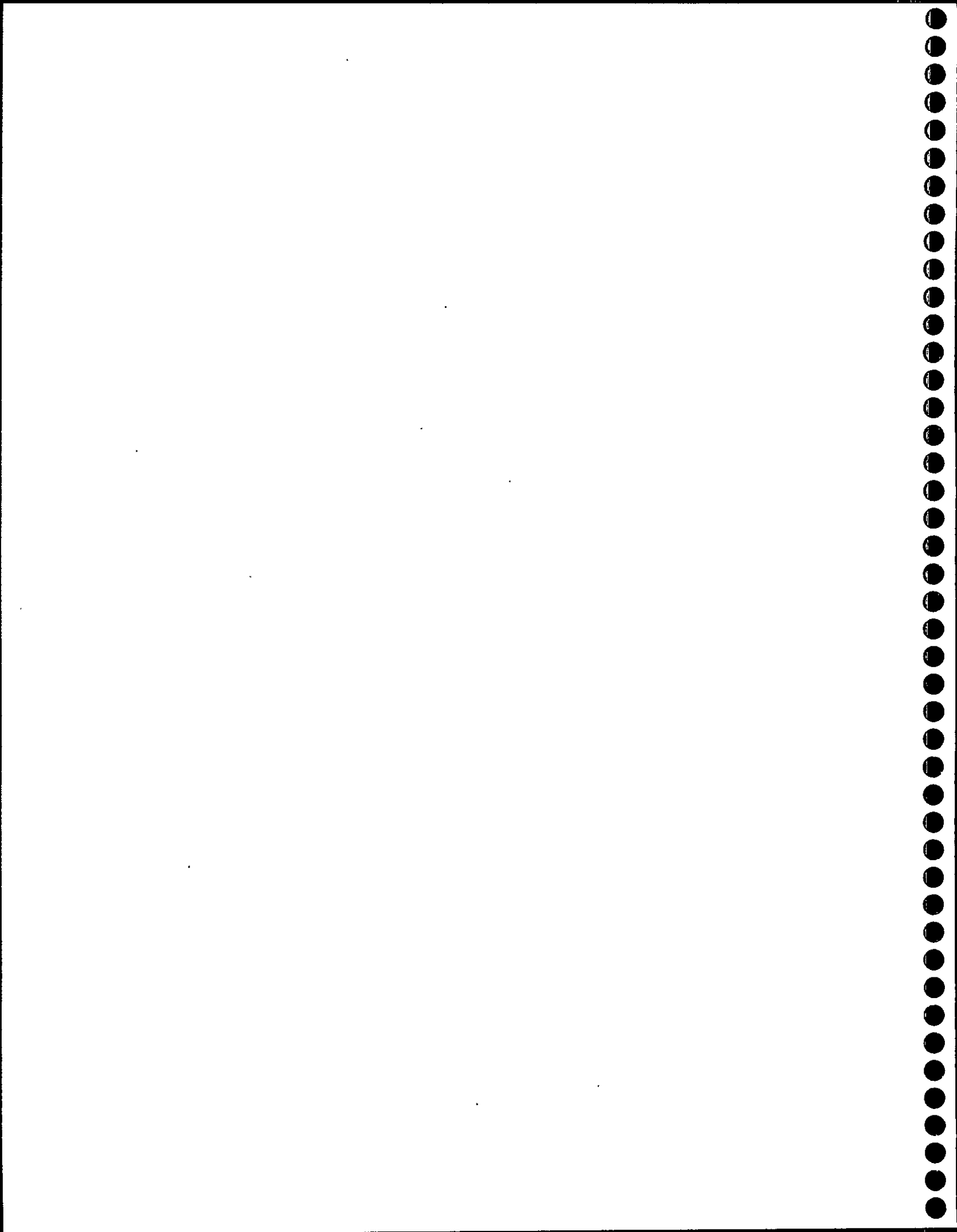
THIS MATTER having been opened to this Court upon Motion filed by Defendant, though his attorney Jennifer DeSimone, Esq., with Cross-Motion from Plaintiff, through her attorney George Wolfe, Esq., the Court having considered the arguments and papers submitted, and upon good cause shown;

IT IS on this 9<sup>th</sup> day of July, 2010;

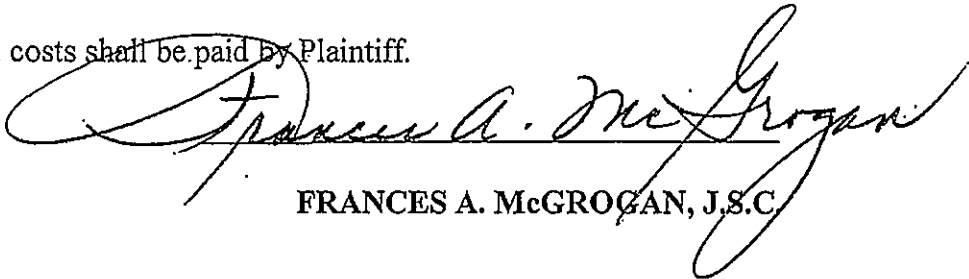
ORDERED as follows:

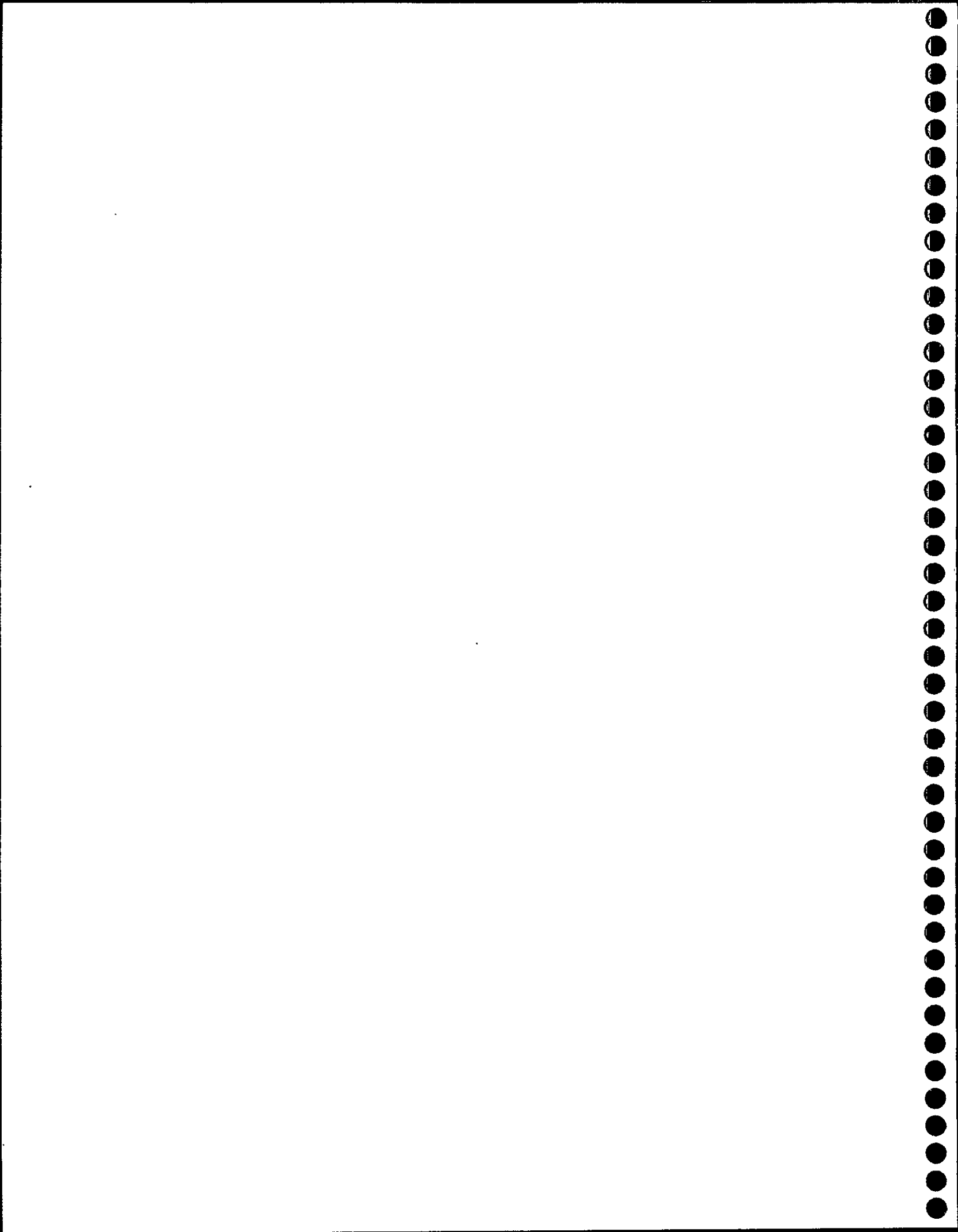
1. Melissa is hereby emancipated as of March 17, 2006.
2. Amy is hereby emancipated as of May 18, 2008.
3. Samantha is hereby emancipated as of May 20, 2009.
4. Child support for Melissa should have been terminated as of March 17, 2006.
5. Child support for Amy should have been terminated as of May 18, 2008.
6. Child support for Samantha should have been terminated as of May 20, 2009.
7. Probation shall adjust its records accordingly.

- 168 a -



8. Pursuant to R. 5:3-5, this Court rules that Mr. Manning does not have the ability to pay his own fees. This Court finds that Ms. Manning was not acting in good faith, and Mr. Manning had to incur fees in order to compel her to cooperate. Defendant's attorney's fees and costs shall be paid by Plaintiff.

  
FRANCES A. MCGROGAN, J.S.C.



**GEORGE B. WOLFE**

ATTORNEY AT LAW  
THE SHERBROOKE OFFICE CENTER II  
SUITE 104  
201 WEST PASSAIC STREET  
ROCHELLE PARK, NEW JERSEY 07662

MEMBER OF  
NEW JERSEY & NEW YORK BARS

TELEPHONE (201) 291-9030  
FACSIMILE (201) 291-8620

August 3, 2010

Appellate Division Clerk's Office  
Superior Court of New Jersey  
Hughes Justice Complex  
25 West Market Street  
P.O. Box 006  
Trenton, New Jersey 08625-0006

RE: Manning v. Manning  
Docket No. FM-02-6706-93

Dear Sir/Madam:

Enclosed herewith please find an original and two copies of the Notice of Appeal, Civil Appeal Case Information Statement, together with an original and one copy of the Proof of Service therefor, for filing on behalf of the plaintiff-appellant. Also enclosed is a copy of the Court Transcript Request form, the original of which has been forwarded to Video and Audio Transcripts department, in Hackensack, together with the required fee. Also enclosed herein is a check, payable to the Treasurer, State of New Jersey, in the amount of \$500.00 representing the filing fee and deposit of costs.

By copy of this letter, I am serving copies of the above on Smith & Doran, P.C.; as counsel for the defendant in the action below. I am also forwarding copies of the above to The Honorable Frances A. McGrogan and to the Clerk of the Superior Court, together with the filing fee of \$10.00.

Very truly yours,

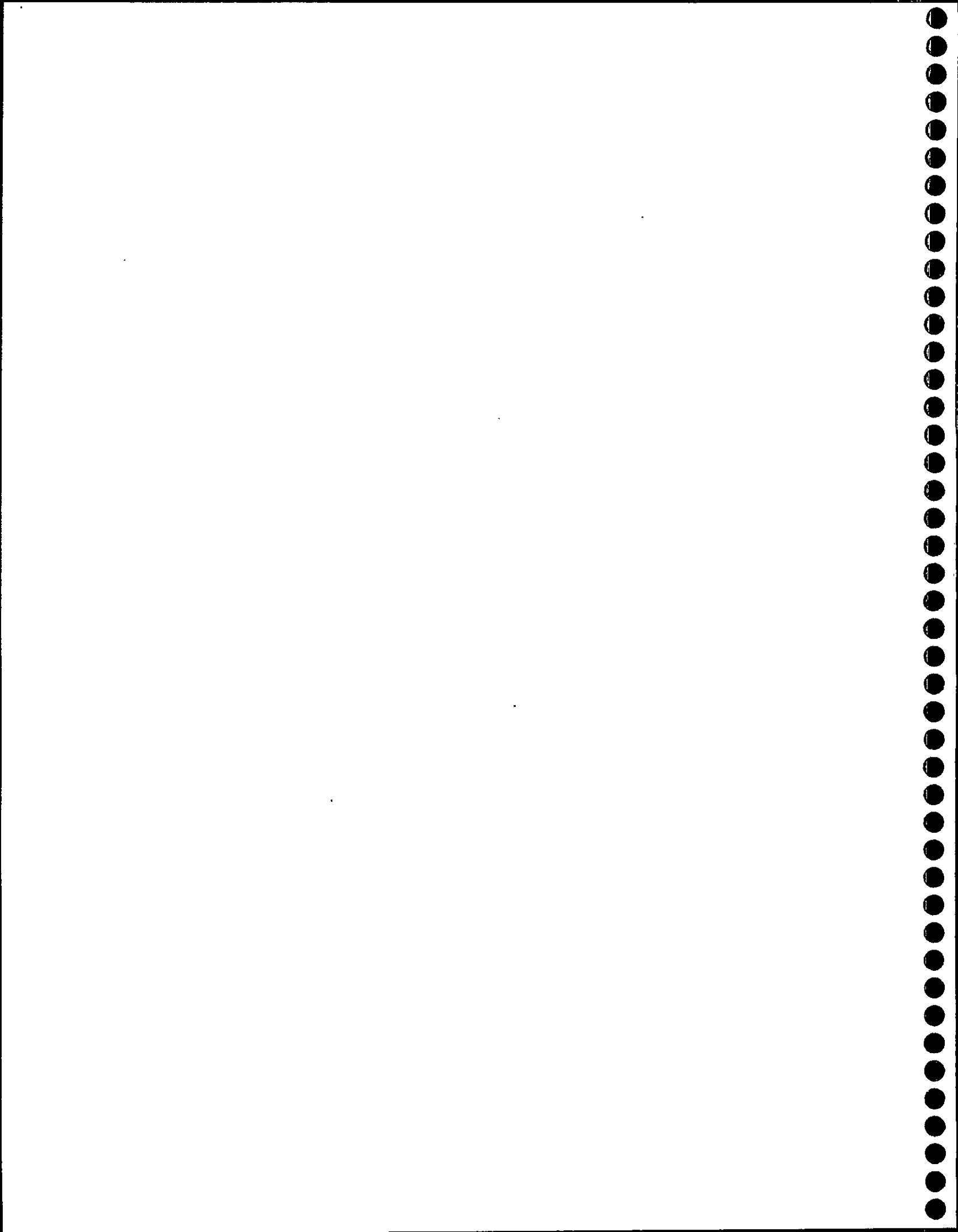
George B. Wolfe

GBW/pg  
enclosures

cc: Smith & Doran, P.C.  
Clerk, Superior Court  
Video and Audio Transcripts  
The Honorable Frances A. McGrogan  
Diana Moskal, Family Div. Mgr.  
Ms. Carroll

- 170a -

Exh  
B



GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

BARBARA MANNING, now known  
as Barbara Carroll,

Plaintiff,

vs.

JOHN MANNING,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
Docket No. FM-02-6706-93

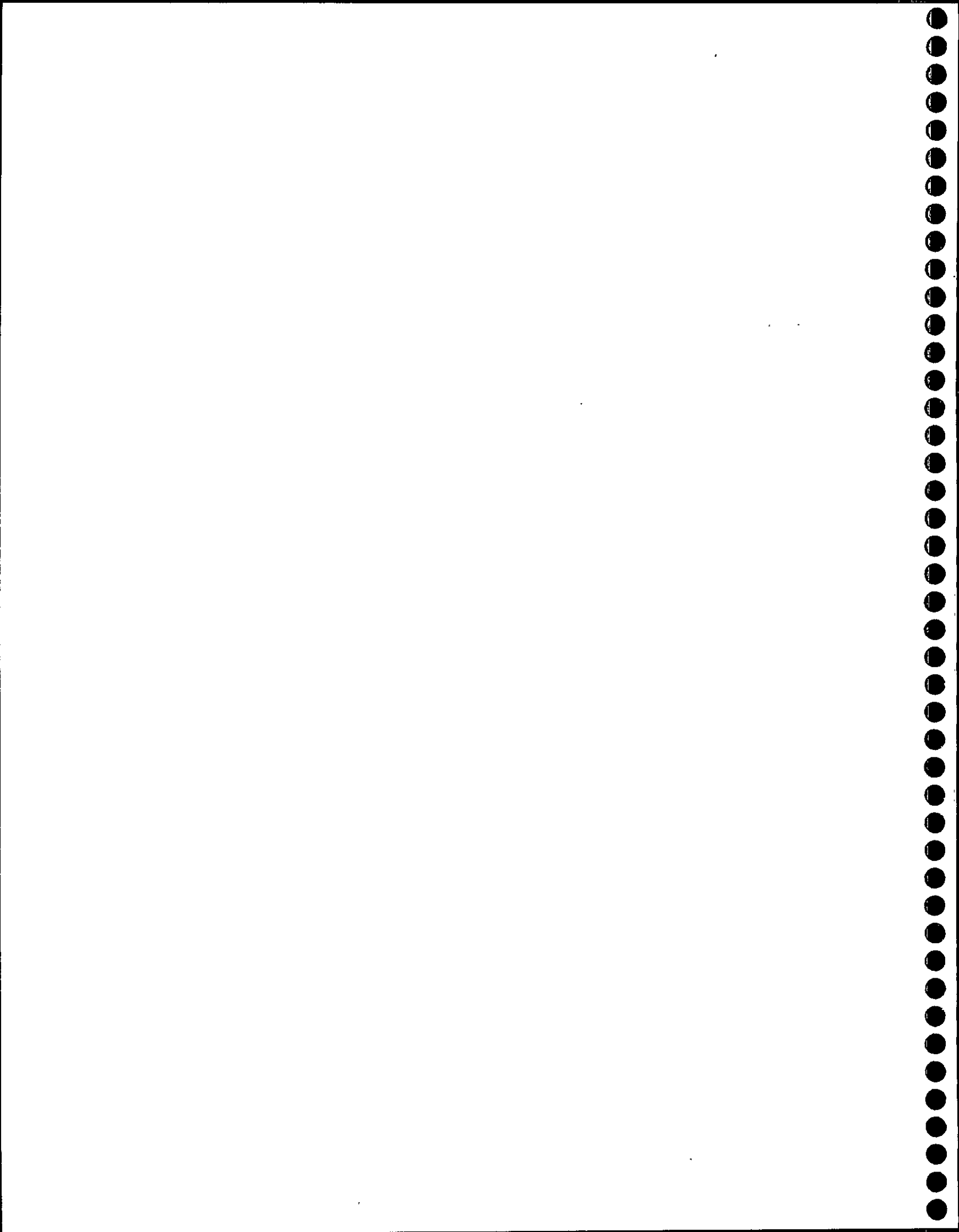
Civil Action

CERTIFICATION OF COUNSEL

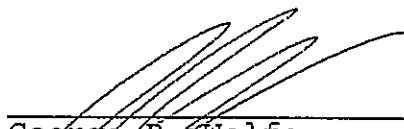
GEORGE B. WOLFE, of full age, hereby certifies as follows:

1. I am the attorney for the plaintiff in the above-captioned matter.
2. Attached as Exhibit A is a copy of a Notice of Cross Motion returnable on July 9, 2010, filed by the attorney for the defendant.
3. Attached as Exhibit B is a copy of the first page of correspondence dated May 13, 2010, from the attorney for the defendant in which counsel states their position is that, as of June 1, 2010, there was due \$6,216.61 in arrearages.

