

CHAPTER

11

PENDENTE LITE MOTIONS AND ORDERS

KEY TERMS

Body	Motion for modification
Caption	Motion for payment of mortgage payments and insurance premiums, <i>pendente lite</i>
Certification	Motion for use of motor vehicle, <i>pendente lite</i>
Child support guidelines	Motion for visitation
Cooling-off period	Motion to freeze marital assets
Court calendar	Motion to restrain party from entering marital residence
Custody affidavit	Moving party
Deny	Order
Docket control system	<i>Pendente lite</i> motion
Grant	<i>Pro per</i>
Motion day	<i>Pro se</i>
Motion for alimony, <i>pendente lite</i>	Restraining order
Motion for child support, <i>pendente lite</i>	Short calendar
Motion for contempt	Signature (subscription)
Motion for counsel fees	
Motion for custody, <i>pendente lite</i>	
Motion for exclusive possession of the marital residence, <i>pendente lite</i>	

In the United States, there is no such thing as an instant divorce. Every jurisdiction has some type of **cooling-off period** that must elapse before a final divorce decree may be entered. The term *cooling-off period* refers to the statutorily mandated time period following the initiation of divorce proceedings during which no final decree may be entered. This period usually runs for a number of months depending on the jurisdiction.

In many instances, the divorce decree is not issued immediately after the cooling-off period has expired. This is so because divorce presents many complex issues that the parties must resolve or the court must resolve for them. In addition, the parties' respective attorneys' calendars must be accommodated and the court calendar must be considered. The judicial system provides vehicles through which the parties may seek and obtain court orders to determine how the obligations of the marriage partnership may be fulfilled during the time frame. One spouse or the other may use such vehicles to obtain relief on the issues of spousal support, maintenance and custody of the minor children, use of the family residence, protection from an abusive or violent spouse, and arrangements for paying bills to creditors for obligations the marital unit incurred.

The paralegal working in a family law practice plays an important role in facilitating relief for his or her client. Specific documents must be prepared and filed with the court to provide temporary relief for the client seeking such assistance. These documents are called ***pendente lite motions***.

PENDENTE LITE MOTIONS

Pendente lite is a Latin term meaning "during the litigation." The term *temporary* is also used interchangeably when describing *pendente lite* motions. While a divorce action is pending, the court, upon a party's motion, will consider entering certain orders with which the parties must comply from the time the order is entered until the entry of final orders at the time of the divorce decree.

ANATOMY OF A MOTION

The family law division of every U.S. jurisdiction has certain requirements regarding the form and manner in which motions should be filed. The local rules of practice provide guidelines and sometimes sample forms to follow. In addition, law libraries have many types of form books, which display typical motions, and law offices typically have forms on disk and hardcopy, which can be modified for use in specific cases.

Although specifics vary from jurisdiction to jurisdiction and from case to case, motions have general features common to all jurisdictions: All motions have a *caption*, a *body* and a *signature* or *subscription* section; further, most state court systems require a separate *order* page and a *certification* page.

CAPTION

The **caption** section of a motion must have the docket number, the names of the parties, the name of the court, its geographical location, and the date the motion was filed. This information is arranged either in a block form or modified block form. The action will also contain the title or heading of the motion. The title will appear a few spaces down from the other information and usually will be centered and either underlined, printed in bold, or both.

EXAMPLE

DOCKET NO. FA 96-123456 : SUPERIOR COURT
 BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW
 HAVEN
 v. : AT NEW HAVEN
 BRONSON, EVELYN : AUGUST 15, 2000

MOTION FOR RETURN OF PERSONAL PROPERTY



BODY

The **body** of the motion identifies the party filing the motion, the relief specifically requested, and the grounds or basis on which relief is requested.

EXAMPLE

The plaintiff-husband respectfully moves for an order requiring the defendant-wife to turn over to the plaintiff-husband and permit him to retrieve from the marital house, the following items of personal property:

1. *Golf clubs*
2. *Grandmother's rocking chair*



SUBSCRIPTION

The **signature** or **subscription** section lists in block form the designation given to the party in the lawsuit, namely, whether the party is the plaintiff or defendant in the action, the actual name of the party, and then a signature line, the name of the attorney acting on the party's behalf, followed by the attorney's address, license number, and usually her phone number.

If a party is bringing the action himself or herself without benefit of counsel, the party is said to be acting *pro se* or *pro per*. In such a case, the words *pro se* appear underneath the party's name and then the party's own address and phone number are listed.