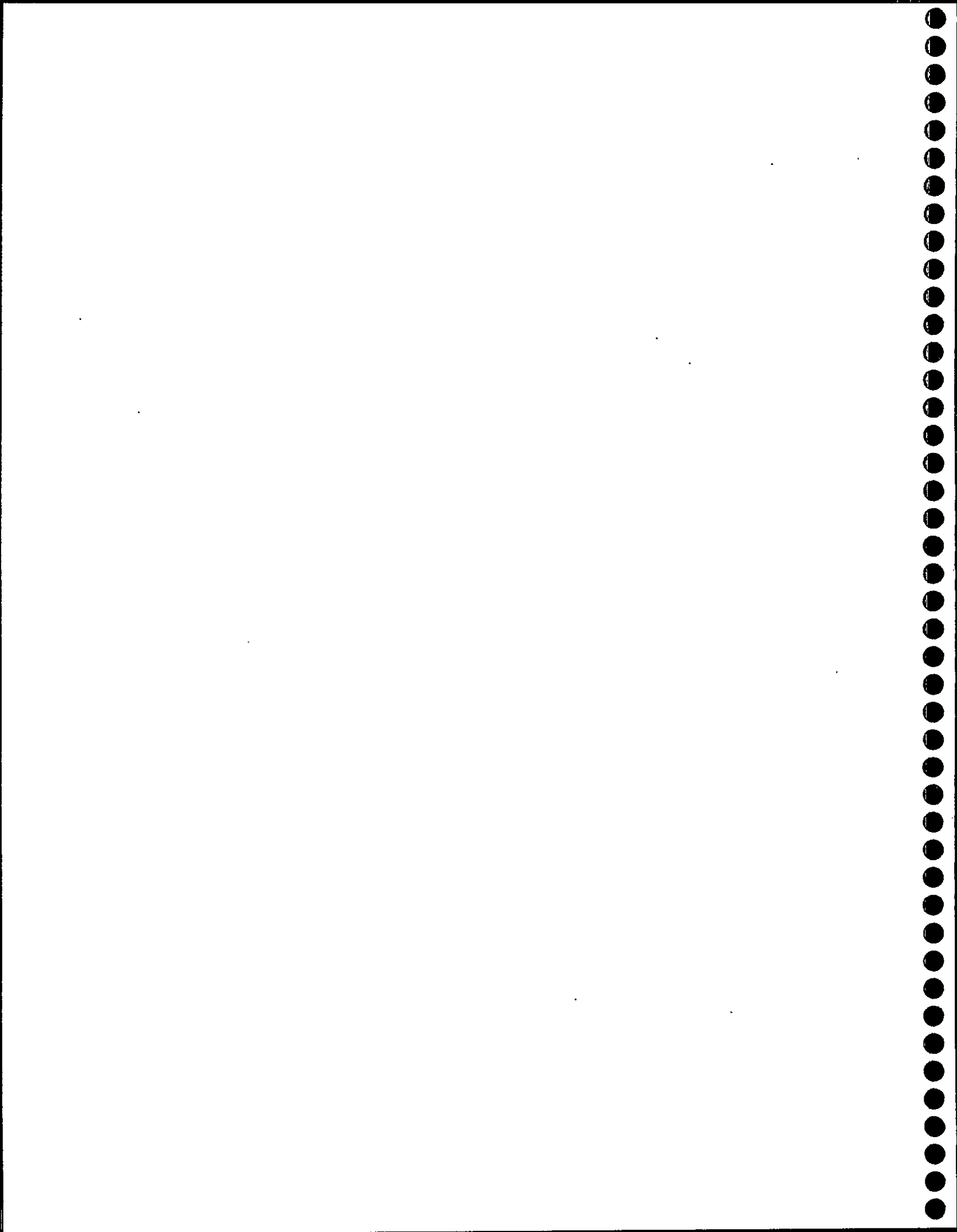




I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

  
George B. Wolfe

Dated: August 20, 2010



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

---

BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING, Defendant.	)	Civil Action
	)	
	)	<b>NOTICE OF CROSS MOTION</b>
	)	<b>Returnable: July 9, 2010</b>

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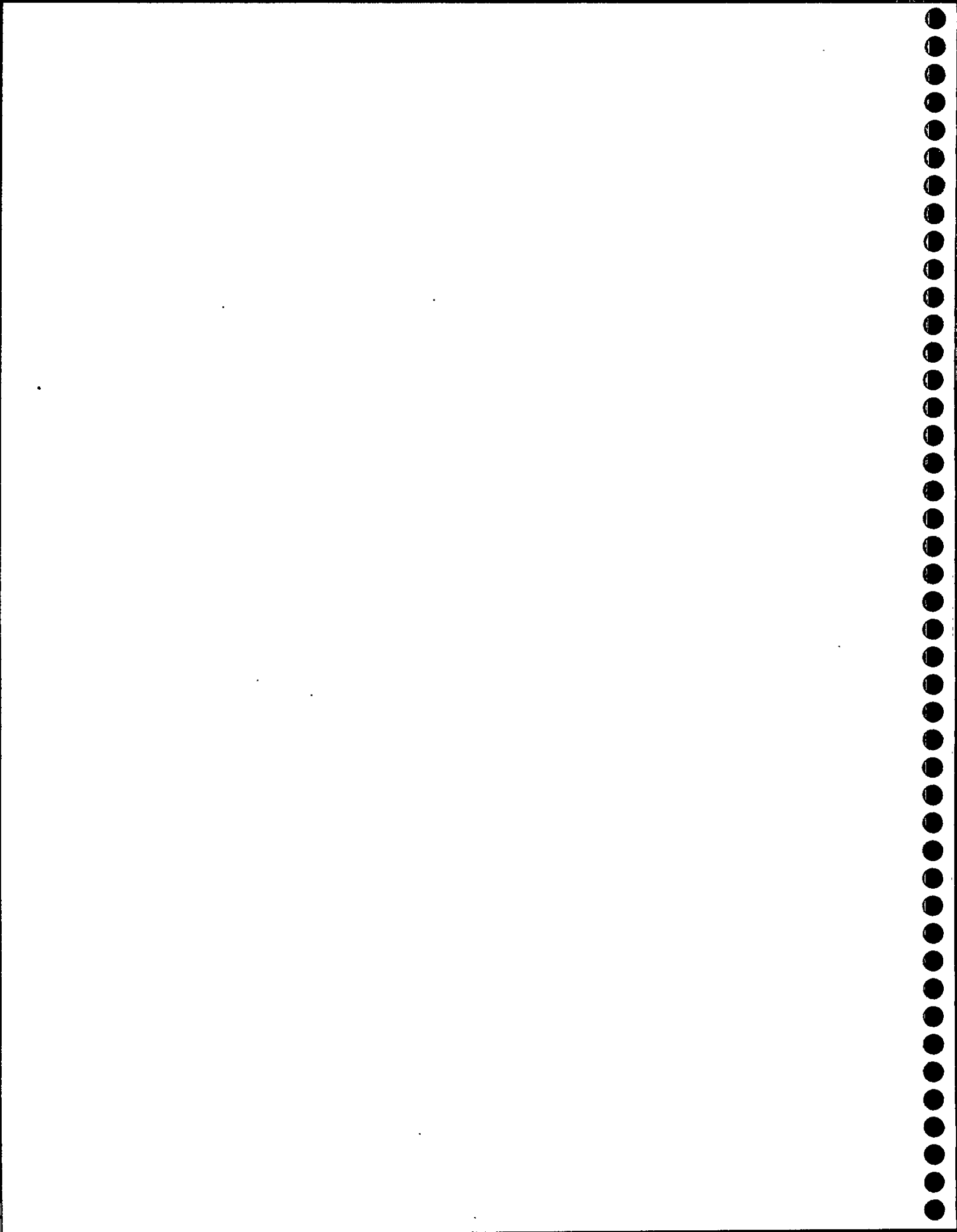
TO: George B. Wolfe, Esquire  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662  
Attorney for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that on Friday, July 9, 2010, at 9:00 in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorneys for the Defendant, John Manning, will apply before the Superior Court of New Jersey, Bergen County, Hackensack, New Jersey, for an Order as follows:

1. Holding the Plaintiff in violation of litigant's rights for her willful failure to comply with the terms and provisions of the prior Order of this Court entered on July 20, 2007;

- 173 a -



2. Directing the Probation Department to adjust its records to reflect the emancipation of the parties' eldest daughter, Melissa Manning, effective June 2005 as set forth in the prior Order of this Court entered on March 17, 2006;

3. Directing the Probation Department to adjust its records to reflect the emancipation of the parties' daughter, Amy Manning, effective May 18, 2008;

4. Directing the Probation Department to adjust its records to reflect the emancipation of the parties' daughter, Samantha Manning, effective May 20, 2009;

5. Directing the Defendant's Probation account to accurately and appropriately reflect total outstanding arrears in the amount of \$6,216.61 effective June 1, 2010 and giving credit for any additional credits which may be paid to the Defendant's Probation account from that date until the date of entry of any Order in this matter;

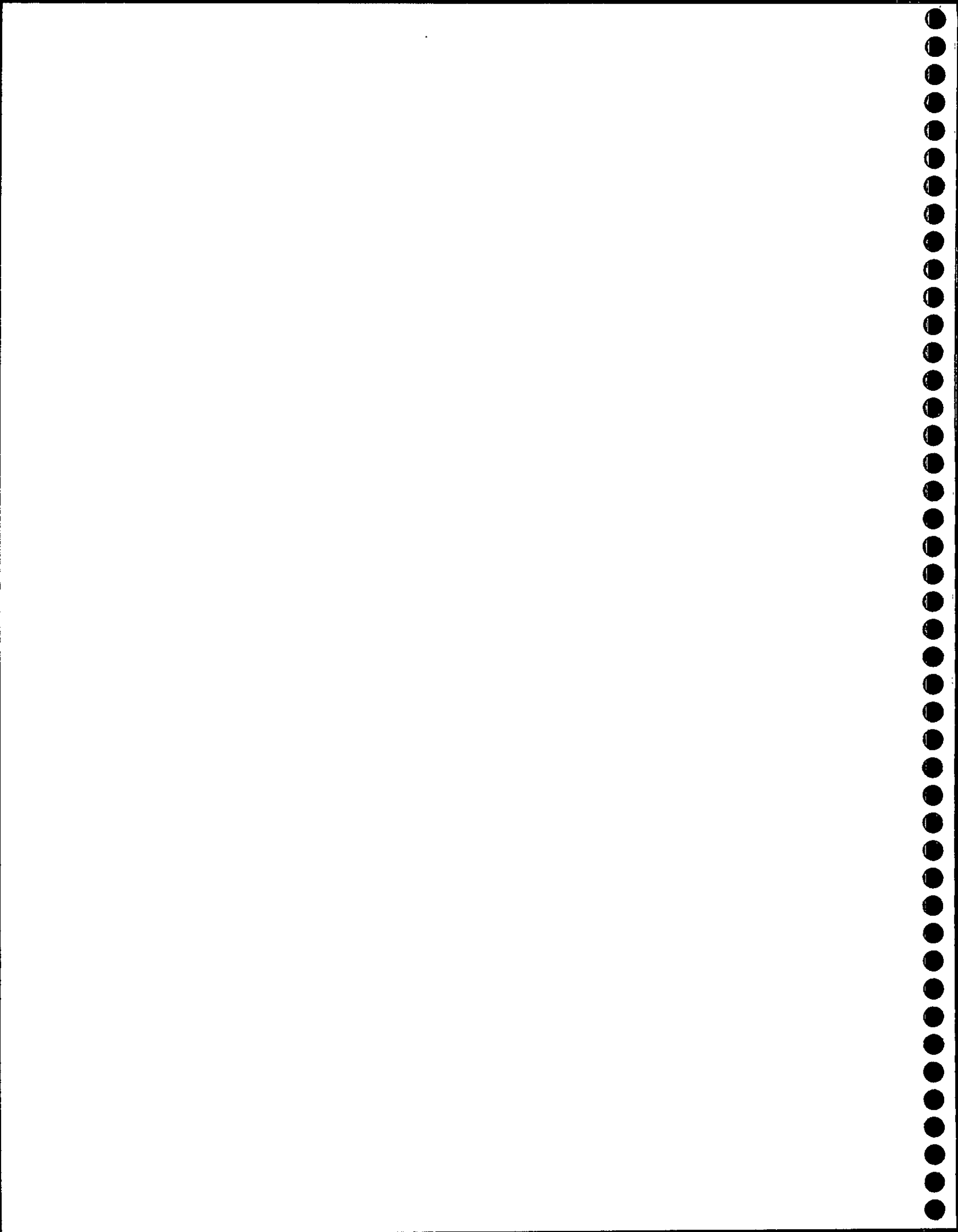
6. Directing that the Defendant's monthly obligation to the Probation Department shall be \$592 per month, the total of which shall be applied toward his outstanding arrears, and which shall not be subject to any increased modification for cost of living or otherwise;

7. Directing the Plaintiff to pay all counsel fees and costs incurred by the Defendant in connection with seeking enforcement of the prior Order of the Court, and specifically from December 29, 2009 through the return date of this matter;

8. For such further relief as the Court may deem just and equitable.

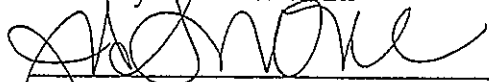
PLEASE TAKE FURTHER NOTICE that in accordance with the provisions of Rule 1:6-2 a proposed form of Order is annexed hereto.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.



In support of the within Notice of Motion, Defendant will rely upon his Certification dated June 10, 2010 (and the supporting documents attached thereto) and the Affidavit of Services by Defendant's counsel.

SMITH & DORAN, P.C.  
Attorneys for Defendant

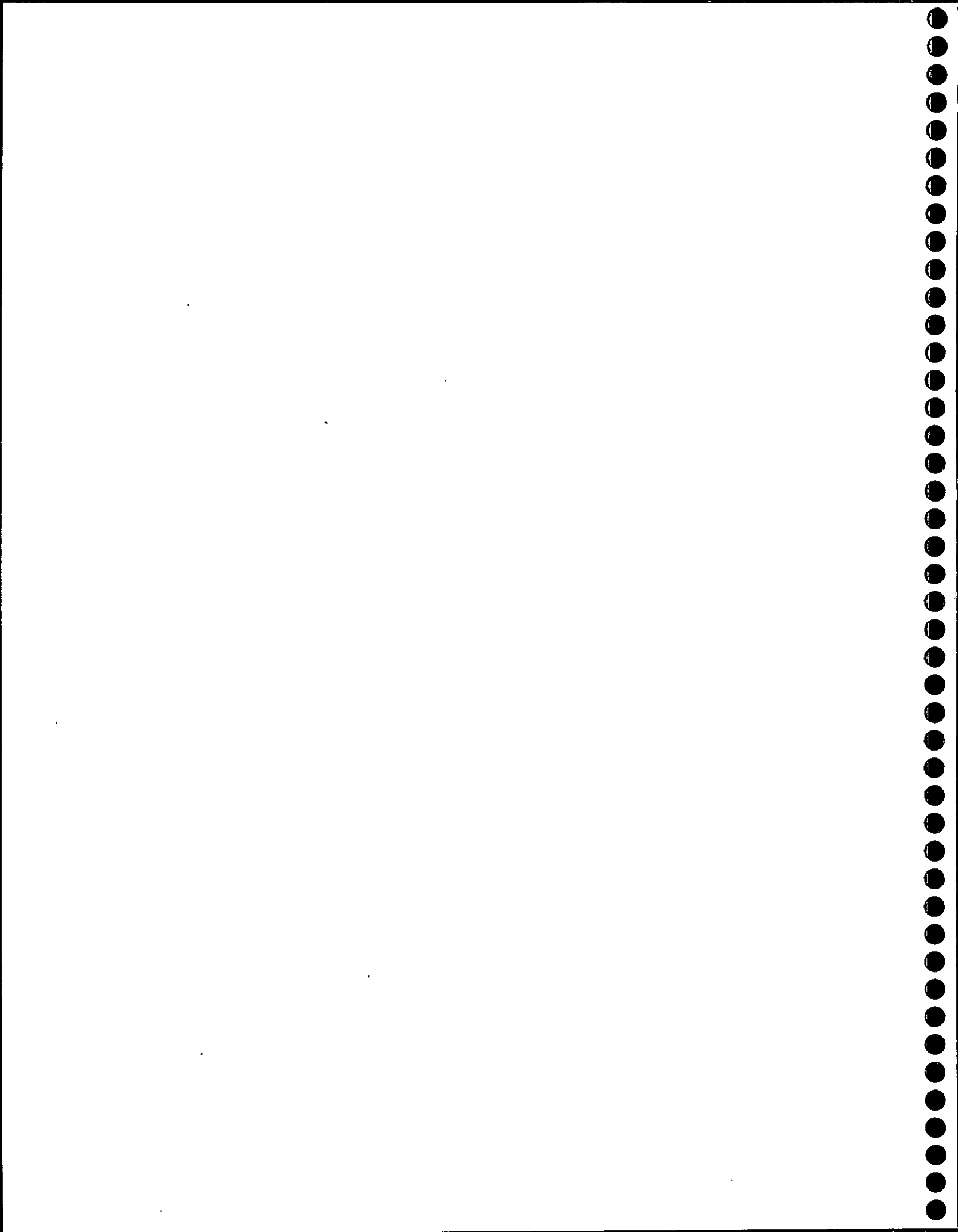


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JENNIFER S. DeSIMONE MURPHY

Dated: June 10, 2010



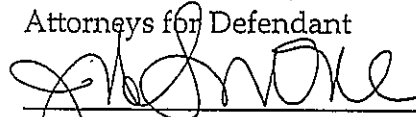


CERTIFICATION

I hereby certify that the original Notice of Motion and supporting Certification have been filed via Lawyers Service with the Clerk of the Superior Court, at the Bergen County Courthouse, Family Division, . Two copies thereof have been served upon the Plaintiff's attorney, George B. Wolfe, Esquire, at the address indicated hereon, via hand delivery within the time and in the manner prescribed by the Rules of Court.

I certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

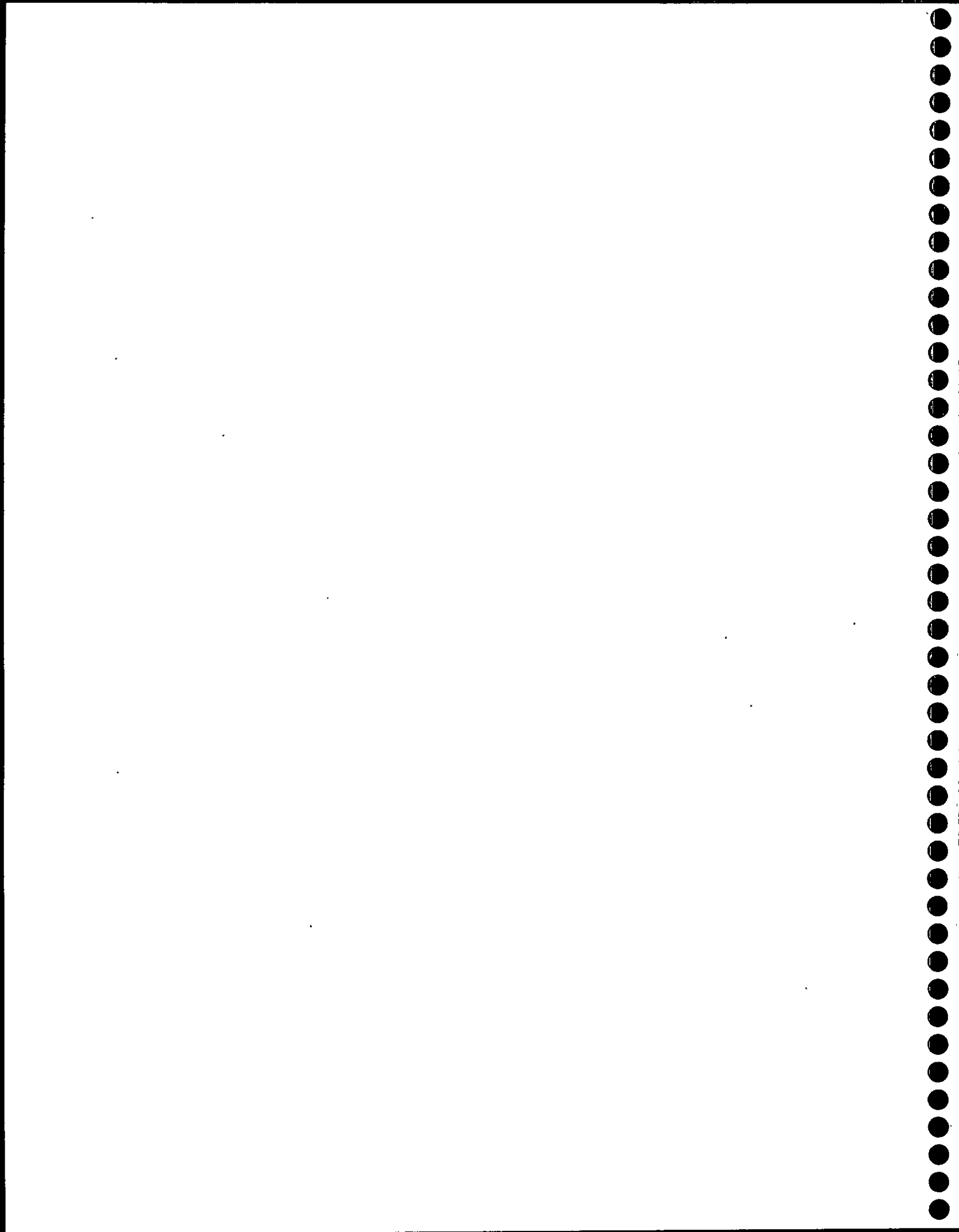
SMITH & DORAN, P.C.  
Attorneys for Defendant



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JENNIFER S. DeSIMONE MURPHY

Dated: June 10, 2010



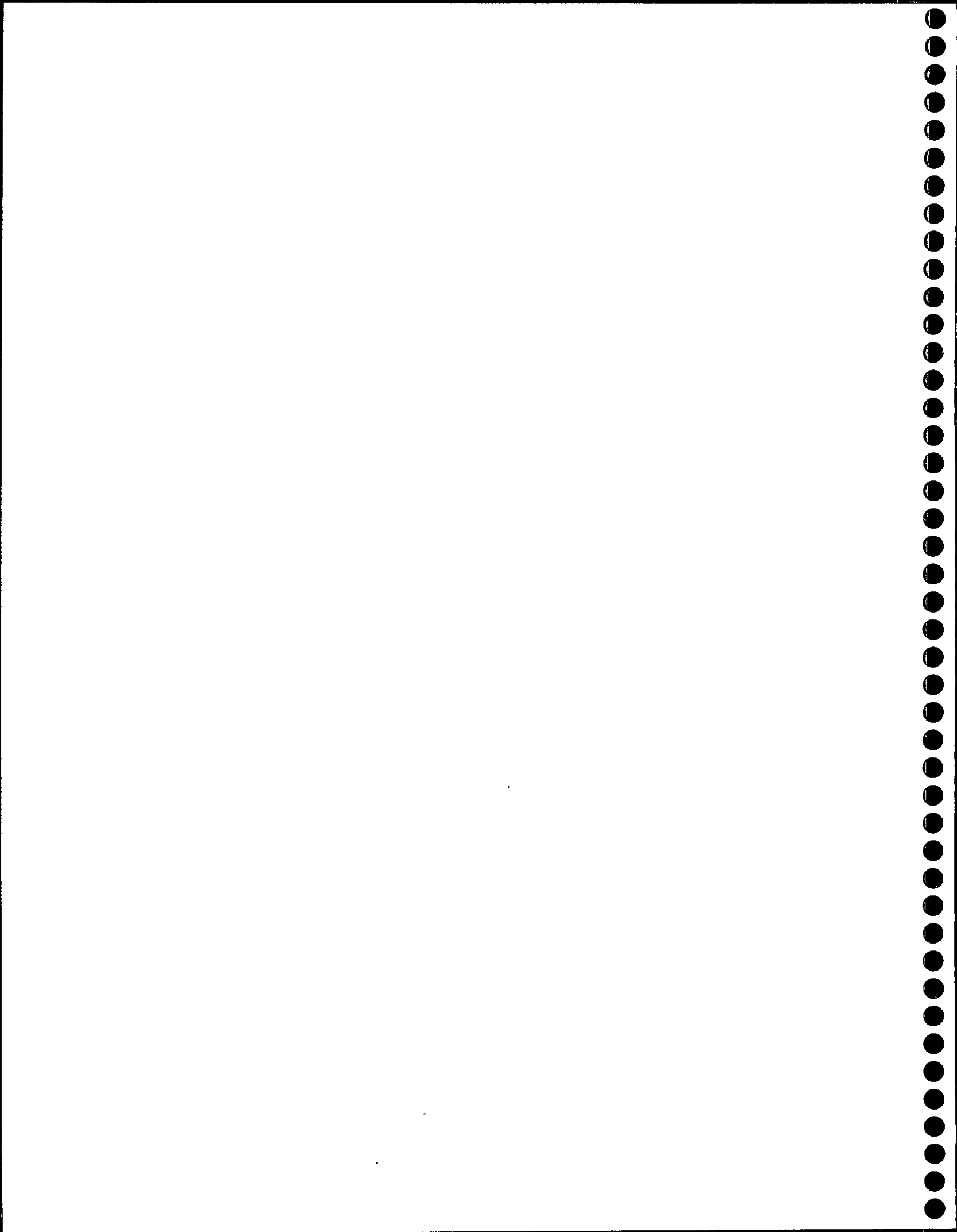
NOTICE TO LITIGANTS:

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YOU MUST DO SO IN WRITING.

This written response shall be by affidavit or certification. (Affidavits and certifications are documents filed with the court. In either document the person signing it swears to its truth and acknowledges that they are aware that they can be punished for not filing a true statement with the court. Affidavits are notarized and certifications are not.) If you would also like to submit your own separate requests in a motion to the judge you can do so by filing a cross-motion. Your response and/or cross-motion may ask for oral argument. That means you can ask to appear before the court to explain your position. However, you must submit a written response even if you request oral argument. Any papers you sent to the court must be sent to the opposing side, either to the attorney if the opposing party is represented by one, or to the other party if they represent themselves. Two copies of all motions, cross motions, certifications, and briefs shall be sent to opposing side.

The response and/or cross-motion must be submitted to the court by a certain date. All motions must be filed on the Tuesday 24 days before the return date. A response and/or cross motion must be filed 15 days (Thursday) before the return date. Answers or responses to any opposing affidavits and cross-motions shall be served and filed not later than 8 days (Thursday) before the return date. No other response is permitted without permission of the court. If you mail in your papers, you must add three days to the above time periods.

Response to motion papers sent to the Court are to be sent to the following: Bergen County Superior Court, Family Part, Direct Filing Unit, Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey. Call the Family Division Manager's office if you have any questions on how to file a motion, cross-motion or any response papers. Please note that the family Division Manager's office cannot give you legal advice.



LAW OFFICES  
**SMITH & DORAN**  
A PROFESSIONAL CORPORATION

60 WASHINGTON STREET  
MORRISTOWN, NJ 07960  
(973) 292-0016

ROBERT A. SMITH†  
JANE ELLEN DORAN\*  
THOMAS J. GAYNOR  
REBECCA M. GRATHER

FAX NO. (973) 292-9168  
E-MAIL: JDESIMONE@SMITH-DORAN.COM  
WEB SITE: WWW.SMITH-DORAN.COM

-----  
JENNIFER S. DeSIMONE

† CERTIFIED CIVIL TRIAL ATTORNEY  
\* MEMBER NJ & NY BAR

May 13, 2010

Facsimile: 201-291-8620  
and Regular Mail

George B. Wolfe, Esq.  
The Sherbrooke Office Center II  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662

Re: *Barbara Carroll (formerly Manning) v. John Manning*  
*Docket No. FM-02-6706-93*

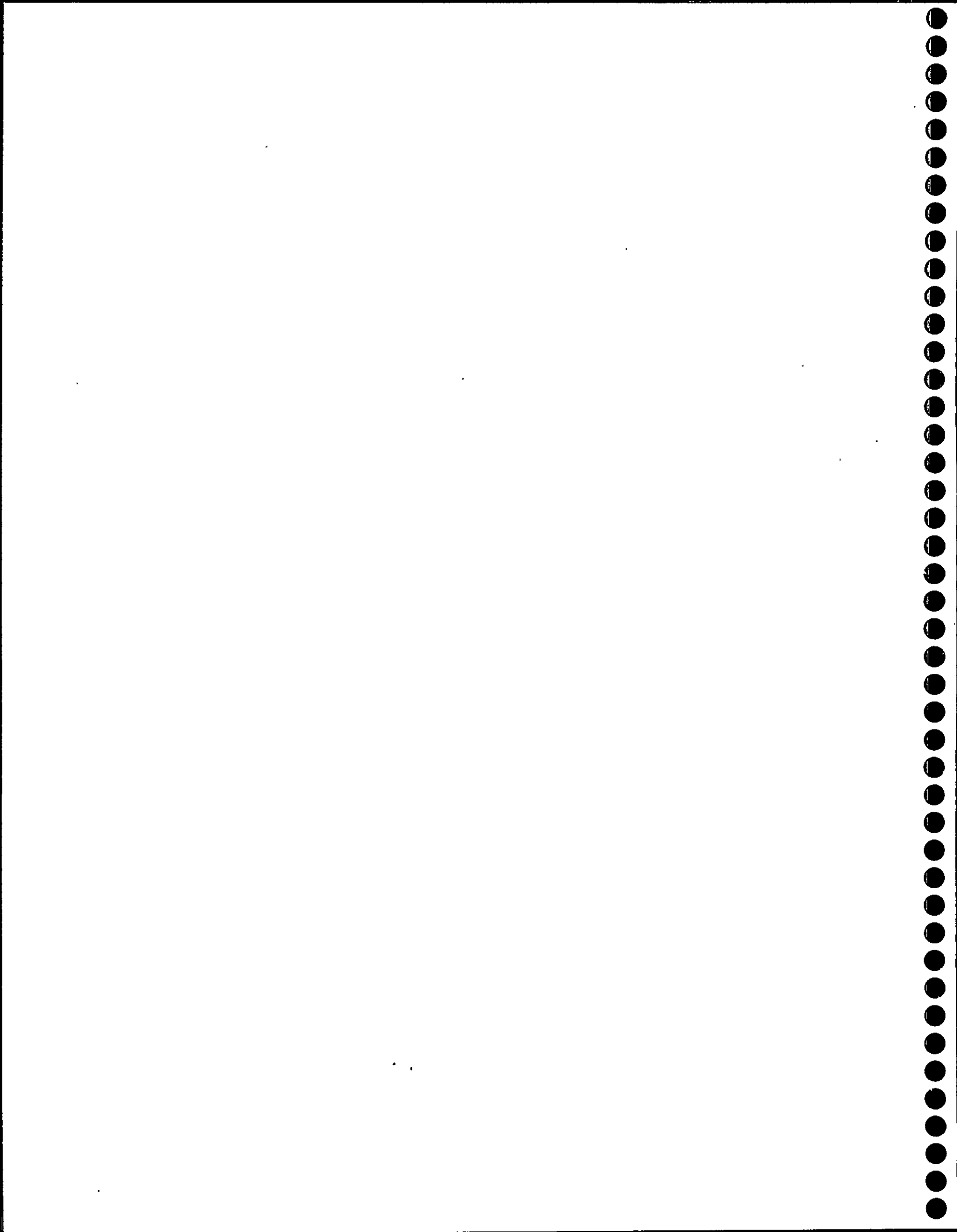
Dear Mr. Wolfe:

I have once again contacted Ms. Lopez at the Bergen County Probation Department for purposes of obtaining evidence of all payments made by Mr. Manning to his account in this matter. After reviewing the printouts received from Ms. Lopez and preparing calculations correctly indicating that portion of each of Mr. Manning's payments which should have been applied to his arrears, it is our position that Mr. Manning's total arrears as of June 1, 2010 are \$6,216.61. I will set forth in detail herein how I arrived at this calculation.

Please be advised that unless we receive confirmation from your office by the end of business on Monday, May 17, 2010 that Ms. Carroll is in agreement with the calculations set forth herein, we will, without further notice to your office, file the appropriate application with the Court wherein we will be seeking counsel fees and costs incurred by Mr. Manning from July 17, 2009 through and including any and all costs incurred in connection with the Notice of Motion. Ms. Carroll intentionally, willfully and continuously neglected her obligation under Judge Koblitz's Order of July 20, 2007, wherein she maintained an affirmative obligation to advise Mr. Manning, in writing, of the date of graduation of each child. Had Ms. Carroll done what she was court ordered to do, Mr. Manning would not have had to incur the expense associated with reconstructing his Probation account.

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**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

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BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING, Defendant.	)	Civil Action
	)	
	)	<b>NOTICE OF CROSS MOTION</b>
	)	<b>Returnable: September 16, 2010</b>

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TO: George B. Wolfe, Esquire  
201 West Passaic Street, Suite 104  
Rochelle Park, NJ 07662  
Attorney for Plaintiff

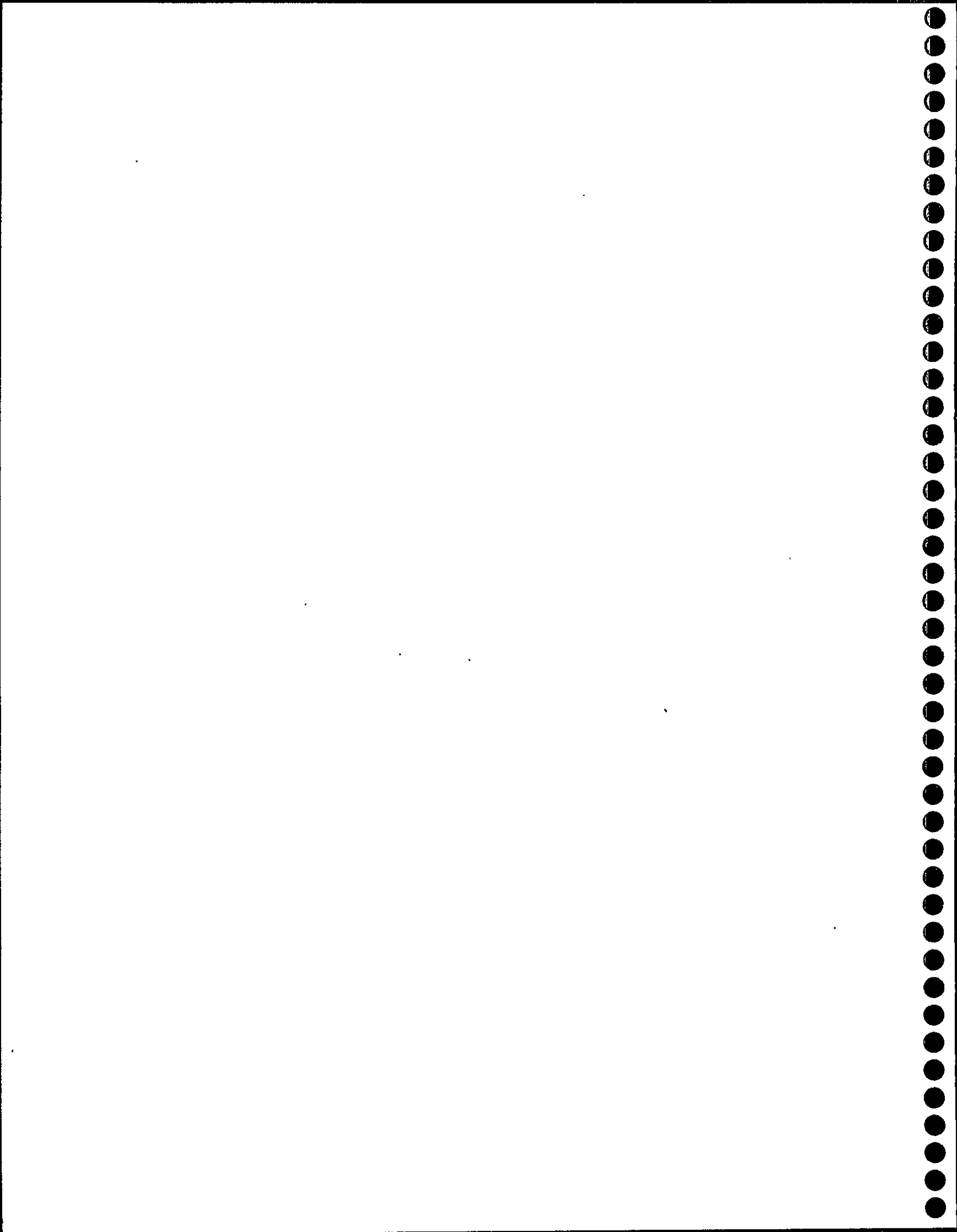
COUNSEL:

PLEASE TAKE NOTICE that on Thursday, September 16, 2010, at 9:00 in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorneys for the Defendant, John Manning, will apply before the Superior Court of New Jersey, Bergen County, Hackensack, New Jersey, for an Order as follows:

1. Denying the relief requested in Plaintiff's Notice of Motion

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2. Enforcing the prior Order of this Court entered July 9, 2010, and specifically paragraph 8, by specifically directing the Plaintiff to satisfy counsel fees and costs incurred by the Defendant in the amount of \$9,406.50, within seven days of the date of any Order entered in this matter;

3. Directing the Plaintiff to pay counsel fees and costs incurred by the Defendant in connection with the within application;

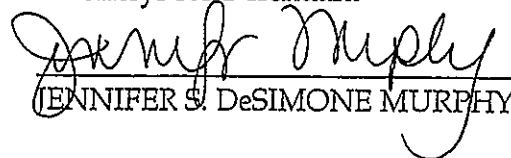
4. For such further relief as the Court may deem just and equitable.

PLEASE TAKE FURTHER NOTICE that in accordance with the provisions of Rule 1:6-2 a proposed form of Order is annexed hereto.

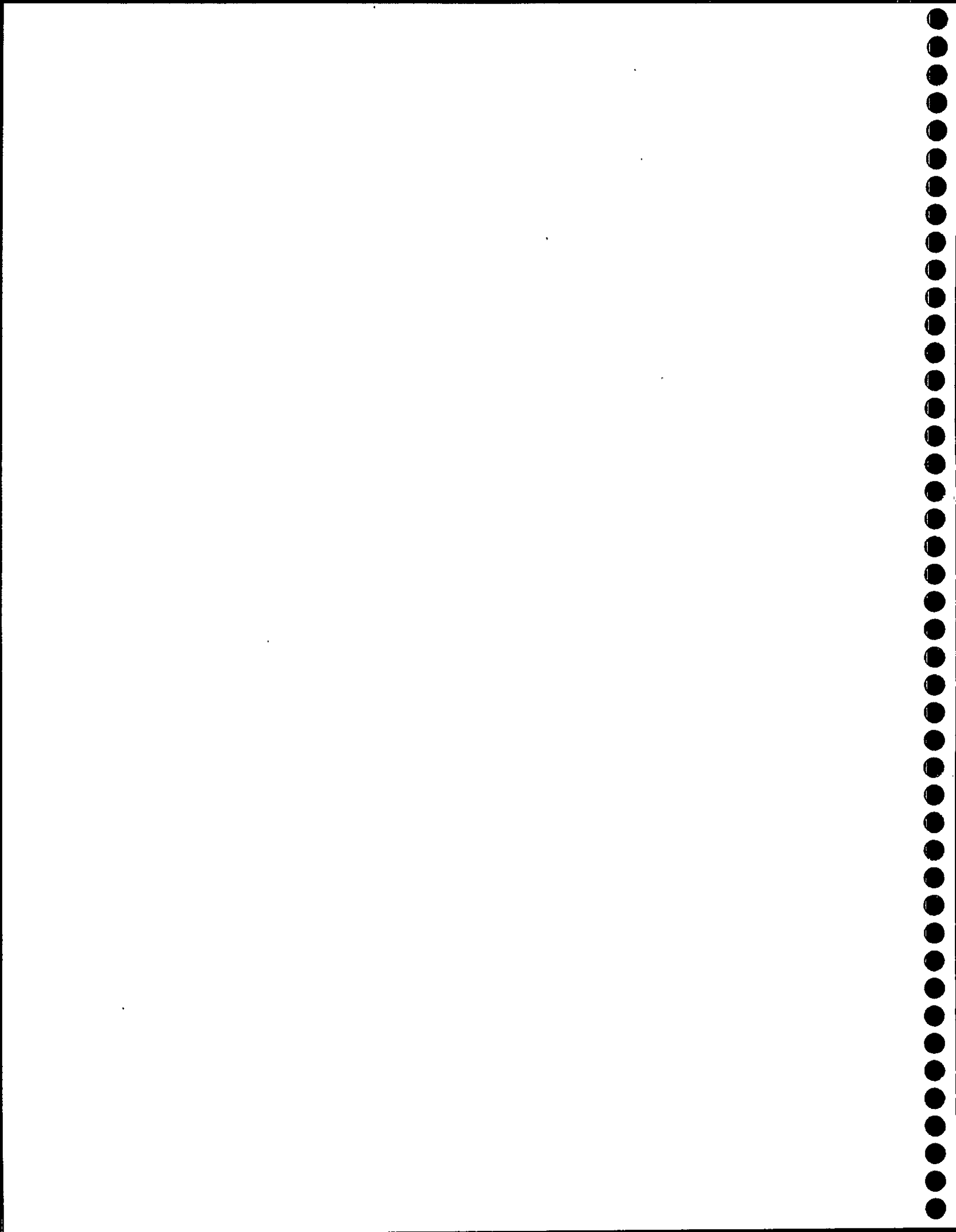
PLEASE TAKE FURTHER NOTICE that oral argument is requested.

In support of the within Notice of Cross Motion, Defendant will rely upon his Certification dated September 1, 2010 (and the supporting documents attached thereto) and the Letter Memo of counsel.