EXAMPLE

THE PLAINTIFF, RODNEY BRONSON

BY _____
 JUSTINE F. MILLER, ESQ.
 HIS ATTORNEY
 22 PARK PLACE
 NEW HAVEN, CT 06511
 (203) 861-4444
 JURIS NO. 313133

**ORDER**

An **order** is a statement that sets forth the judge's decision on a particular motion before the court. When drafting a motion, an order is included for convenience of the court and may even be required in many jurisdictions.

In many areas of law, the order page of a motion simply contains the title "ORDER" and the following language: "The foregoing motion having been heard, it is hereby ORDERED: GRANTED/DENIED." In family law, the order page frequently contains more specific and more elaborate directives. For instance, the order page accompanying a motion for alimony may contain the statement that the defendant pay to plaintiff spouse the sum of a specific dollar amount at a specific interval, such as \$100 a week. The order for child support is usually similarly specific.

Motions for visitation frequently set the number of times for visiting each week and the house where such visits will take place. This is done if the parties have concerns about the duration, frequency, and location of visits, and have not been able to work out these arrangements informally. Where parties have no differences on the issue, an order for reasonable visitation will suffice.

EXAMPLES**ORDER**

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED

THE COURT

By: _____
 Judge

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

*That the plaintiff-husband pay to the defendant-wife the sum of \$ _____
per _____ as alimony pendente lite. This order shall commence on
_____ 20____ .*

THE COURT

By: _____

Judge



CERTIFICATION

All parties must receive notice of every motion filed with the court. Court systems recognize the need for efficient and economic service upon parties. Unlike the complaint in a lawsuit, courts do not require most motions to be served by a sheriff or other process server. The typical mode of serving a motion is to file the original of the motion with the clerk of the court either by hand-delivering it or mailing it to the clerk’s court address and, on the same day, mailing a copy of the motion to the attorneys appearing for the other parties or to the *pro se* litigant.

The **certification** page of the motion states that a copy of the foregoing (motion and order) was sent on a specific date to all counsel of record and *pro se* appearing parties (if any). This page is signed by the moving party’s attorney or by the party, if acting *pro se*. Some local practice rules require that the attorney for the moving party recite the names and addresses of all parties to whom the motion was sent.

EXAMPLE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage pre-paid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000 as follows:

*Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511*

*Justine F. Miller, Esq.
Commissioner of the Superior Court*

Certain motions have additional requirements. On rare occasions, a motion must be served by a process server. However, this usually does not occur during the pendency of the proceeding. Some motions must be filed with an accompanying financial affidavit or an affidavit stating other facts. Other motions will not be accepted by the court for filing without an accompanying memorandum of law setting forth a legal argument for the granting of the motion. Some motions require descriptions of real and personal property when the ownership and location of such property is relevant.

MOST FREQUENTLY USED FAMILY LAW MOTIONS

A number of *pendente lite* or temporary motions are commonly used in family law practice and the paralegal should be familiar with them. They are as follows:

- ▼ Motion for alimony,
- ▼ Motion for custody of minor children,
- ▼ Motion for child support,
- ▼ Motion for visitation,
- ▼ Motion for counsel fees,
- ▼ Motion for exclusive possession of the marital residence,
- ▼ Motion for use of motor vehicle,
- ▼ Motion for payment of mortgage payments and insurance premiums,
- ▼ Motion to restrain party from entering the marital residence (restraining order), and
- ▼ Motion to freeze marital assets.

In most family court jurisdictions, the motion practice rules are so flexible that a moving party can create motions to ask the court for an order on various items particular to the party's circumstances. For instance, one party may file a motion for payment of children's secondary school tuition or a motion for joint use of the parties' sailboat.

MOTION FOR ALIMONY

A **motion for alimony** seeks the court to order one spouse to make payments of support to the other spouse. Temporary support payments enable the requesting spouse to meet his or her financial obligations during the pendency of the divorce. Motions for alimony are most common when one spouse has stayed in the home or has earned much less than the other spouse during the marriage (see Exhibit 11-1).

MOTION FOR CUSTODY OF MINOR CHILDREN

A **motion for custody** requests the court to order that one parent have the primary obligation for care and custody of the minor children and the authority to make decisions concerning how the care and maintenance of the children is to be administered. This motion must be taken very seriously by the party who wishes permanent custody of the children. If the pendency period is lengthy, the likelihood of a change in the custody from one parent to the other is very slight because

FIGURE 11-1

Courts do not like to change a child's living arrangements once the child has gotten used to living with one parent.



courts do not make changes in the child's living arrangements after the child has adjusted to being primarily with one parent and is accustomed to that parent's style of parenting. Because the outcome of this motion is so significant, many attorneys pursue this phase of the divorce proceeding with meticulous care and great vigor (see Exhibit 11-2). Whenever a party seeks to obtain custody of a child through a court proceeding, they may be required by state law to file a custody affidavit along with their motion for custody. In this document, signed under oath, the moving party swears that there are no other custody proceedings pending regarding the minor child or children in question.

MOTION FOR CHILD SUPPORT

The party filing a motion for custody frequently also files a **motion for child support**, which seeks an order from the court that the other parent—that is, the noncustodial parent—contribute to the financial support of the children. The court will order the noncustodial parent to pay a specific amount for each child. The court will determine this amount by referring to state-enacted **child support guidelines**, which impose a duty on a noncustodial parent for an amount based on his or her income and the age and number of the minor children. A more detailed discussion of the child support guidelines appears in Chapter 6. State guidelines typically establish an amount for the noncustodial parent to pay after also considering the custodial parent's income and ability to provide for the financial needs of the children (see Exhibit 11-3).

MOTION FOR VISITATION

The noncustodial parent has a right to visitation with the children. Upon motion, the court will address the noncustodial parent's desire for visitation and will tailor the provision in the visitation order to the best interests of the child. It is not unusual for a noncustodial parent's **motion for visitation** to request that the court enter an order for "reasonable visitation" without specifying the breadth or limits of this visitation. An order for "reasonable rights of visitation" leaves much to the discretion of the parties and its success depends on the ability of the soon to be ex-spouses to communicate and negotiate a visitation schedule between themselves. When the parties are unable to do this, a more definite visitation schedule becomes necessary that spells out frequency and duration of visitation, with dates and times of pickup and return specified. Upon a motion for visitation with a detailed schedule, if the court finds that good cause exists, it will order such an arrangement (see Exhibit 11-4).

MOTION FOR COUNSEL FEES

The court has the power, upon **motion for counsel fees** of one of the parties, to order the spouse to pay the reasonable attorney's fees of the moving party. If the court orders reasonable counsel fees, the court will usually specify a dollar amount it deems reasonable. This amount may or may not reflect the actual amount the party will have to pay his or her attorney. Often the court's estimate of "reasonable" falls far below what the client is actually charged.

Sometimes courts choose to deny a motion for counsel fees *pendente lite* and instead indicate that a decision on counsel fees will only be made at the final hearing. Further, when both parties have ample funds or other assets in their own right, the court will not order one party to pay for the other party's legal fees associated with the divorce (see Exhibit 11-5).

MOTION FOR EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE

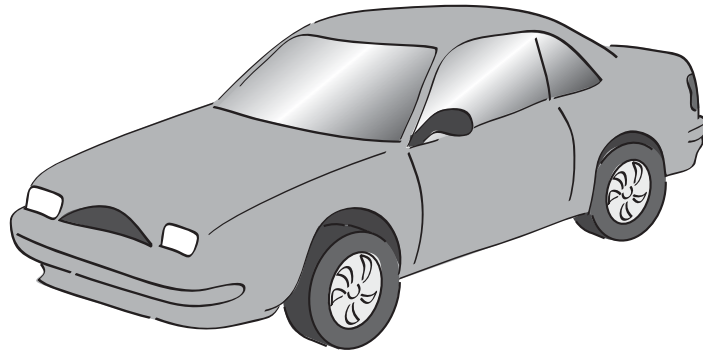
The court has the power upon **motion for exclusive possession of the marital residence** by either spouse to order temporary possession of the marital home to the moving spouse. While most couples who own a house own it jointly, the motion is just for possession during the pendency of the lawsuit. This motion determines which of the spouses will live in the family residence until the final divorce decree is entered. At the time of the final decree, the court will recognize each spouse's interest in the property and make equitable orders for the disposition to the residence. Courts are reluctant to order either spouse to leave the family home during the pendency period because of the financial burden it imposes on the spouse having to leave. However, the court will make such an order if the spouses are in agreement as to one spouse leaving or if there are issues of family violence (see Exhibit 11-6).

MOTION FOR USE OF MOTOR VEHICLE

Sometimes household automobiles are titled jointly or in the name of one spouse only. Therefore, the spouse without legal title or sharing title may find it necessary to motion the court to order that one of the family automobiles be designated for his or her use. This motion, a **motion for use of motor vehicle**, like the others typically has an order page attached and is presented to the court usually at the

FIGURE 11-2

A motion can be prepared that provides the moving party with the use of a household automobile.



same time other *pendente lite* motions for alimony, child support, use of the family home, custody, and visitation are addressed (see Exhibit 11-7).