SMITH & DORAN, P.C.  
Attorneys for Defendant

  
JENNIFER S. DeSIMONE MURPHY

Dated: September 1, 2010



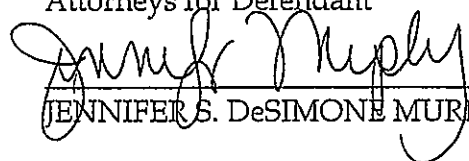
CERTIFICATION

I hereby certify that the original Notice of Cross Motion and supporting Certification have been filed via Lawyers Service with the Clerk of the Superior Court, at the Bergen County Courthouse, Family Division, . Two copies thereof have been served upon the Plaintiff's attorney, George B. Wolfe, Esquire, at the address indicated hereon, via hand delivery within the time and in the manner prescribed by the Rules of Court.

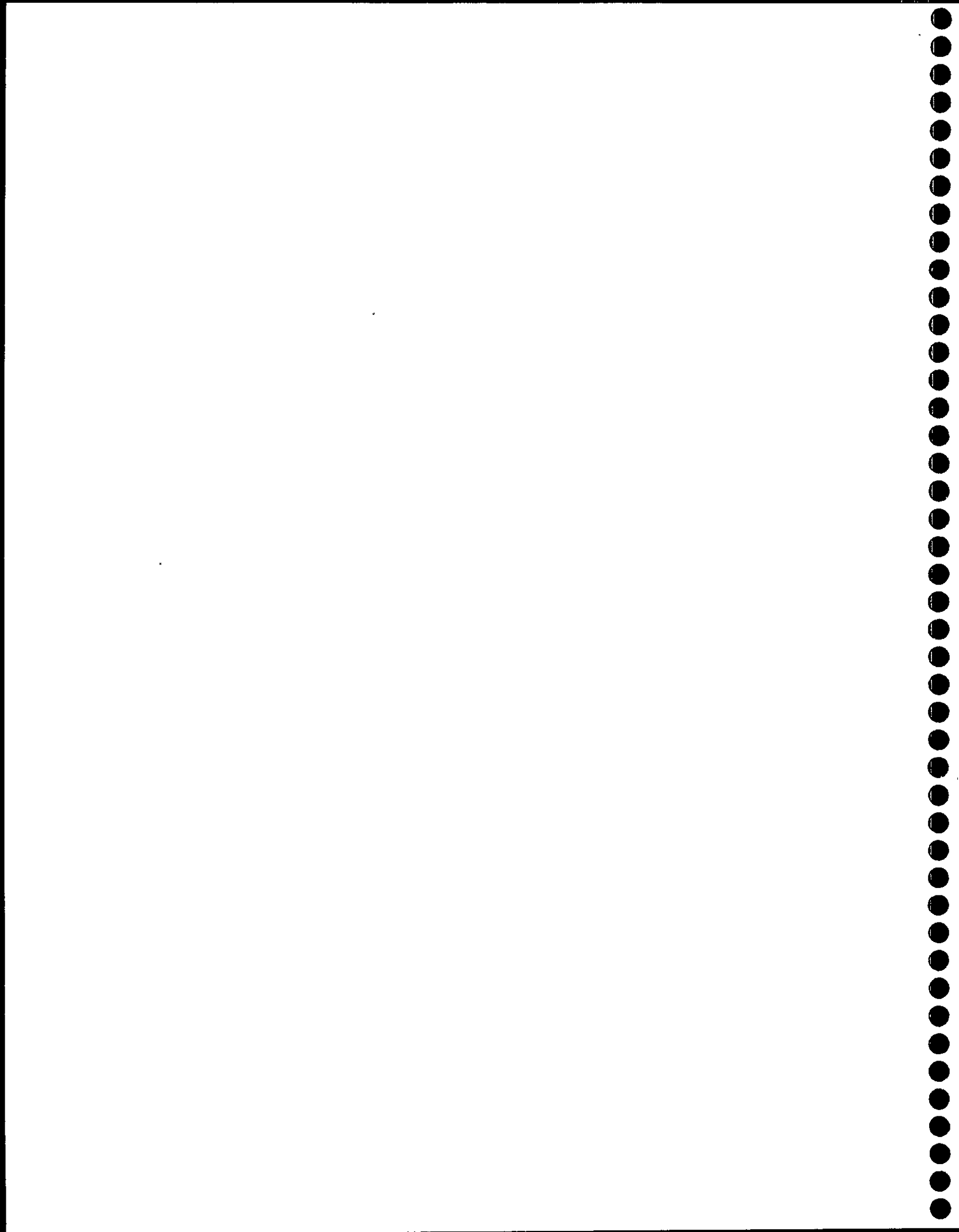
I certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SMITH & DORAN, P.C.

Attorneys for Defendant

  
JENNIFER S. DeSIMONE MURPHY

Dated: September 2, 2010



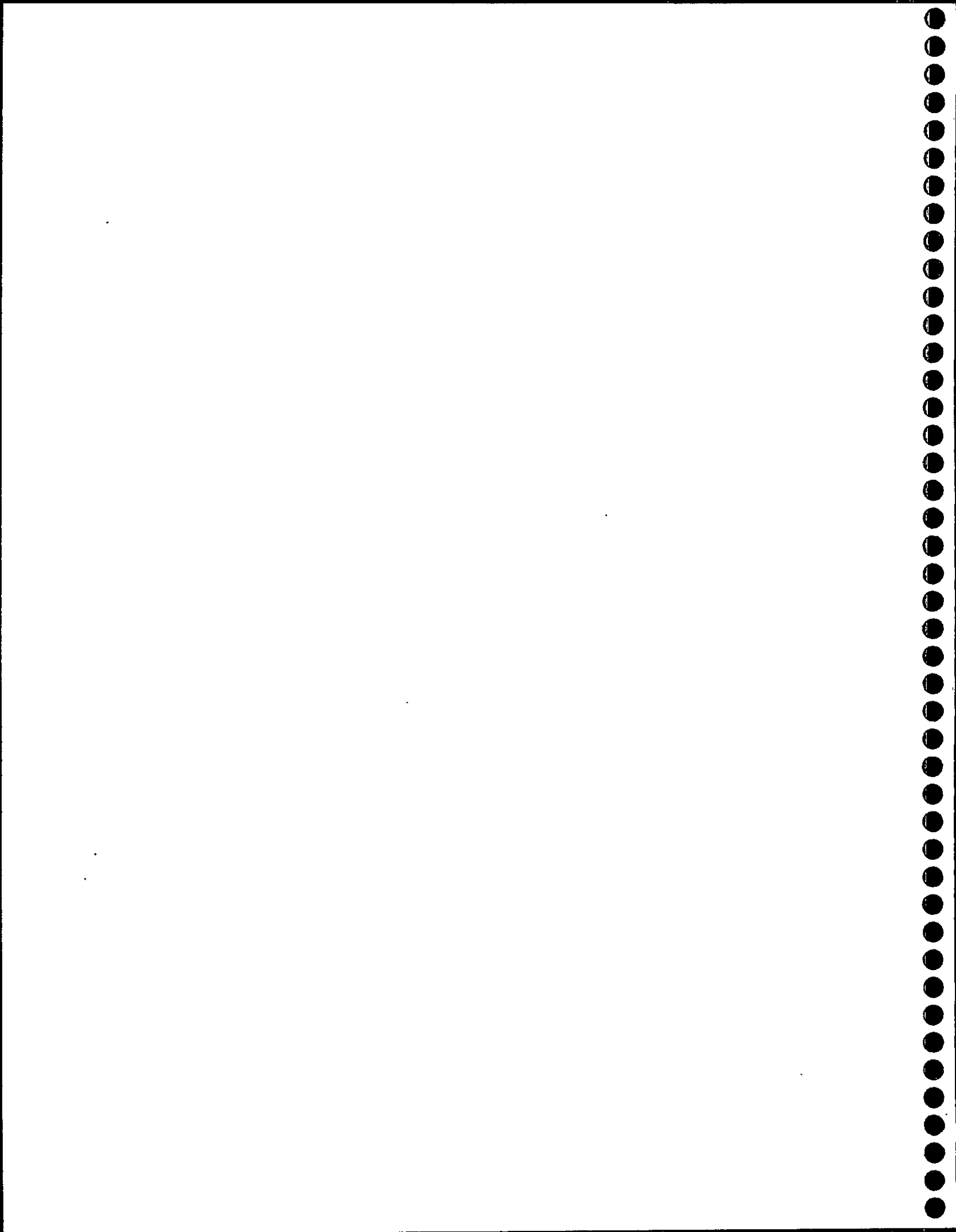
NOTICE TO LITIGANTS:

IF YOU WANT TO RESPOND TO THIS MOTION  
YOU MUST DO SO IN WRITING.

This written response shall be by affidavit or certification. (Affidavits and certifications are documents filed with the court. In either document the person signing it swears to its truth and acknowledges that they are aware that they can be punished for not filing a true statement with the court. Affidavits are notarized and certifications are not.) If you would also like to submit your own separate requests in a motion to the judge you can do so by filing a cross-motion. Your response and/or cross-motion may ask for oral argument. That means you can ask to appear before the court to explain your position. However, you must submit a written response even if you request oral argument. Any papers you sent to the court must be sent to the opposing side, either to the attorney if the opposing party is represented by one, or to the other party if they represent themselves. Two copies of all motions, cross motions, certifications, and briefs shall be sent to opposing side.

The response and/or cross-motion must be submitted to the court by a certain date. All motions must be filed on the Tuesday 24 days before the return date. A response and/or cross motion must be filed 15 days (Thursday) before the return date. Answers or responses to any opposing affidavits and cross-motions shall be served and filed not later than 8 days (Thursday) before the return date. No other response is permitted without permission of the court. If you mail in your papers, you must add three days to the above time periods.

Response to motion papers sent to the Court are to be sent to the following: Bergen County Superior Court, Family Part, Direct Filing Unit, Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey. Call the Family Division Manager's office if you have any questions on how to file a motion, cross-motion or any response papers. Please note that the family Division Manager's office cannot give you legal advice.



**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

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BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION: FAMILY PART
	)	BERGEN COUNTY
	)	
vs.	)	Docket No. FM-02-6706-93
	)	
JOHN MANNING,	)	Civil Action
	)	
Defendant.	)	<b>CERTIFICATION OF</b>
	)	<b>JOHN MANNING</b>
	)	<b>Dated: September 1, 2010</b>

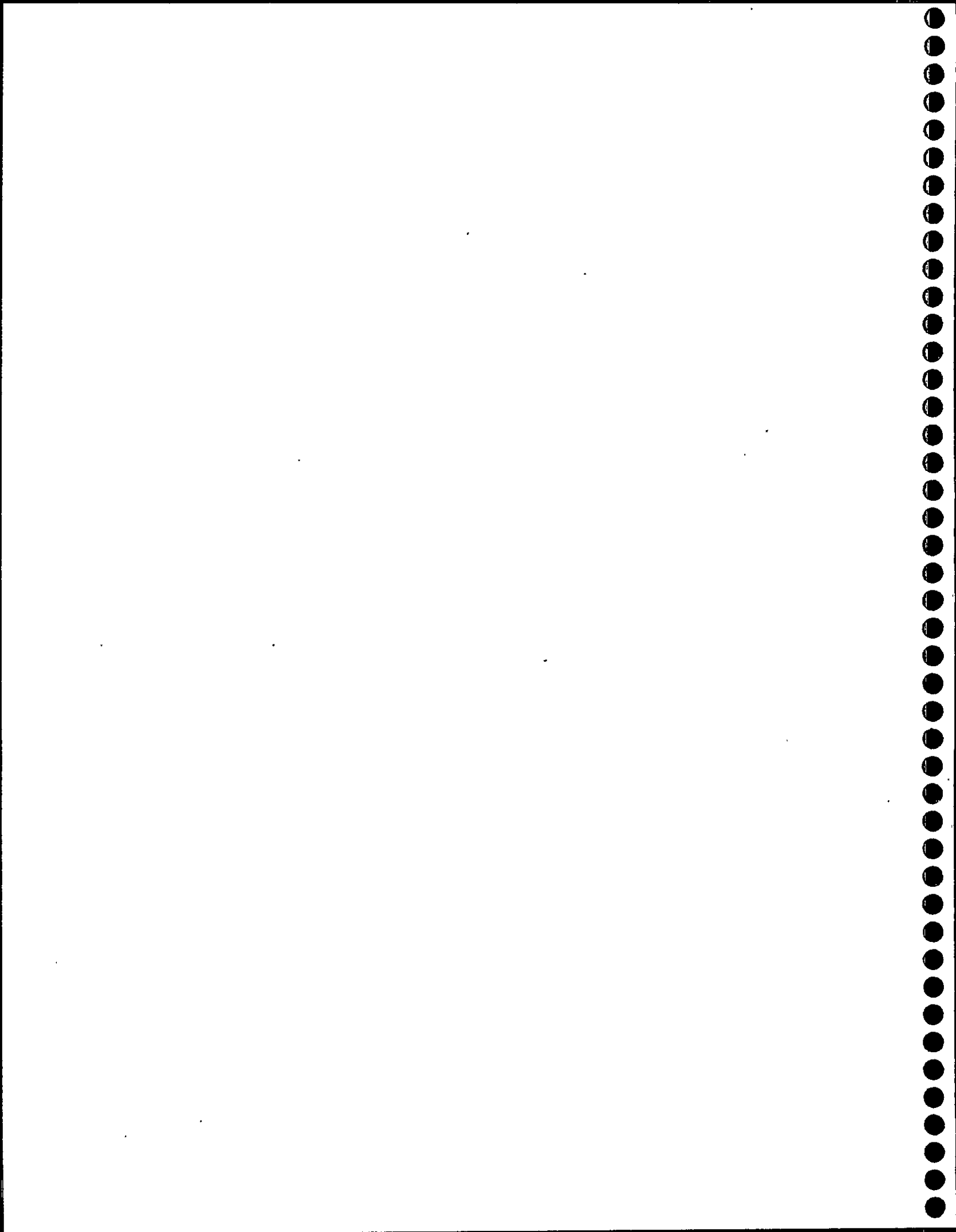
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JOHN MANNING, of full age, hereby certifies as follows:

1. I am the Defendant in the above-referenced matter and I file this Certification in support of the Notice of Cross Motion filed by my attorneys on my behalf and in strenuous opposition to the Notice of Motion filed on behalf of the Plaintiff. Both matters are presently returnable before this Court on Thursday, September 16, 2010.

2. I am once again in a position where I am forced to incur significant counsel fees and costs, not only in responding to this frivolous application for a stay pending appeal, but I have also been compelled to expend funds defending and opposing the Notice of Appeal filed on behalf of the Plaintiff. In order to do so, I have once again had to borrow money from my mother as I

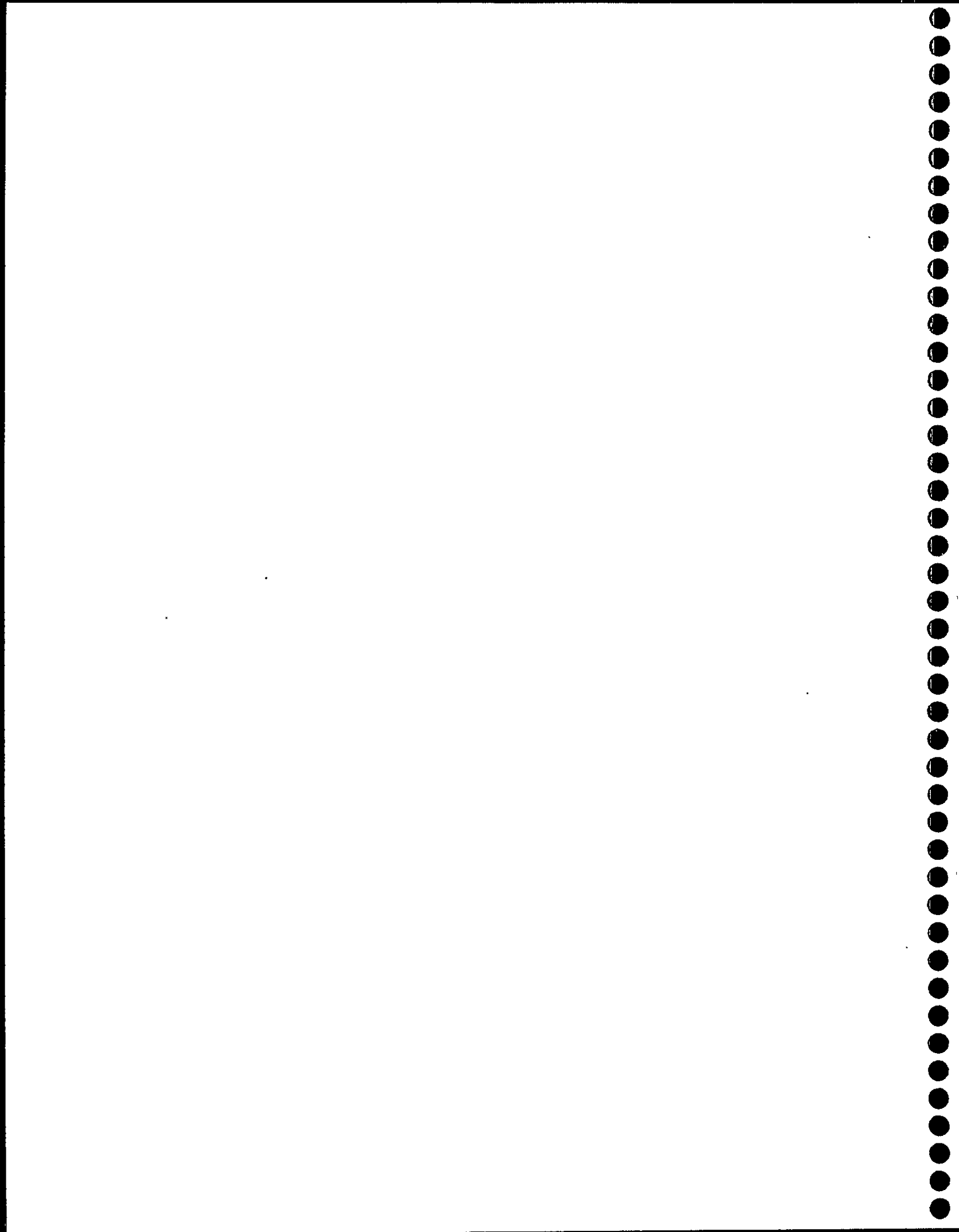




remain on workers compensation and do not have the financial resources that clearly the Plaintiff has.

3. Since the entry of this Court's July 9, 2010, Probation has modified my account to reflect the accurate emancipation dates of each of our three daughters. Based upon same, not only does Probation accurately reflect that I no longer have a child support obligation, but the records indicate that my arrears are at a zero balance and, in fact, I have overpaid my account. As I have now learned, Probation does not monitor or hold any funds, but rather simply forwards any payments made by a payor to the payee, regardless of whether same are actually owed or not. Therefore, since I continued to forward my payments consistent with the prior Order of this Court entered on July 20, 2007, my worker's compensation continue to be garnished in the amount of \$592 per month and forwarded to the Plaintiff.