MOTION FOR PAYMENT OF MORTGAGE PAYMENTS AND INSURANCE PREMIUMS

One spouse may make a **motion for payment of mortgage payments and insurance premiums**, which asks the court to order the other spouse to make all or part of the mortgage payment on the family home and also to pay all or part of the insurance premiums needed to keep in effect policies that insure family assets or policies that provide medical or life insurance coverage for the spouses and minor children (see Exhibit 11-8).

RESTRAINING ORDERS

Many judicial systems permit spouses to file a legal document, called a **restraining order**, which requests that the court order the other party to refrain from certain actions or types of conduct or behavior. These orders include a **motion to freeze marital assets**, that is, a restraining order not to deplete the family assets, sell the family home, or any of the family motor vehicles, boats, or other significant articles of personal property; a restraining order freezing the savings or checking account so that neither party may subsequently race to the bank and empty such joint accounts of funds; and a restraining order preventing one party or the other from entering the family home (a **motion to restrain party from entering marital residence**) or harassing or assaulting the other spouse (see Exhibit 11-9).

THE PARALEGAL'S ROLE IN FACILITATING PENDENTE LITE MATTERS

The paralegal in a family law practice will perform many of the steps needed to bring *pendente lite* motions before the court. Frequently, the paralegal will draft all *pendente lite* motions for review by the attorney handling the file and any other documents that must accompany the motions in their respective jurisdiction.

After such review and any possible editing, the paralegal finalizes the motions for filing and makes sure that the appropriate number of copies are created. The paralegal ensures that the motions are filed with the proper court and copies are properly mailed to all necessary parties. The paralegal must make sure that he or

she sends the motion to the right court and to the proper division of the court handling family matters.

After the motion is filed with the court, the court clerk will assign the motion a date for a court hearing. The clerk will send a **court calendar** to each attorney or *pro se* party. The court calendar is a small printed booklet or a set of pages that shows a number of cases listed according to parties and docket number (see Exhibit 11–10). Each case has a number, which indicates the order in which cases will be heard. However, the court calendar lists only a starting time for the court day, not for each case, so all attorneys must be there for the call of cases at that starting time even if their case is one of the last to be heard. In many jurisdictions, courts set aside one or two specific days of the week to hear motions brought before the court. Some court systems refer to these times as **motion days**, while other jurisdictions call it **short calendar**.

In every law office at least one staff person has the responsibility of keeping track of when each attorney must be in court. Often this function is delegated to the paralegal. The need to keep track of or docket all court dates is obvious. Failure to appear at a hearing may seriously disadvantage a client, drag out proceedings, and sometimes subject an attorney to a malpractice suit. The need for a **docket control system** is imperative.

FIGURE 11–3

The paralegal may be responsible for making sure the attorney knows when he or she has to appear in court for a hearing.



DOCKET CONTROL SYSTEM

Dates for motions, trials, and other types of hearings come from different sources. In a law office where general litigation is practiced as well as family law, the attorneys may receive calendars from both state and federal courts throughout the state. They may also receive calendars from arbitration bodies and notices of hearings before various commissions and administrative agencies such as the Workers' Compensation Commission, the Commission on Human Rights and Opportunities, and the Unemployment Commission. Calendaring these dates immediately is essential. As soon as these notices arrive, the paralegal must make sure that these hearing dates are entered on the docket control system.

Every law office has a master calendar. In addition, every attorney has his or her own calendar that reflects dates for out-of-court appointments as well as court commitments. The paralegal should enter the court date on the master calendar at once. After this is done, the paralegal should check the responsible attorney's desk calendar to see if there is a conflict and also to enter the date on that attorney's specific calendar. As mentioned previously, the person bringing the motion is known as the **moving party**. The moving party will decide whether to go forward with the motion, that is, appear to argue the motion on the date the court has scheduled. On receipt of a court calendar, the paralegal must first determine whether the motion was brought by an attorney in the firm or by an opposing party. If the motion originated in the paralegal's firm, the paralegal should ask the attorney who brought the motion whether he or she plans to proceed with the motion on the date assigned. If the motion came from an opposing party, the paralegal must find out if the attorney handling the matter for the firm is available to appear at the motion hearing and whether he or she wishes to be there on that date.

If the attorney in the paralegal's firm brought the motion and plans to argue it on the date assigned, the paralegal should call the client to confirm the party's availability for court on that date if the client is needed at the hearing. A letter should be sent to the client confirming the date of the hearing and the necessity of his presence. Then the paralegal must call the office of opposing counsel to notify that attorney that the motion will go forward. If the moving party is the opposing party, the opposing party will notify the paralegal's firm of her intention to go forward or postpone the hearing and the paralegal will communicate this information to necessary individuals.

If the motion is going forward, the paralegal should locate the file prior to the hearing date and make sure that all recently received documents and other pieces of correspondence are appropriately filed. The file should be reviewed and updated on the day before the hearing and the motion should be placed in the front of the court documents section of the file so it will be readily available to the attorney. In addition, the paralegal should confer with the attorney to ensure that other supporting documentation needed at the hearing is put with the file in a manner that is readily available to the attorney at the hearing. The paralegal should prepare the file so that the attorney may review it before the proceeding.

If the parties can reach an agreement on the *pendente lite* motions, they will prepare an agreement, or stipulation, outlining the terms and present it to the court. Exhibit 11-11 illustrates a stipulation regarding *pendente lite* support in the divorce of comedian Jim Carrey and his former wife Melissa.

If the parties cannot agree, they may be required to meet with the court's family services division to assist them in arriving at an agreement. If this is unsuccessful, the

court will hold a hearing on the motion. At the hearing the judge will either **grant** or **deny** the motion. If the motion is granted, the court will enter the appropriate orders. The parties are now required to follow the court's order. When the attorney returns from court, the paralegal should review the file to make sure that the motion with orders filled in is properly replaced in the file in the appropriate section.

MOTIONS FOR CONTEMPT AND MODIFICATION

CONTEMPT

When either party does not comply with a court order made in response to a previous motion, the opposing party may seek to have the party comply by filing what is known as a **motion for contempt** (see Exhibit 11–12). The moving party must prove that the noncompliant party willfully violated the court's order. For example, suppose that upon the filing of Mrs. Bronson's motion for visitation, the court enters an order granting Mrs. Bronson reasonable rights of visitation with her minor children. A problem arises when Mrs. Bronson attempts to exercise her rights pursuant to the order and Mr. Bronson refuses to allow her access to the children. Mrs. Bronson's recourse at this stage will be the motion for contempt.

Before drafting the motion for contempt, the paralegal must review the file in order to determine the court's original orders regarding Mrs. Bronson's motion for visitation. The motion for contempt must recite the court's original orders, when they were entered, the judge who entered such orders, and that the noncompliant party is willfully in violation of such order. The motion for contempt must also specify the type of relief sought, which may include a finding of contempt, payment of counsel fees and costs, and possible incarceration. If the motion for contempt addresses financial matters, the paralegal must also include a request for payment of any arrearages due by the spouse in contempt.

MODIFICATION

Sometimes *pendente lite* orders entered by the court are changed when a substantial change in the parties' circumstances occurs from the time the original order was entered. The legal vehicle for making such changes during the *pendente lite* phase is known as the **motion for modification** (see Exhibit 11–13).

For example, suppose that on August 15, 2000, the court grants Mr. Bronson his motion for alimony *pendente lite* and orders Mrs. Bronson to pay him \$275 per week. Mrs. Bronson makes weekly payments up to August 22, 2000. On August 25, 2000, Mrs. Bronson loses her job and is not employed again until September 20, 2000. At her new job, Mrs. Bronson earns far less than she did at her previous job. To change the existing order, Mrs. Bronson must file a motion for modification.

Note that while Mrs. Bronson was in the process of job hunting, Mr. Bronson was probably on the phone to his attorney and that office has responded with a motion for contempt against Mrs. Bronson. It is very common for motions for modification and motions for contempt to be filed and addressed simultaneously before the court by the respective parties.

EXHIBIT 11-1

Sample motion for alimony.

DOCKET NO. FA 96-123456	:	SUPERIOR COURT
BRONSON, RODNEY	:	JUDICIAL DISTRICT OF NEW HAVEN
V.	:	AT NEW HAVEN
BRONSON, EVELYN	:	AUGUST 15, 2000

MOTION FOR ALIMONY PENDENTE LITE

The plaintiff-husband in the above-captioned matter respectfully requests that this Court order the defendant-wife to pay to him a reasonable sum for his support during the pendency of this action.

**THE PLAINTIFF,
RODNEY BRONSON**

**BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133**

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

That the defendant-wife pay to the plaintiff-husband the sum of \$ _____
per _____ as alimony pendente lite.

This order shall commence on _____, 20____.

The Court

**By: _____
Judge**

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000 as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 11-2

Sample motion for child custody.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : AUGUST 15, 2000

MOTION FOR CHILD CUSTODY PENDENTE LITE

The plaintiff-husband in the above-entitled action respectfully requests that he be awarded sole custody pendente lite of the minor children of the parties with reasonable rights of visitation to the defendant-wife.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED that sole custody of the minor children be awarded pendente lite to the plaintiff-husband, with reasonable rights of visitation to the defendant-wife.