4. Due to the timing of Probation correcting my account records and my wages continuing to be garnished, even though I no longer have an obligation, nor maintain any arrears according to their records, my payments were forwarded to the Plaintiff. My attorney has forwarded correspondence to Probation requesting records indicating the amount of my payments so as to calculate my overpayments to the Plaintiff, but we have yet to receive that information. Based upon my mathematical calculations, however, I believe I have overpaid the Plaintiff to date in excess of \$1,000. This is a significant amount of money to me and money to which Plaintiff is not entitled. While I understand this may have to be the basis of a future application to the Court, assuming the Plaintiff again refuses to in any way cooperate and enter into any type of Consent Order, I simply assert these facts as I know them at this time to demonstrate to the Court the fact that the Plaintiff's application for a stay, thereby avoiding paying the counsel fees and costs she was ordered to pay by this Court, would only further jeopardize my financial circumstances and

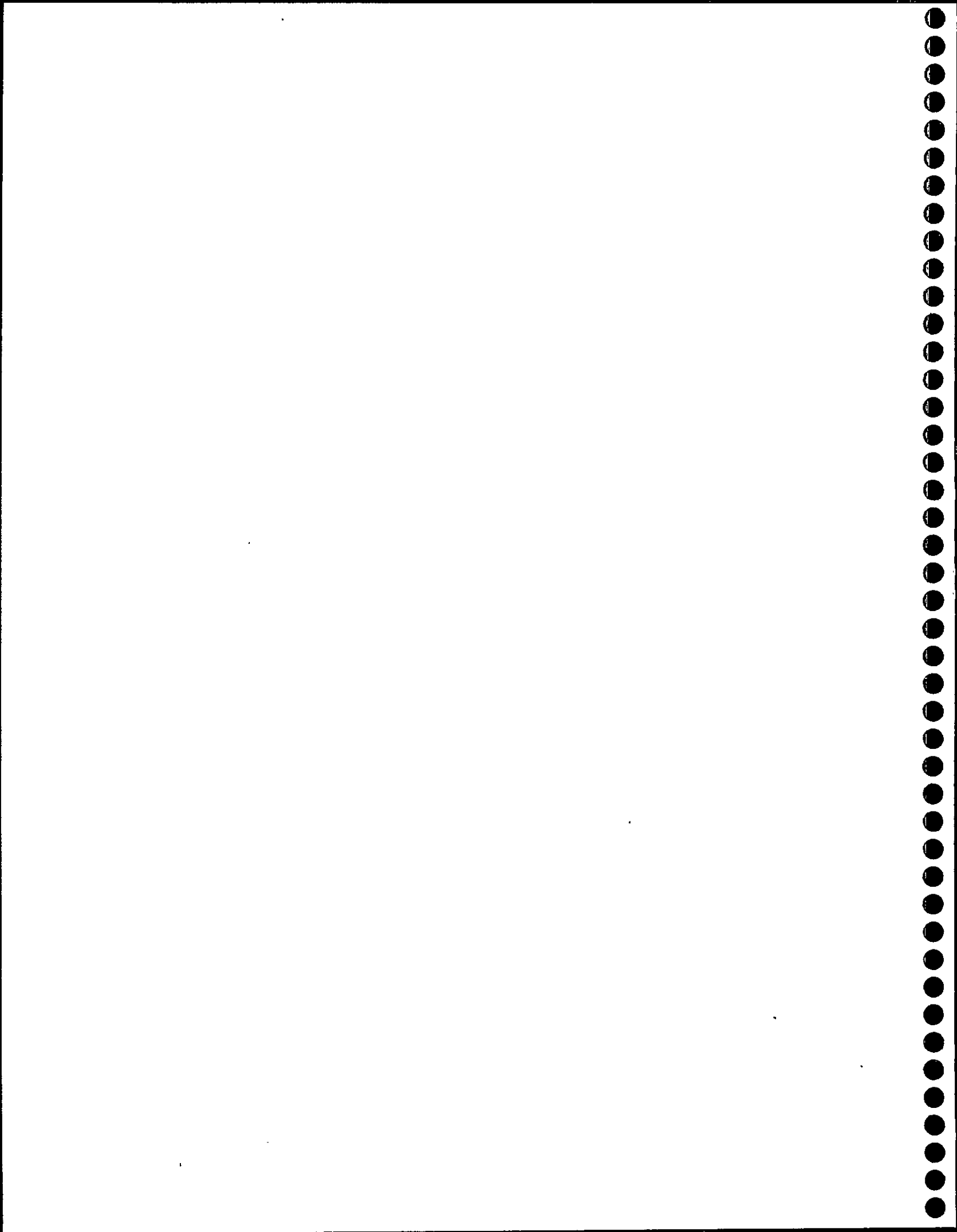


unduly deprive me of my ability to continue to fund the litigation expenses associated with the Plaintiff's continued litigious manner.

5. Based upon the Plaintiff's own actions in this matter, specifically by filing a Notice of Appeal, as well as the within Notice of Motion for a Stay of this Court's July 9, 2010 Order pending appeal, rather than simply complying with this Court's Order and paying the counsel fees and costs I incurred as a result of her intentional and willful failure and refusal to comply with the prior Order of the Court, I am once again left in a position where I am borrowing money so as to defend my rights.

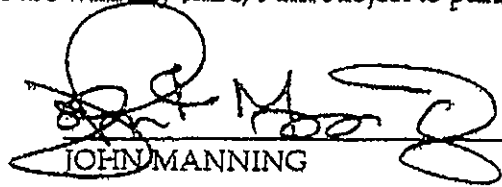
6. I ask that this Court deny the Plaintiff's application for a stay and enforce the prior Order of this Court which, as of this date, the Plaintiff has blatantly refused to do. Specifically, I ask that this Court enforce paragraph 8 of the July 9, 2010 Order and direct the Plaintiff to remit payment as and for my counsel fees and costs in the amount of \$9,406.50 as set forth in the Affidavit of Services filed by my attorney on June 10, 2010, which represents all work undertaken from December 2009 through and including the date of oral argument on July 9, 2010.

7. Again, the Plaintiff's own conduct speaks volumes in this matter. She most certainly has the financial resources to continue to drown me in court filings and pleadings, completely over-litigating this matter, simply because she can. I, unlike the Plaintiff, am unable to finance such expensive, protracted and unnecessary litigation. Therefore, I respectfully request that this Court direct the Plaintiff to pay the counsel fees and costs I have incurred in connection with this pending Notice of Cross Motion. My attorney has submitted an Affidavit of Services under separate cover and I ask this Court to give serious consideration to same.

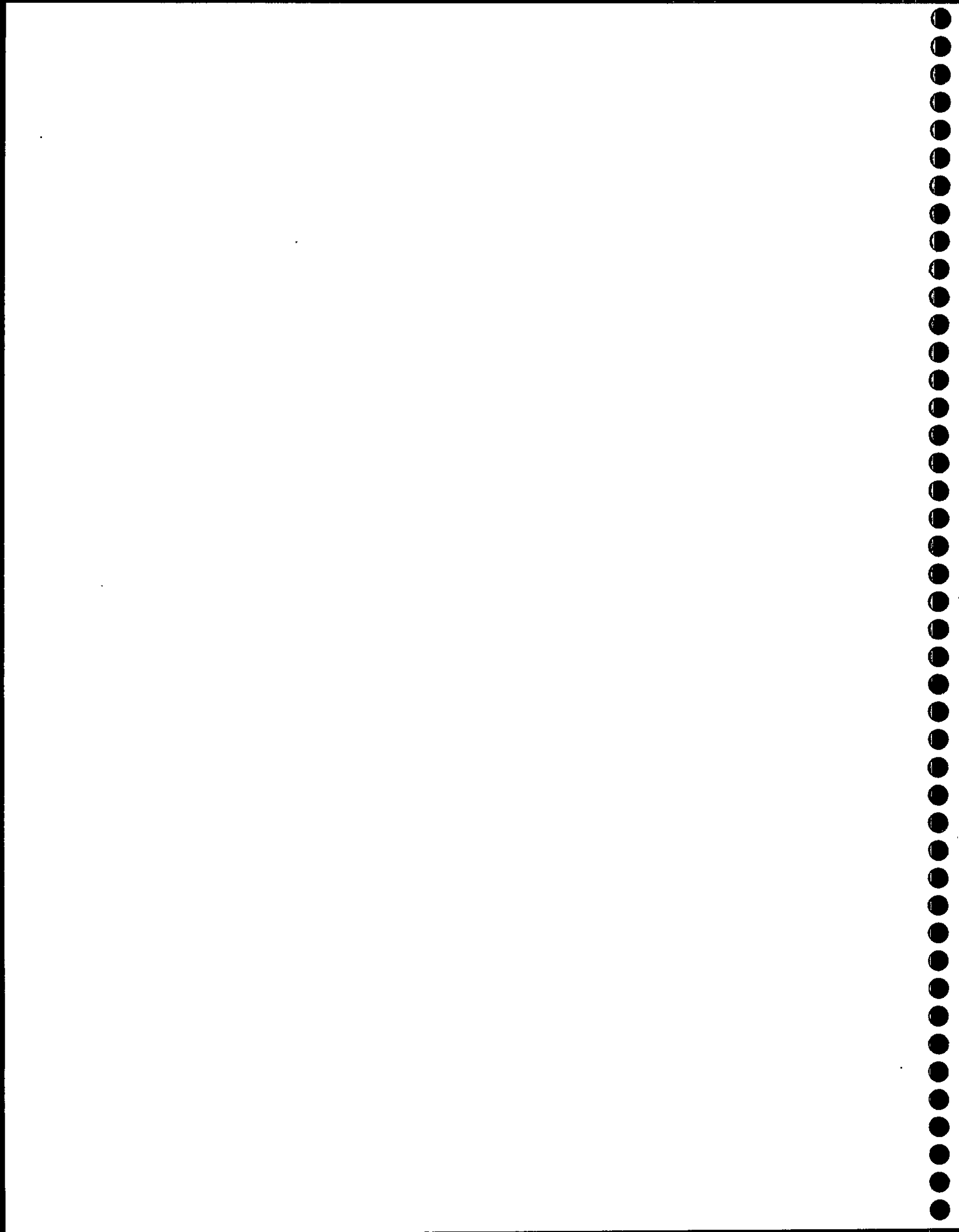


CERTIFICATION

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
JOHN MANNING

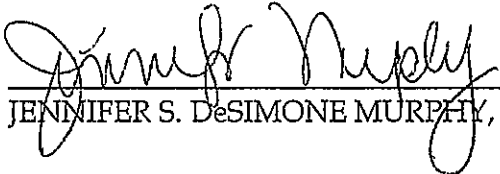
Dated: September 2, 2010



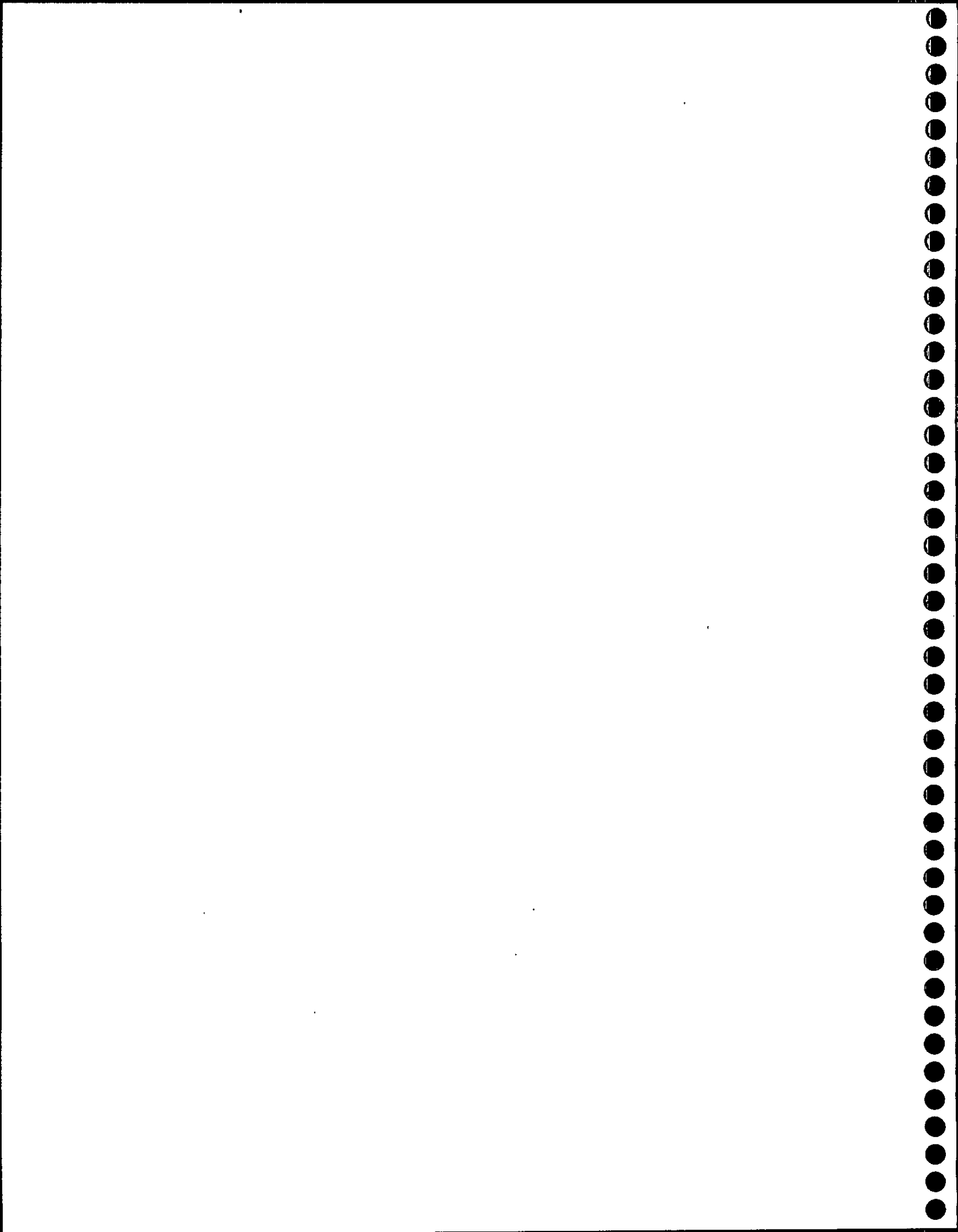
FACSIMILE AFFIDAVIT CERTIFICATION  
PURSUANT TO R. 1:4-4(c)

The signature affixed to the within Certification is a facsimile. I certify that the affiant has acknowledged, to my satisfaction, the genuineness of his signature and that the original signature copy of the Certification will be filed if requested by the Court or by a party to this litigation.

Dated: September 2, 2010

  
\_\_\_\_\_  
JENNIFER S. DESIMONE MURPHY, ESQ.





**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

BARBARA MANNING  
(n/k/a BARBARA CARROLL),

Plaintiff,

vs.

JOHN MANNING,

Defendant.

) SUPERIOR COURT OF NEW JERSEY  
) CHANCERY DIVISION: FAMILY PART  
) BERGEN COUNTY

) Docket No. FM-02-6706-93

) Civil Action

) **AFFIDAVIT OF SERVICES**

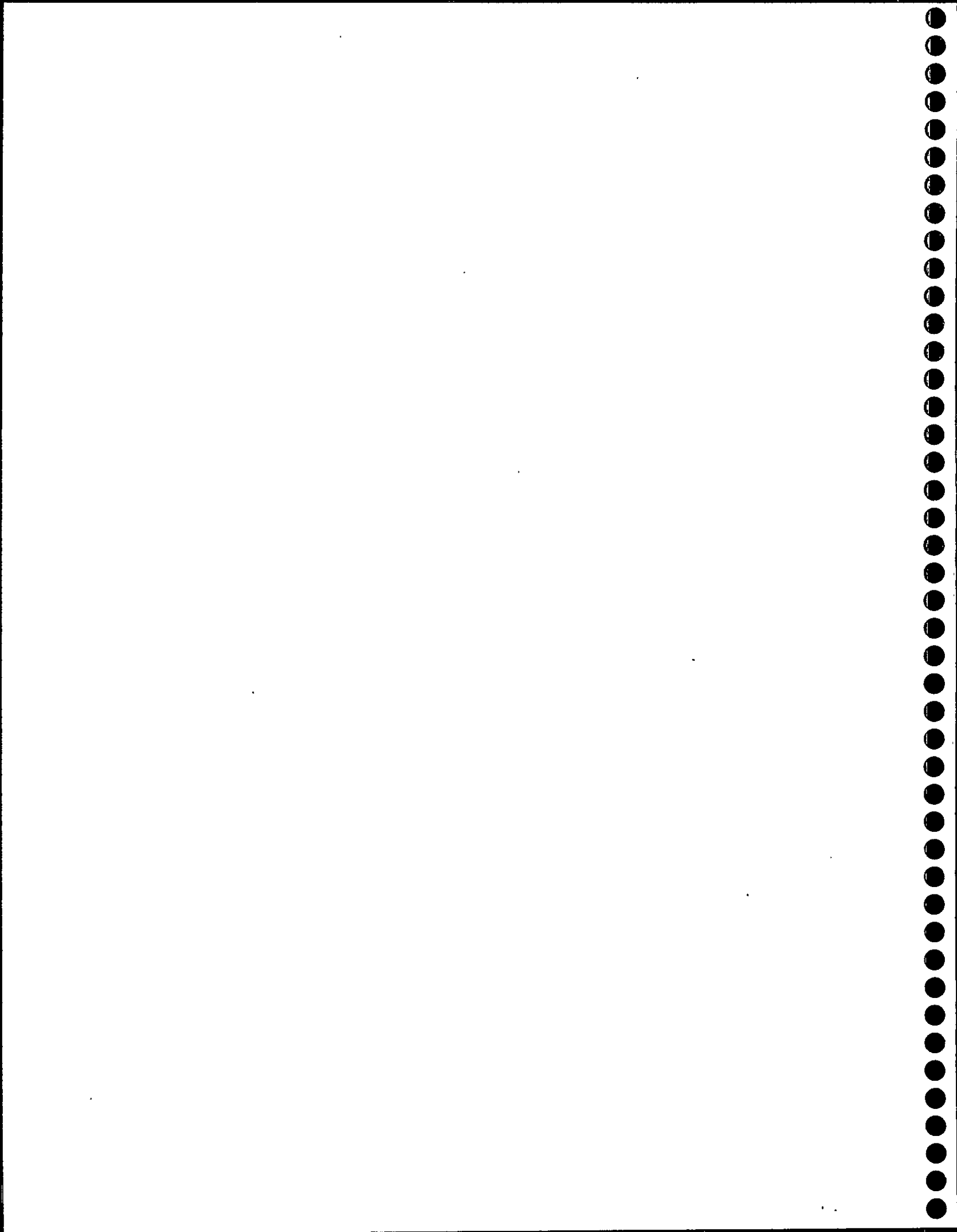
) **Dated: September 2, 2010**

STATE OF NEW JERSEY )  
) SS:  
COUNTY OF MORRIS )

I, JENNIFER S. DeSIMONE MURPHY, of full age, being duly sworn according to law upon my oath, depose and SAY:

1. I am an attorney at law of the State of New Jersey and an associate with the law firm of Smith & Doran, P.C., with offices located at 60 Washington Street, Morristown, New Jersey. My office represents the Defendant, JOHN MANNING, in the above-captioned matter and I am fully familiar with the facts and circumstances of the within action. This affidavit is submitted in

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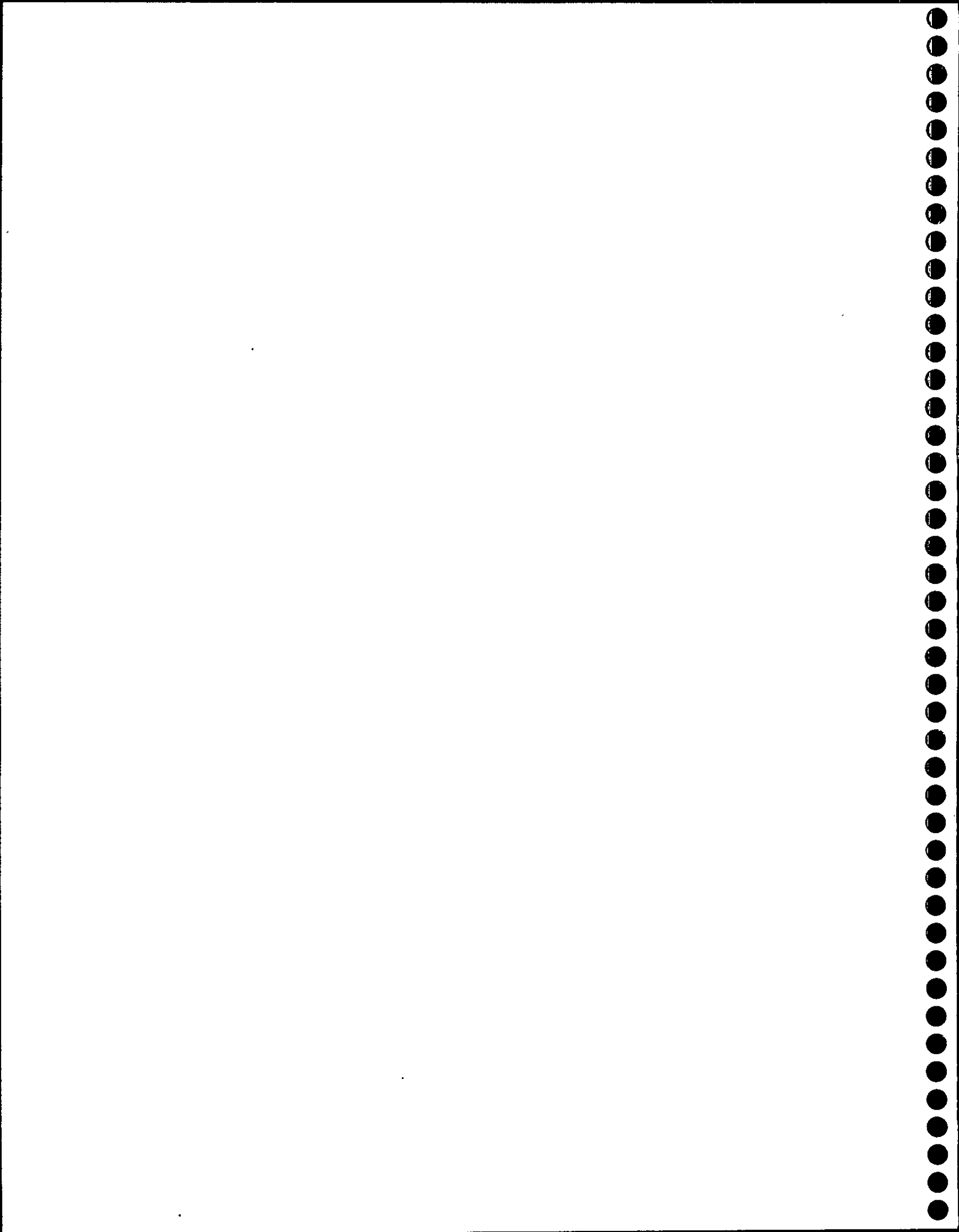
support of the Defendant's Notice of Cross Motion which is returnable before the Court on September 16, 2010.

2. I graduated from Seton Hall University in May of 1999 with a Bachelor of Arts degree. I attended Seton Hall University School of Law, graduating in May of 2002 with a J.D. I served as law clerk to the Honorable Glenn R. Wenzel in the Passaic County Superior Court of New Jersey, Family Division, from September 2002 through August of 2003. I have been a practicing member of the New Jersey Bar since 2003. I have devoted my practice to matrimonial law and related matters. I am a member of the New Jersey State Bar Association (Family Law Section), the American Bar Association, and the Morris County Bar Association (Family Law Section).

3. My firm employs a certified paralegal, Julie Labita.

4. What follows is a time breakdown by date of services my firm provided to my client relative to the within application. The breakdown represents an accurate record of time actually spent and services actually rendered. This breakdown was compiled from the time records maintained by my firm in the ordinary course of business, and it is the ordinary practice of this firm to maintain these records.

<u>DATE</u>	<u>HOURS</u>	<u>ATTY.</u>	<u>ACTIVITY</u>
08/23/10	1.80	JSD	Receipt and review of Notice of Motion for Stay; review adversary's Brief; research re: opposition to application; prepare correspondence to client enclosing Motion
08/26/10	N/C	JSD	Attempt to reach client (0.10)
08/26/10	0.90	JSD	Begin to prepare Certification in opposition to Motion for Stay
08/27/10	N/C	JSD	Telephone communication with client (0.20)
08/31/10	1.10	JSD	Continue to prepare Certification in opposition to Motion for Stay



09/01/10	2.30	JSD	Prepare Letter Brief in support of Cross Motion opposing Plaintiff's application for a stay; review and revise several drafts
09/01/10	0.30	JAL	Prepare draft of Notice of Cross Motion
09/01/10	0.90	JSD	Complete Certification; review and revise Notice of Cross Motion; pull exhibits for Certification; correspondence to client
09/02/10	0.30	JAL	Prepare proposed form of Order
09/02/10	0.30	JAL	Prepare draft of Affidavit of Services
09/02/10	0.20	JAL	Prepare filing letter to Court
09/02/10	0.30	JSD	Review and revise Affidavit of Services
09/09/10	1.00	JSD	Estimated receipt and review of Reply Certification
09/16/10	3.00	JSD	Estimated appearance in Court for oral argument (includes travel time)

12.4 TOTAL HOURS

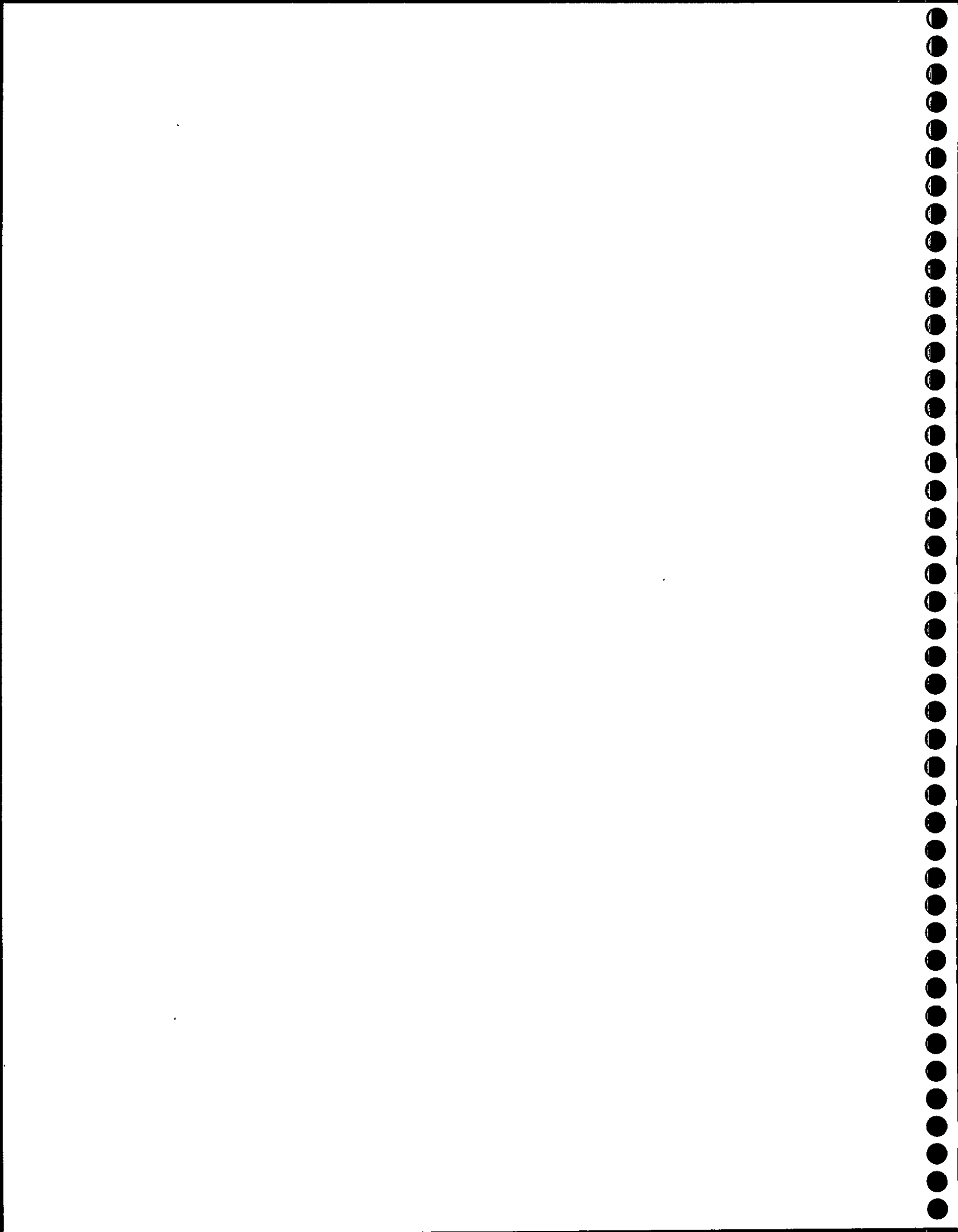
5. The hourly rates for services rendered to my client at this time are as follows:

- i. Jennifer S. Desimone, Esq. \$300.00
- ii. Julie A. Labita \$115.00

The fees charged by my firm are in accordance with fees customarily charged in this area for similar legal services.

6. The value of the aforementioned services rendered to my client is \$3,516.50, broken down as follows:

Jennifer S. DeSimone, Esq.	\$3,390 (11.3 hours x \$300 per hour)
Julie A. Labita	\$126.50 (1.1 hours x \$115 per hour)



7. The Defendant paid an initial retainer in the amount of \$6,000 relative to this post-judgment litigation and the pending appeal.

8. In addition to the aforementioned cost of services rendered, there were disbursements made on behalf of the client as follows:

i.	Messenger fees	\$96.00
ii.	Photocopies (149 x \$.25)	\$37.25
iii.	Filing Fees	<u>30.00</u>
	TOTAL	\$163.25

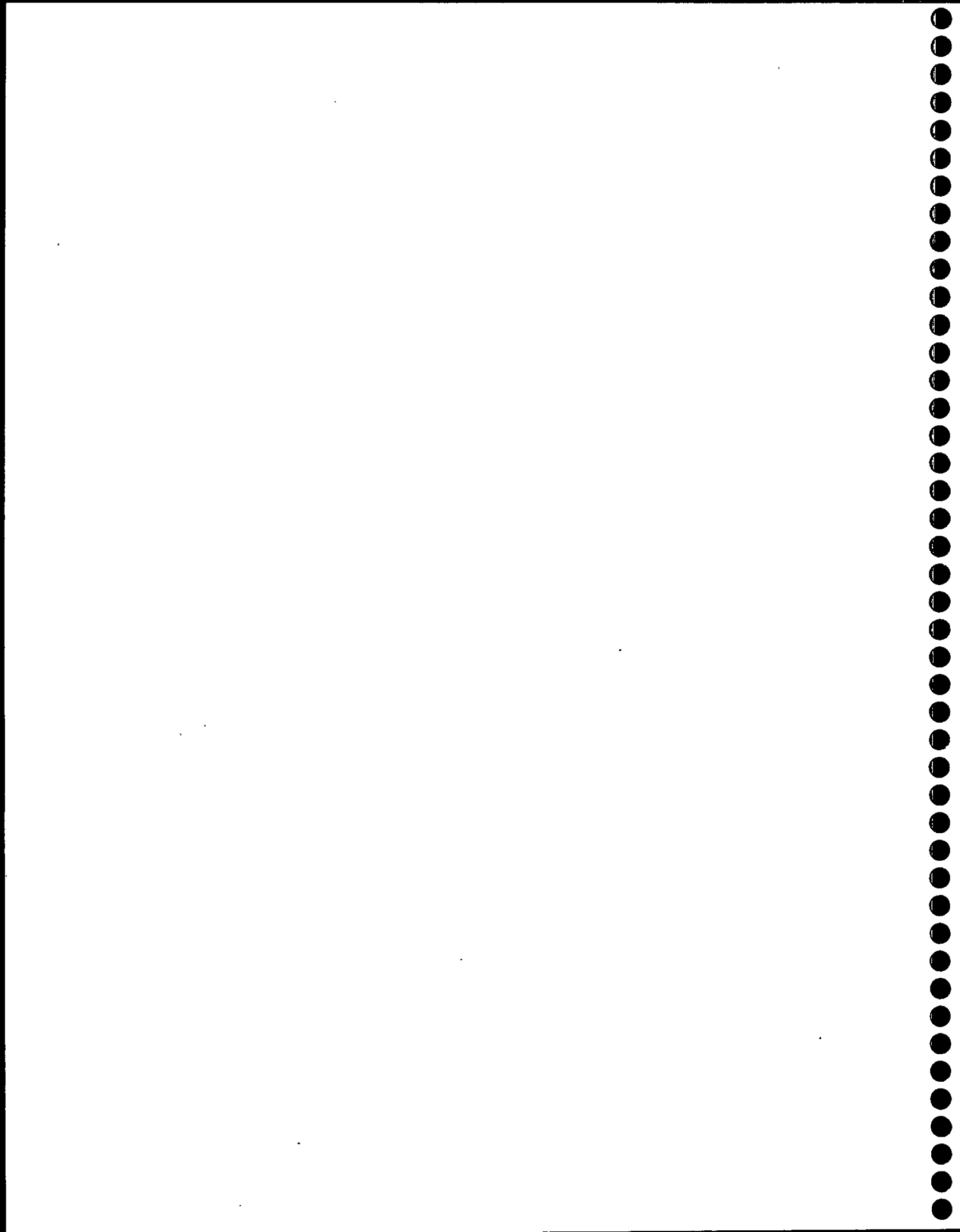
9. The aggregate total cost to my client has been \$163.25, which includes the aforementioned fees (\$3,516.50) and disbursements (\$3,679.75).

#### RULE 5:3-5 FACTORS

10. In accordance with the April 5, 1999, amendment to Rule 5:3-5, the Court is respectfully requested to consider the following factors:

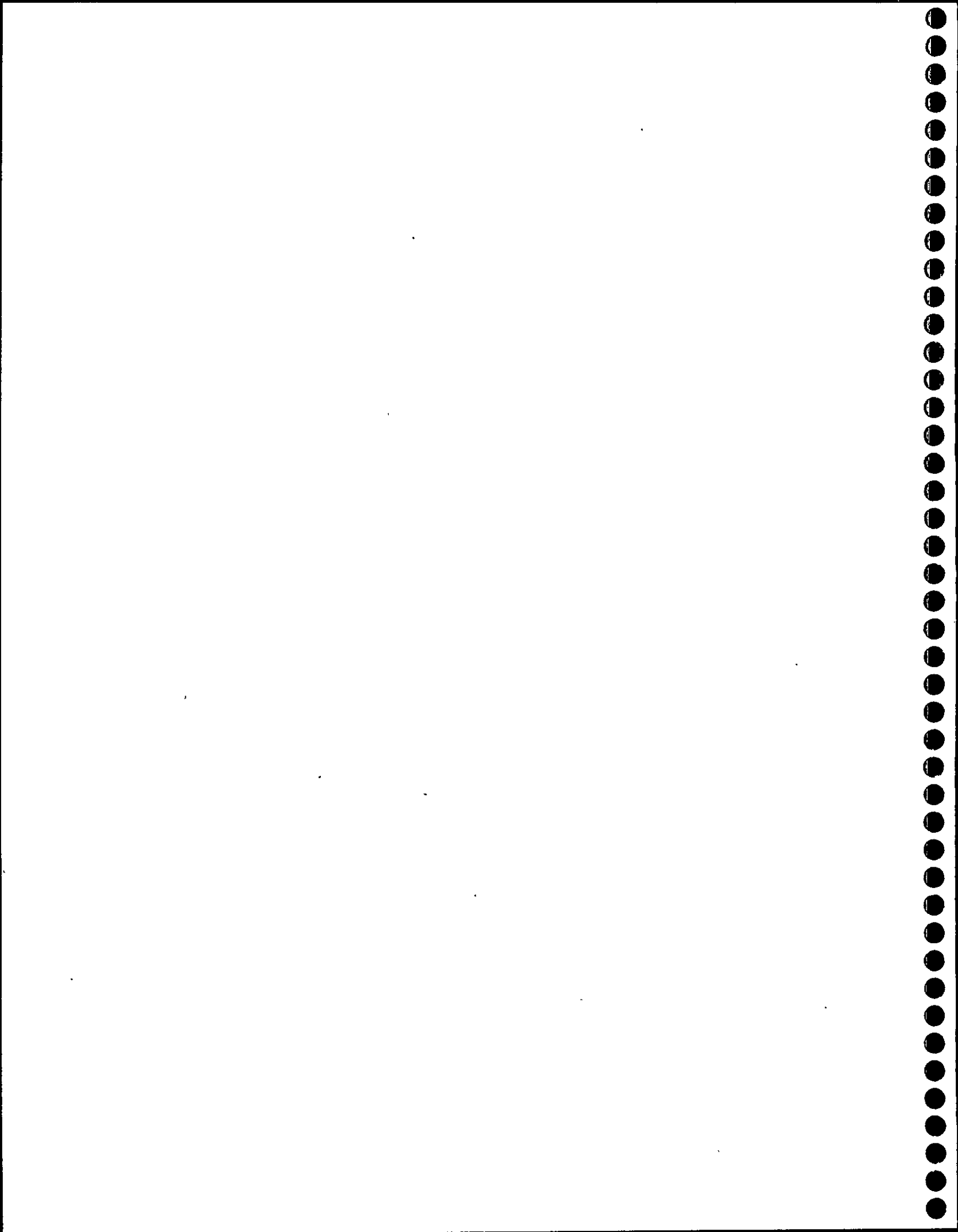
- a. *The financial circumstances of the parties:* Since July 10, 2008, when Mr. Manning was severely injured at work in a construction accident, the only income he has received is worker's compensation. Mr. Manning continues to treat with physicians and has had to undergo numerous procedures and physical therapy. The financial circumstances of the Plaintiff remain unknown; however, based upon Plaintiff's conduct, it appears clear that she is in a far superior financial position and has the funds available to her, not only to satisfy the prior counsel fee award on behalf of the Defendant, but





also to pay his counsel fees and costs in connection with this application. Rather than complying with the prior Order of this Court, the Plaintiff instead has expended funds toward additional post-judgment litigation and a Notice of Appeal - clearly not the actions of one who does not have financial means.

- b. *The ability of the parties to pay their own fees or to contribute to the fees of the other party:* Same as response to Subparagraph (a) above.
- c. *The reasonableness and good faith of the positions advanced by the parties:* The application filed on behalf of Mr. Manning seeks only to enforce the terms and provisions of the prior Orders of this Court.
- d. *The extent of the fees incurred by both parties:* As set forth above as to the Defendant. The amount of fees incurred by the Plaintiff is unknown.
- e. *Any fees previously awarded:* This Court awarded counsel fees and costs to Mr. Manning in the amount of \$9,406.50 on July 9, 2010.
- f. *The amount of fees previously paid to counsel by each party:* The Defendant paid an initial retainer in the amount of \$6,000 in connection with this post-judgment litigation and the pending appeal filed by the Plaintiff. The extent of counsel fees paid by the Plaintiff is unknown.
- g. *The results obtained:* To be determined.
- h. *The degree to which fees were incurred to enforce existing orders or to compel discovery:* All fees incurred by Mr. Manning and set forth herein were incurred in an effort to enforce the terms and provisions of the prior Orders of this Court.



- i. *Any other factor bearing on the fairness of an award: As set forth herein, and in Defendant's moving papers.*

RULE 4:42-9 FACTORS

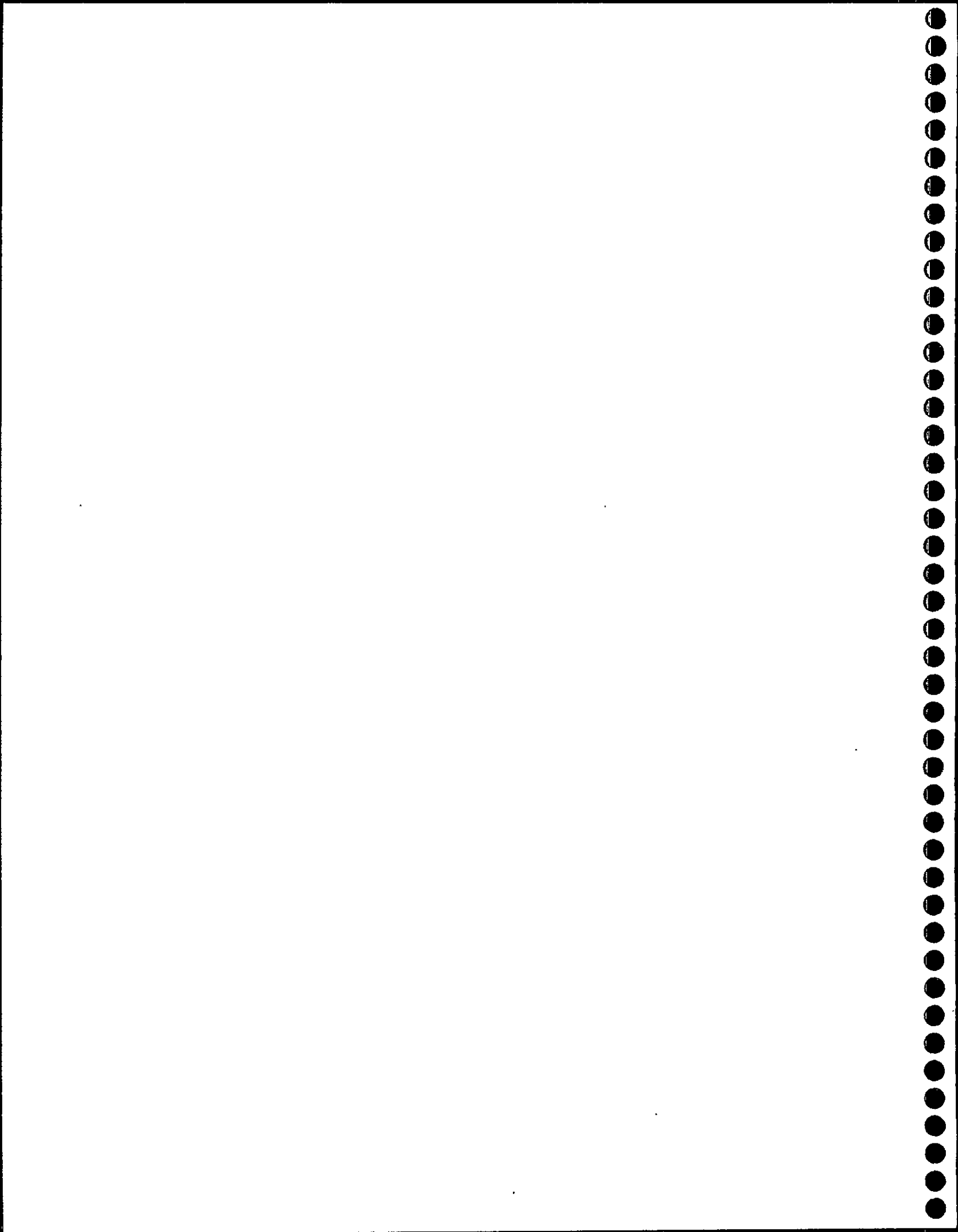
11. The amended Rule 5-3-5 also provides for the consideration by the Court of the following information required to be submitted pursuant to Rule 4:42-9:

- a. *A recitation of other factors pertinent in the evaluation of the services rendered: As set forth herein and in Defendant's Certification.*
- b. *The amount of the allowance applied for: As set forth above.*
- c. *An itemization of disbursements for which reimbursement is sought: As set forth.*
- d. *How much has been paid to the attorney: The Defendant paid an initial retainer in the amount of \$6,000 for this post-judgment litigation and the pending appeal filed by the Plaintiff.*
- e. *What provision, if any, has been made for the payment of fees to the attorney in the future: As per written retainer agreement, full payment of invoice within thirty (30) days of presentment.*

R.P.C. 1.5(a) FACTORS

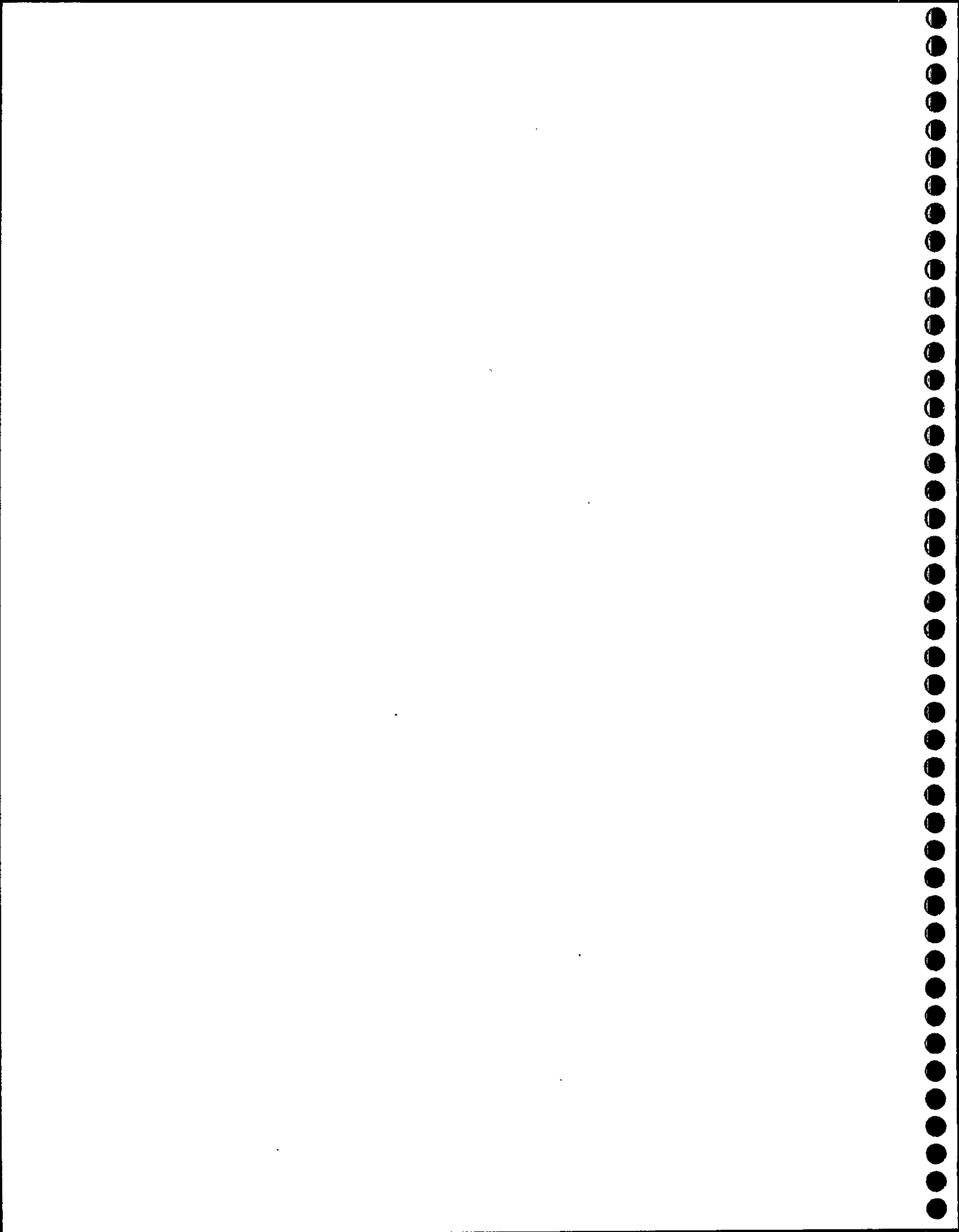
12. Rule 4:42-9(b) provides that all affidavits submitted in support of counsel fee applications are to address the factors enumerated by R.P.C. 1.5(a). Those factors to be considered in determining the reasonableness of the fee charged by an attorney are as follows:

- a. *The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly: The time devoted to*

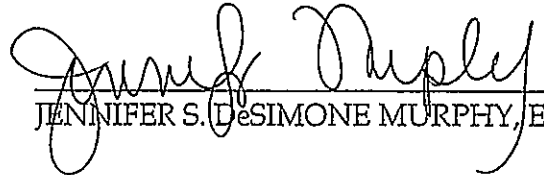


this matter was reasonable and necessary under the circumstances. The matter involved certain complex legal issues and required the services of an experienced family law practitioner.

- b. *The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer:* Not applicable.
- c. *The fee customarily charged in the locality for similar legal service:* The hourly rates charged are consistent with that charged by other attorneys in the area possessing similar background, training, and professional experience.
- d. *The amount involved and the results obtained:* As set forth above.
- e. *The time limitations imposed by the client or by the circumstances:* Not applicable.
- f. *The nature and length of the professional relationship with the client:* Our firm previously represented the Defendant in connection with prior post-judgment litigation and an appeal. The Defendant again retained the services of this firm in July of 2009 in connection with additional post-judgment litigation. The Defendant again retained the services of this firm in August of 2010 in connection with the within litigation and the pending appeal filed by the Plaintiff.
- g. *The experience, reputation, and ability of the lawyer or lawyers performing the services:* As set forth above.
- h. *Whether the fee is fixed or contingent:* Fixed hourly rate of \$300 for Jennifer S. DeSimone, Esq., and \$115 for the firm's paralegals.



13. It is respectfully requested that the Court award a fair and reasonable award, payable by the Plaintiff, BARBARA CARROLL (formerly Manning), on behalf of the Defendant, JOHN MANNING, within ten (10) days of the entry of an Order on the within application.

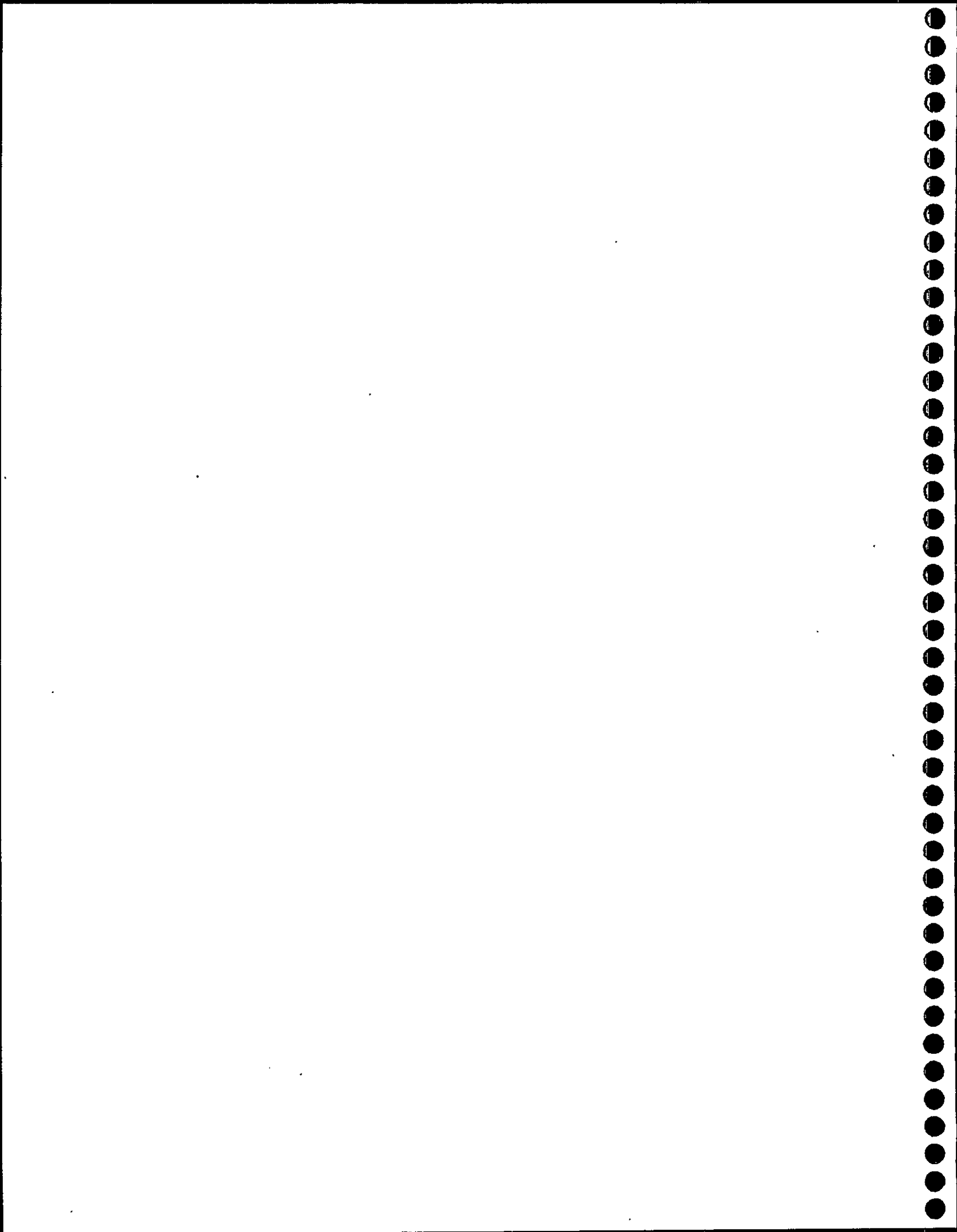
  
JENNIFER S. DESIMONE MURPHY, ESQ.

Subscribed to and sworn to  
before me on this 2<sup>nd</sup> day  
of September, 2010.



THOMASINA BRESCIA  
A Notary Public of New Jersey  
My Commission Expires September 12, 2012





**SMITH & DORAN**  
A Professional Corporation  
60 Washington Street  
Morristown, NJ 07960  
(973) 292-0016  
Attorneys for Defendant

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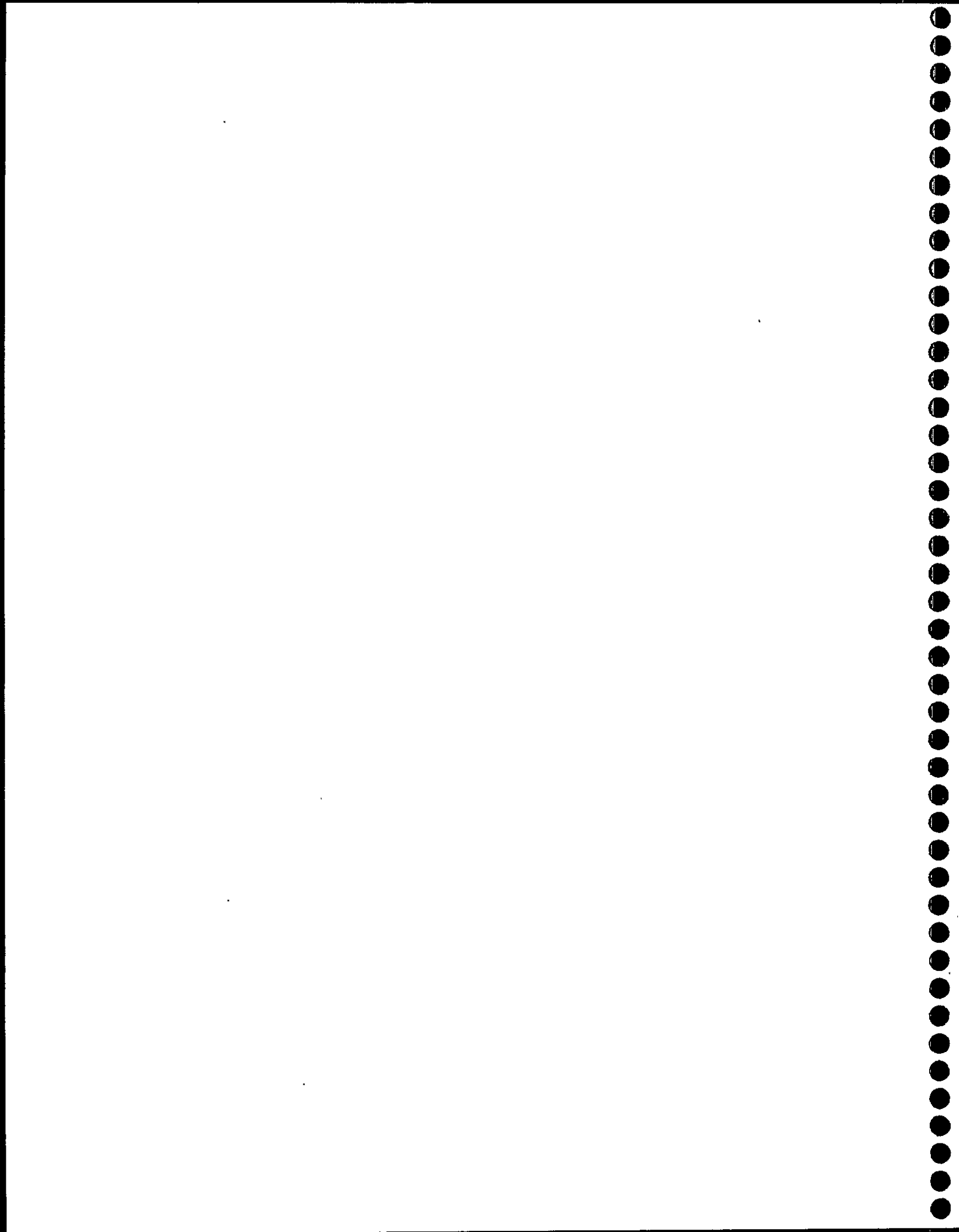
BARBARA MANNING, (n/k/a Barbara Carroll), Plaintiff,	) SUPERIOR COURT OF NEW JERSEY ) CHANCERY DIVISION: FAMILY PART ) BERGEN COUNTY )
vs.	) Docket No. FM-02-6706-93 )
JOHN MANNING, Defendant.	) Civil Action ) ) <b>ORDER</b> ) )

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THIS MATTER, having been opened to the Court on motion filed by George B. Wolfe, Esquire, attorney for the Plaintiff, BARBARA CARROLL (formerly Manning); on notice to and on Cross Motion filed by Jennifer S. DeSimone Murphy, Esquire, of the firm of Smith & Doran, P.C., attorneys for the Defendant, JOHN MANNING; and the Court, having read the submissions of the parties and having heard the oral argument of counsel; and for good cause shown;

It is on this \_\_\_\_ day of September, 2010, hereby **ORDERED** as follows:

1. The relief requested in Plaintiff's Notice of Motion is denied.
2. Defendant request that the Court enforce the prior Order of this Court entered July 9, 2010 is granted. The Plaintiff shall specifically comply with paragraph 8 of the July 9, 2010 Order

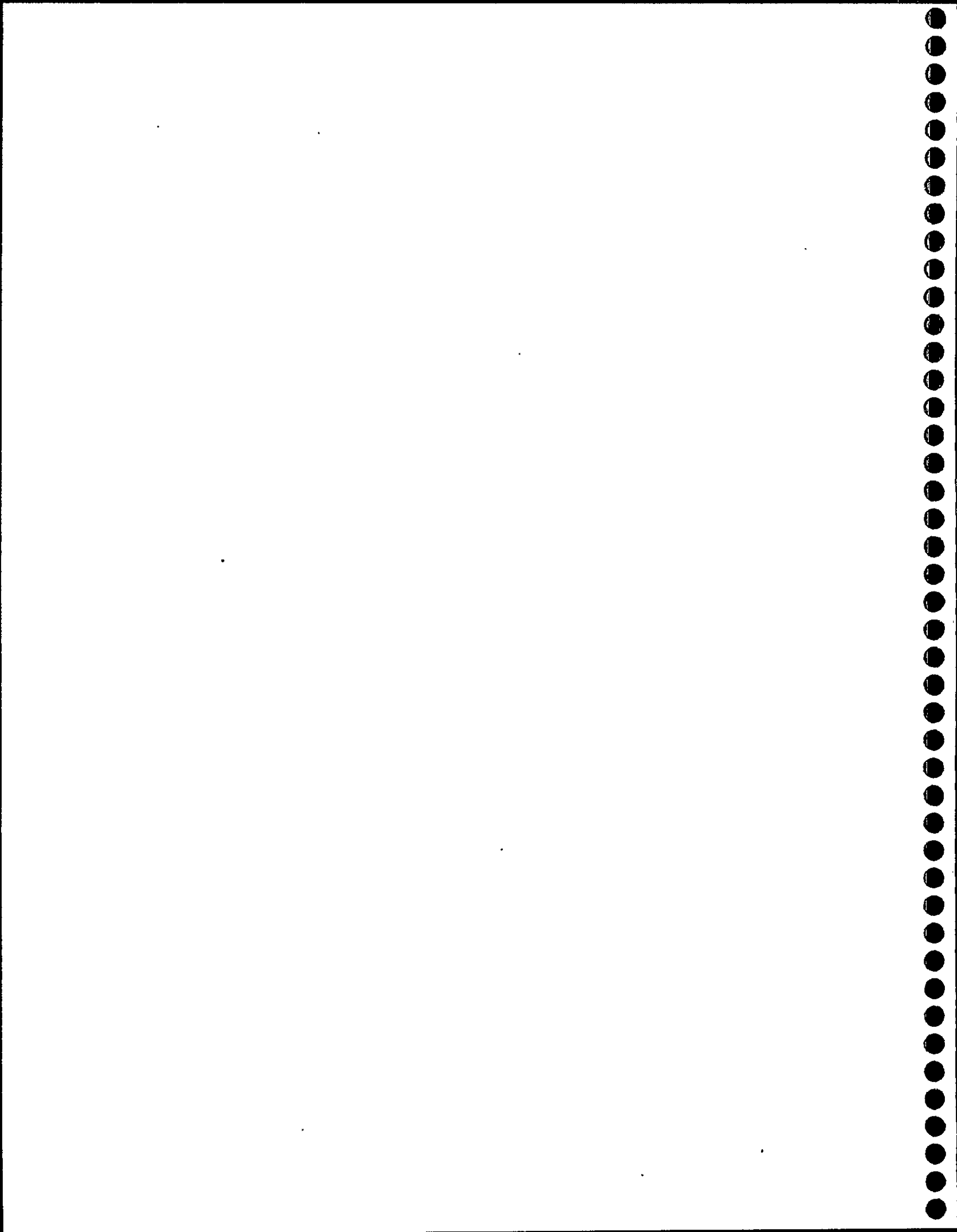


and pay Defendant's counsel fees and costs to the law firm of Smith & Doran in the amount of \$9,406.50, payable within seven days of the date hereof.

3. The Plaintiff shall pay to the law firm of Smith & Doran the sum of \$\_\_\_\_\_, representing counsel fees and costs incurred by the Defendant in connection with the within application. Said sum shall be paid within seven days of the date hereof.

---

HON. FRANCES McGROGAN, J.S.C.



GEORGE B. WOLFE, ESQ.  
Suite 104  
201 West Passaic Street  
Rochelle Park, New Jersey 07662  
(201) 291-9030  
Attorney for Plaintiff

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SEP 16 2010

FRANCES A. MCGROGAN, J.S.C.

BARBARA MANNING, now known  
as Barbara Carroll,

Plaintiff,

vs.