That these orders shall commence on _____, 20____.

The Court

By: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000 , as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 11-3

Sample motion for child support.

DOCKET NO. FA 96-123456	:	SUPERIOR COURT
BRONSON, RODNEY	:	JUDICIAL DISTRICT OF NEW HAVEN
V.	:	AT NEW HAVEN
BRONSON, EVELYN	:	AUGUST 15, 2000

MOTION FOR CHILD SUPPORT PENDENTE LITE

The plaintiff-husband in the above-referenced matter hereby moves that the Court order the defendant-wife to pay to him a reasonable sum for the care, maintenance, and support of the minor children, pendente lite.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

That the defendant-wife pay to the plaintiff-husband the sum of \$_____ per _____ as child support, pendente lite.

That this order shall commence on _____, 20_____.

THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this _____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 11-4

Sample motion for visitation.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : AUGUST 15, 2000

MOTION FOR VISITATION

The defendant-wife in the above-entitled matter respectfully requests that she be granted reasonable rights of visitation with the minor children of the parties.

THE DEFENDANT,
EVELYN BRONSON

BY: _____
GRACE A. LUPPINO, ESQ.
HER ATTORNEY
555 MAIN AVENUE
NEW HAVEN, CT 06511
(203) 333-3333
JURIS NO. 160000

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

That the defendant-wife shall have reasonable rights of visitation with the minor children of the parties.

That this order shall commence on _____, 20____.

THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this _____ day of _____, 2000, as follows:

Justine F. Miller
22 Park Place
New Haven, CT 06511

Grace A. Luppino, Esq.
Commissioner of the Superior Court

EXHIBIT 11-5

Sample motion for payment of counsel fees.

DOCKET NO. FA 96-123456	:	SUPERIOR COURT
BRONSON, RODNEY	:	JUDICIAL DISTRICT OF NEW HAVEN
V.	:	AT NEW HAVEN
BRONSON, EVELYN	:	AUGUST 15, 2000

MOTION FOR COUNSEL FEES PENDENTE LITE

The defendant-wife in the above-captioned matter hereby moves that the Court order the plaintiff-husband to pay a reasonable sum toward the defendant-wife’s counsel fees.

THE DEFENDANT,
EVELYN BRONSON

BY: _____
GRACE A. LUPPINO, ESQ.
HER ATTORNEY
555 MAIN AVENUE
NEW HAVEN, CT 06511
(203) 333-3333
JURIS NO. 160000

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

That the plaintiff-husband pay to the defendant-wife the sum of \$_____ as counsel fees, pendente lite.

That these orders shall commence on _____, 20_____.

THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Justine F. Miller
22 Park Place
New Haven, CT 06511

Grace A. Luppino, Esq.
Commissioner of the Superior Court

EXHIBIT 11-6

Sample motion for exclusive possession of marital residence.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : AUGUST 15, 2000

MOTION FOR EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE

The plaintiff-husband hereby moves that this Court award exclusive possession and use of the family residence at 328 Sycamore Street, New Haven, CT, to the plaintiff-husband.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 11-7

Sample motion for use of motor vehicle.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : AUGUST 15, 2000

MOTION FOR USE OF JOINTLY OWNED MOTOR VEHICLE

The defendant-wife in the above-referenced matter respectfully requests that this Court order the plaintiff-husband to make available to her the use of the jointly owned Buick Skylark, which is not being used presently by either party.

THE DEFENDANT,
EVELYN BRONSON

BY: _____
GRACE A. LUPPINO, ESQ.
HER ATTORNEY
555 MAIN AVENUE
NEW HAVEN, CT 06511
(203) 333-3333
JURIS NO. 160000

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Justine F. Miller
22 Park Place
New Haven, CT 06511

Grace A. Luppino, Esq.
Commissioner of the Superior Court

EXHIBIT 11-8

Sample motion for payment of mortgage and insurance premiums.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : AUGUST 15, 2000

**MOTION FOR PAYMENT OF MORTGAGE
AND HEALTH INSURANCE PREMIUMS, PENDENTE LITE**

The plaintiff-husband in the above-referenced matter respectfully requests that the Court enter an order pendente lite that the defendant-wife make monthly mortgage payments on the family home and make monthly payments for health insurance premiums for the plaintiff-husband and minor children.

In support hereof, the plaintiff-husband represents as follows:

1. Prior to the institution of this action, the defendant-wife made monthly payments on the family home located at 328 Sycamore Street, New Haven, Connecticut.
2. The plaintiff-husband and the minor children continue to reside at the above-mentioned premises and intend to remain there while this matter is pending.
3. The plaintiff-husband lacks adequate financial resources to pay the monthly mortgage payment at this time; and if the defendant-wife fails to pay the mortgage, the parties will lose this jointly owned asset of the marriage, and the plaintiff-husband and the minor children will be without housing.
4. Prior to the institution of this action, the defendant-wife paid monthly health insurance premiums for a health plan covering herself, the plaintiff-husband and the minor children.
5. The plaintiff-husband lacks adequate financial resources to pay monthly health insurance premiums for himself and the minor children; if the defendant-wife fails to pay monthly health premiums, the plaintiff-husband and minor children will lack health insurance during the pendency of this action.

WHEREFORE, the plaintiff requests that the Court order the defendant-wife to continue to make the monthly mortgage payments on the family home and continue to pay monthly health insurance premiums for the plaintiff-husband and minor children throughout the pendency of this action.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED

THE COURT

BY: _____

JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 11-9

Sample restraining order.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : AUGUST 15, 2000

MOTION TO RESTRAIN

The defendant-wife in the above-entitled action respectfully represents what the plaintiff-husband has, within his control, significant cash and property assets of the marriage. The defendant-wife desires to secure all assets of the marriage so they will be available for a decree of equitable distribution pursuant to applicable state law.

WHEREFORE, the defendant-wife moves for an order restraining the plaintiff-husband from removing, sequestering, hiding, transferring, disposing of and/or selling, encumbering, liening, mortgaging, or otherwise disposing of any assets during the course of this action.

THE DEFENDANT,
EVELYN BRONSON

BY: _____

GRACE A. LUPPINO, ESQ.
HER ATTORNEY
555 MAIN AVENUE
NEW HAVEN, CT 06511
(203) 333-3333
JURIS NO. 160000

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____

JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Justine F. Miller
22 Park Place
New Haven, CT 06522

Grace A. Luppino, Esq.
Commissioner of the Superior Court

EXHIBIT 11-10
Sample court calendar.