JOHN MANNING,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
BERGEN COUNTY  
Docket No. FM-02-6706-93

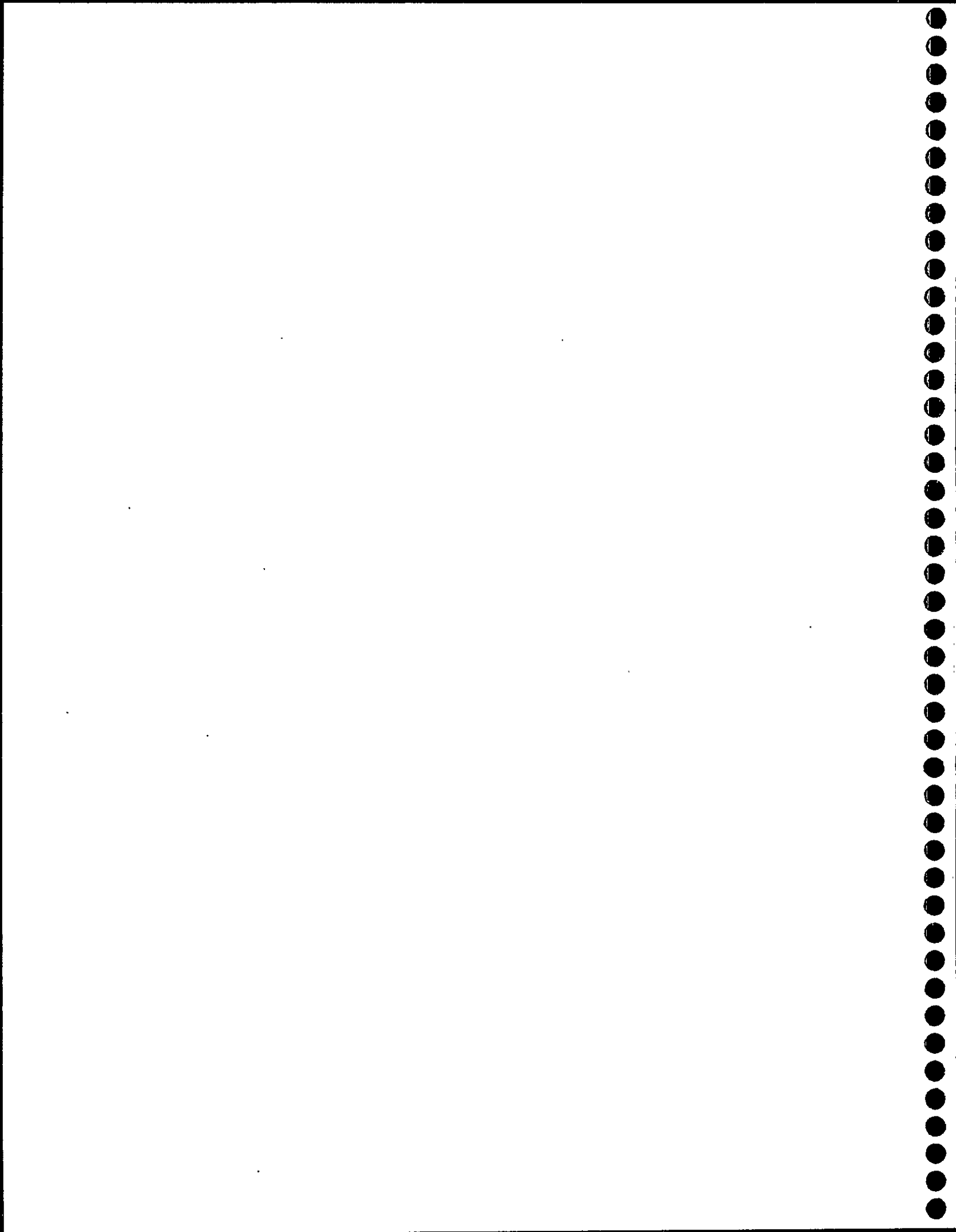
Civil Action

ORDER GRANTING STAY AS TO  
PARAGRAPH 8 OF THE ORDER OF  
JULY 9, 2010, ENTERED BY THE  
HON. FRANCES A. MCGROGAN

This matter being opened to the Court by George B. Wolfe, Esq., attorney for the plaintiff, Barbara Manning, now known as Barbara Carroll, and due notice having been given to Smith & Doran, P.C., attorneys for the defendant, John Manning, and the Court having read and considered the submissions, and for good cause shown;

IT IS ON THIS *16<sup>th</sup>* DAY OF *September*, 2010;

ORDERED; that Paragraph 8 of the Order entered by The Honorable Frances A. McGrogan, on July 9, 2010, be and is hereby



stayed pending a decision by the Superior Court of New Jersey, Appellate Division, on that issue; and it is further

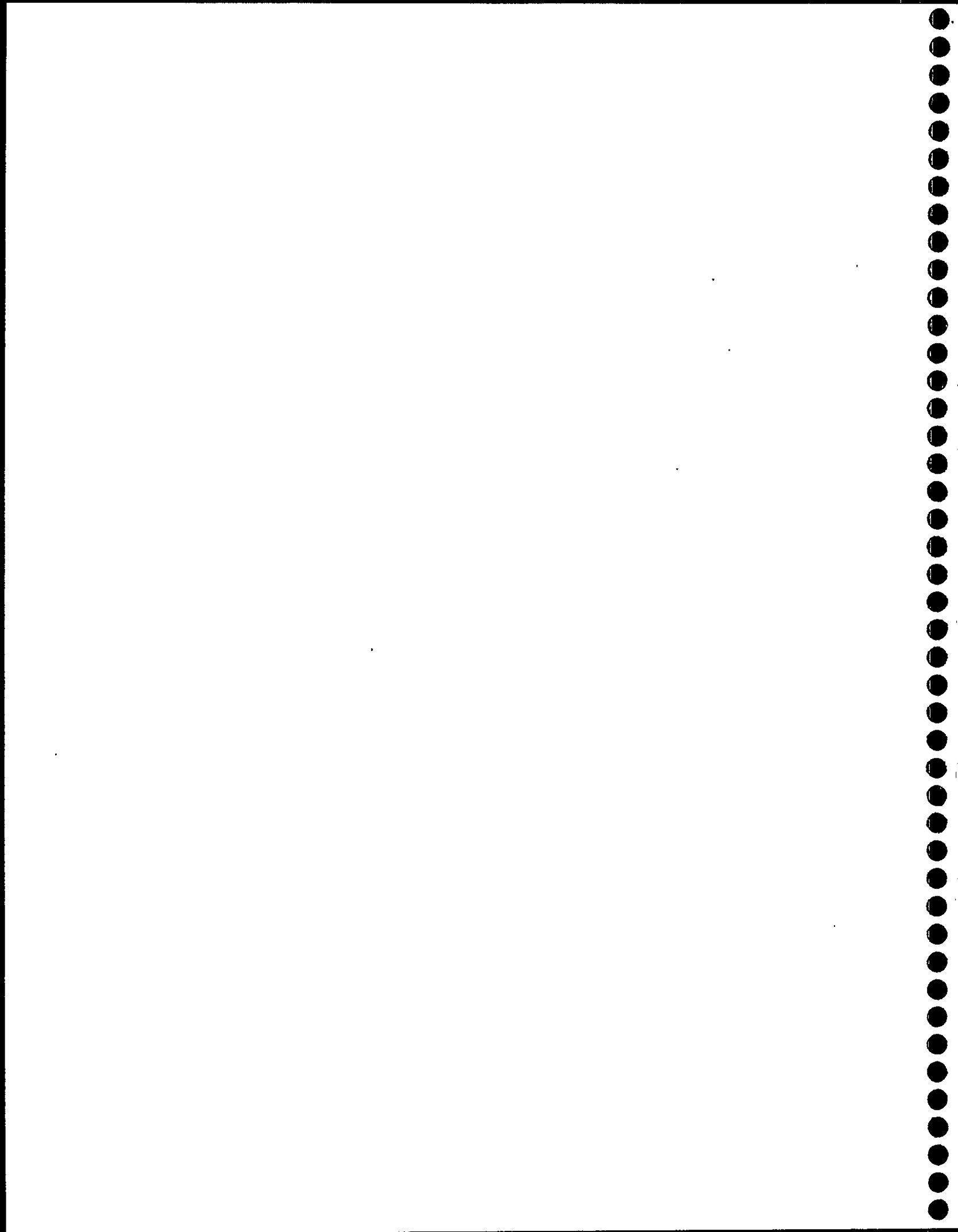
ORDERED, that Paragraphs 1 through 7 of the July 9, 2010, Order remain in full force and effect..

*Francis A. McGowan*  
J.S.C.

CHECKLIST OF PAPERS CONSIDERED BY JUDGE

1. \_\_\_\_\_ Notice of Motion returnable / /
2. \_\_\_\_\_ Movant's Affidavit/Certification dated / /
3. \_\_\_\_\_ Movant's Brief dated / /
4. \_\_\_\_\_ Answering Affidavit/Certification dated  
/ / , submitted on behalf of  
\_\_\_\_\_
5. \_\_\_\_\_ Answering Brief dated / / , sub-  
mitted on behalf of \_\_\_\_\_
6. \_\_\_\_\_ Notice of Cross Motion returnable / /  
filed by \_\_\_\_\_
7. \_\_\_\_\_ Movant's Reply dated / /
8. \_\_\_\_\_ Other:







New Jersey Judiciary  
 Superior Court - Appellate Division  
 NOTICE OF APPEAL

Type or clearly print all information. Attach additional sheets if necessary.		ATTORNEY / LAW FIRM / PRO SE LITIGANT			
TITLE IN FULL (AS CAPTIONED BELOW): BARBARA MANNING,  Plaintiff		NAME George B. Wolfe, Esq.			
		STREET ADDRESS 201 W. Passaic Street, Suite 104			
vs.  JOHN MANNING,  Defendant		CITY	STATE	ZIP	PHONE NUMBER
		Rochelle Park	NJ	07662	201-291-9030
		EMAIL ADDRESS wolfelawfirm@aol.com			

ON APPEAL FROM		
TRIAL COURT JUDGE FRANCES A. MCGROGAN, J.S.C.	TRIAL COURT OR STATE AGENCY Superior-Chancery-Bergen-Family	TRIAL COURT OR AGENCY NUMBER FM-02-6706-93-G

Notice is hereby given that Barbara Manning appeals to the Appellate Division from a  Judgment or  Order entered on July 9, 2010 in the  Civil  Criminal or  Family Part of the Superior Court or from a  State Agency decision entered on \_\_\_\_\_.

If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

Paragraph 8 of the Order is being appealed.

Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.)  Yes  No

If not, has the order been properly certified as final pursuant to R. 4:42-2?  Yes  No

For criminal, quasi-criminal and juvenile actions only:

Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

This appeal is from a  conviction  post judgment motion  post-conviction relief.  
 If post-conviction relief, is it the  1st  2nd  other \_\_\_\_\_  
specify

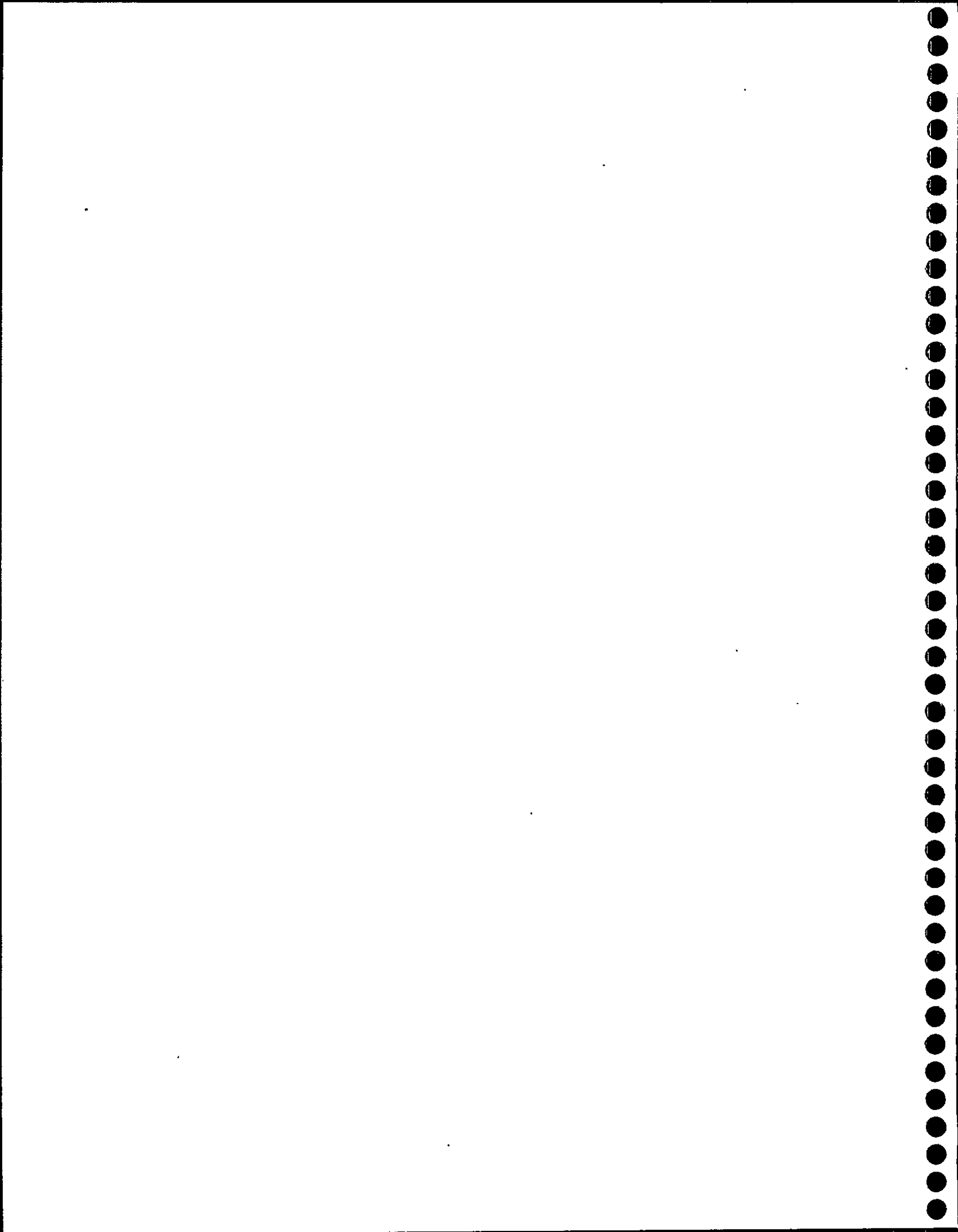
Is defendant incarcerated?  Yes  No

Was bail granted or the sentence or disposition stayed?  Yes  No

If in custody, name the place of confinement:

Defendant was represented below by:  
 Public Defender  self  private counsel \_\_\_\_\_  
specify

- 200 a -



Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge	FRANCES A. MCGROGAN, J.S.C.	August 3, 2010
Trial Court Division Manager	Diana Moskal	August 3, 2010
Tax Court Administrator State Agency		
Attorney General or Attorney for other Governmental body pursuant to <u>R. 2:5-1(a), (e) or (h)</u>		
Other parties in this action:		

Name and Designation	Attorney Name, Address and Telephone No.	Date of Service
JOHN MANNING, Defendant	JENNIFER S. DESIMONE MURPHY, Esq.  60 Washington Street, Morristown, NJ 07960 973-292-0016	August 3, 2010

Attached transcript request form has been served where applicable on the following:

	Name	Date of Service	Amount of Deposit
Trial Court Transcript Office Court Reporter (if applicable) Supervisor of Court Reporters Clerk of the Tax Court State Agency	Video and Audio Transcripts	August 3, 2010	\$200.00

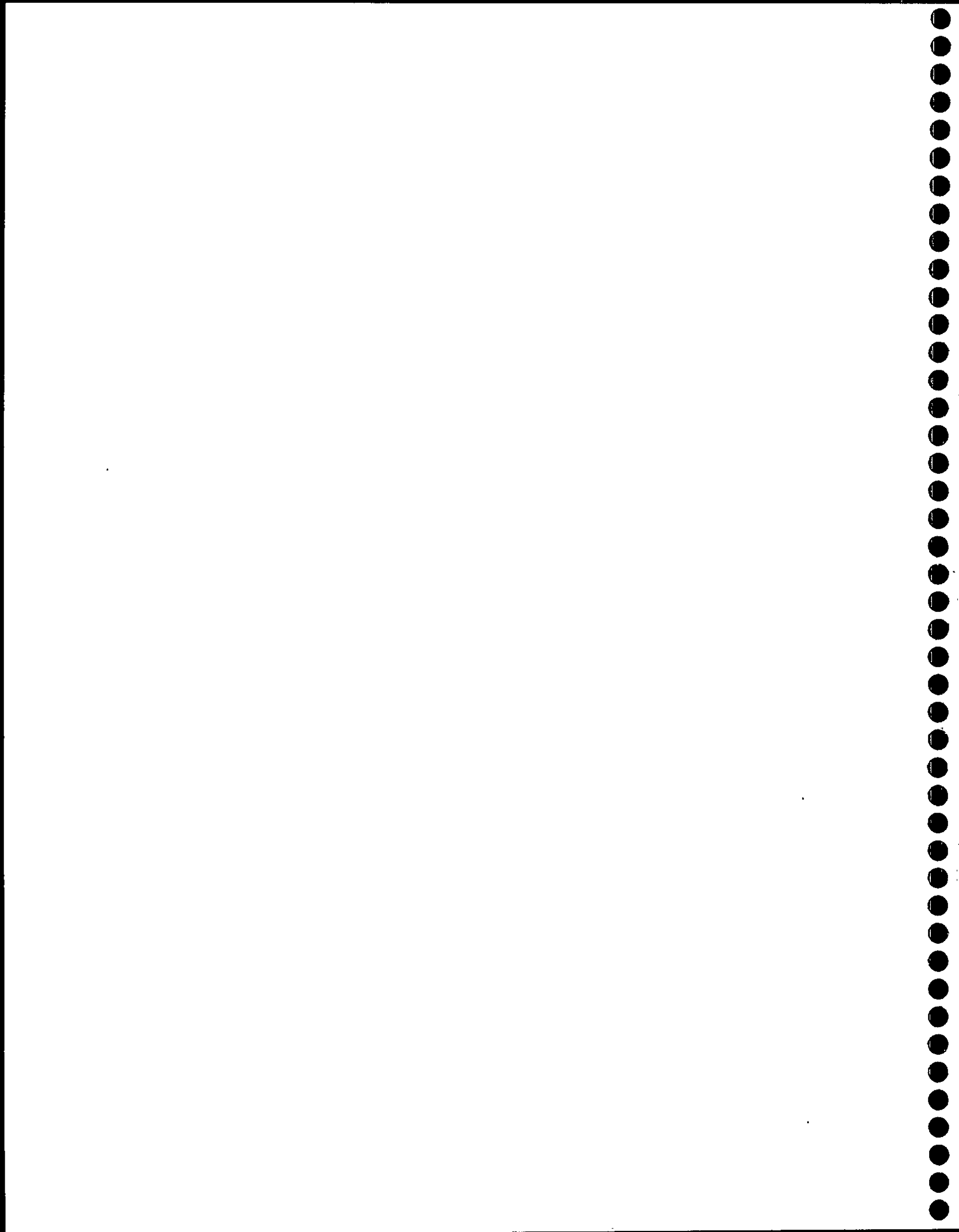
Exempt from submitting the transcript request form due to the following:

- No verbatim record.
- Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).  
List the date(s) of the trial or hearing:
- Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

August 3, 2010  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY OR PRO SE LITIGANT



**ADMINISTRATIVE OFFICE OF THE COURTS**

State of New Jersey

RECEIVED  
APPELLATE DIVISION

SEP 16 2010

CERTIFICATION OF TRANSCRIPT COMPLETION AND DELIVERY

INSTRUCTIONS :

1. Original to the Clerk (Appellate Division or Supreme Court) With all transcript copies pertaining to this case
2. One (1) copy to Deputy Clerk, Appellate Division
3. Requesting Party : GEORGE B. WOLFE

SUPERIOR COURT  
OF NEW JERSEY

MANNING VS MANNING	APPELLATE COURT DOCKET NUMBER: A -005873-09-T4
	LOWER COURT DOCKET NUMBER: FM-6706-93
COUNTY: BERGEN	LOWER COURT: FAMILY

TRANSCRIPT INFORMATION

PROCEEDING DATE	PROCEEDING TYPE	COURT REPORTER / TRANSCRIBER	TRANSMITTED PAGES	TRANSMITTED DATES	REJECTION REASON
07/09/2010	MOTION	ELITE TRANSCRIPTS	25	09/07/2010	

CERTIFIED BY:  on 09/10/2010

Nikiha Stacker

-2022-