NEW HAVEN	COLUMN 1	SHORT CAL. NO. 2	COLUMN 2	COLUMN 3
<p>0419070 S BIATONAS, JANE FA-98 V. BIATONAS, STANLEY (5)</p>				
<p>ESPOSITO J J PC KOLB C & E PC ARG 104.00 MOT EXTEND TIME-DISCOVERY</p>				
<p>0416274 S POTTS, CAROLYN FA-98 V. POTTS, PHILIP (6)</p>				
<p>G. H. KAHN NOYES & H PC ARG 103.00 MOT EXTEND TIME-DISCOVERY</p>				
<p>11/30/98 09.30 FAMILY - DORMANCY DORMANCY BY COURT ORDER</p>				
<p>0414106 S ESPOSITO, MICHAEL A FA-98 V. ESPOSITO, LAURA C (7)</p>				
<p>GREAVES & S LLC BERNBLUM & GREEN 110.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0413732 S LONERGAN, JENNIFER FA-98 V. LONERGAN, CHRISTOPHER (8)</p>				
<p>GENTILE C & N LL PRO SE 103.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0414139 S HELLER, ERICK FA-98 V. HELLER, CHERIE (9)</p>				
<p>R. TIETJEN PRO SE 102.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0414743 S HOLLAND, HARY C FA-98 V. HOLLAND, THIMUEL (10)</p>				
<p>PRO SE PRO SE AAG GG WILLIAMS 103.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0412747 S DUBE, KATHRYN H FA-98 V. DUBE, HENRY G (11)</p>				
<p>PRO SE HEFFERNAN & F LL 105.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>11/30/98 09.30 FAMILY QUESTIONS OF LAW ARG.</p>				
<p>0246821 S MOAN-SOMMERS, LOUISE FA-86 V. SOMMERS, JOHN S (1)</p>				
<p>J. CHIARELLI PRO SE R.K. WALSH</p>				
<p>ARG 126.50 MOT OPEN/MODIFY JUDGMENT</p>				
<p>ARG 127.00 MOT PROTECTIVE ORDER</p>				
<p>ARG 128.00 MOT RESTRAINING ORDER</p>				
<p>ARG * 129.00 MOTION TO STRIKE</p>				
<p>0416827 S WALKER, MILTON L FA-98 V. WALKER, DENEEDA (2)</p>				
<p>PRO SE CT. L.S. WATERBURY ARG 102.00 MOTION TO DISMISS</p>				
<p>0415891 S SANDORA, DEBORAH I FA-98 V. SANDORA, EDMOND H (3)</p>				
<p>NOYES & H PC DEY S & A LLC</p>				
<p>ARG 103.00 MOTION FOR COUNSEL FEES</p>				
<p>ARG 104.00 MOTION FOR SANCTIONS</p>				
<p>ARG 105.00 MOTION FOR STAY</p>				
<p>ARG * 106.00 MOTION TO DISMISS</p>				
<p>GAX 0415498 S BOND, GILBERT I FA-98 V. BOND, ANITA L (4)</p>				
<p>PECK & PECK RW CALLANAN</p>				
<p>ARG * 117.00 MOTION TO DISMISS</p>				
<p>ARG 118.00 MOTION FOR STAY</p>				
<p>ARG 120.00 MOTION FOR ORDER</p>				
<p>11/30/98 09.30 FAMILY DISCLOSURES ARG.</p>				
<p>0419070 S BIATONAS, JANE FA-98 V. BIATONAS, STANLEY (5)</p>				
<p>ESPOSITO J J PC KOLB C & E PC ARG 104.00 MOT EXTEND TIME-DISCOVERY</p>				
<p>0416274 S POTTS, CAROLYN FA-98 V. POTTS, PHILIP (6)</p>				
<p>G. H. KAHN NOYES & H PC ARG 103.00 MOT EXTEND TIME-DISCOVERY</p>				
<p>11/30/98 09.30 FAMILY - DORMANCY DORMANCY BY COURT ORDER</p>				
<p>0414106 S ESPOSITO, MICHAEL A FA-98 V. ESPOSITO, LAURA C (7)</p>				
<p>GREAVES & S LLC BERNBLUM & GREEN 110.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0413732 S LONERGAN, JENNIFER FA-98 V. LONERGAN, CHRISTOPHER (8)</p>				
<p>GENTILE C & N LL PRO SE 103.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0414139 S HELLER, ERICK FA-98 V. HELLER, CHERIE (9)</p>				
<p>R. TIETJEN PRO SE 102.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0414743 S HOLLAND, HARY C FA-98 V. HOLLAND, THIMUEL (10)</p>				
<p>PRO SE PRO SE AAG GG WILLIAMS 103.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>0412747 S DUBE, KATHRYN H FA-98 V. DUBE, HENRY G (11)</p>				
<p>PRO SE HEFFERNAN & F LL 105.00 MOT OPEN DISMISSAL JDGMT</p>				
<p>11/30/98 09.30 FAMILY MISCELLANEOUS ARG.</p>				
<p>0418500 S TORRES, ESTHER FA-98 V. TEJEDA, RAMON (12)</p>				
<p>MOSKOWITZ C & K NO APPEARANCE ARG * 101.00 MOT CUSTODY-PD LITE ARG 102.00 MOT FOR SUPPORT-PD LITE</p>				
<p>0414301 S GOLUB, BETH A FA-98 V. GOLUB, ERIC (13)</p>				
<p>BROZDOWSKI P L L PRO SE</p>				
<p>ARG * 105.00 MOTION FOR ORDER</p>				
<p>ARG 106.00 MOTION FOR ORDER</p>				
<p>ARG 107.00 MOTION FOR COUNSEL FEES</p>				
<p>0419602 S BENEVENTO, ELLEN L FA-98 V. BENEVENTO, VINCENT J (14)</p>				
<p>T. R. BAIMER NO APPEARANCE</p>				
<p>ARG * 101.00 MOT FOR ALIMONY-PD LITE</p>				
<p>ARG 102.00 MOT CUSTODY-PD LITE</p>				
<p>ARG 103.00 MOT FOR SUPPORT-PD LITE</p>				
<p>ARG 104.00 MOTION FOR POSSESSION</p>				
<p>ARG 105.00 MOTION FOR COUNSEL FEES</p>				
<p>0415503 S CARABETTA, LINDA S FA-98 V. CARABETTA, GARY LYNN (15)</p>				
<p>D. POLAN BUDLONG & ASSOCI</p>				
<p>ARG 109.00 OBJECTION TO MOTION</p>				
<p>0345804 S DUBE, RACHEL FA-93 V. FREDERICKS, ROBERT (16)</p>				
<p>GESMONDE P S & P PRO SE G. H. KAHN J. CHIARELLI ARG 189.00 MOT DETERMINE ARREARAGE</p>				
<p>0287705 S PICCOLO, KEVIN M FA-89 V. PICCOLO, DEBRA A (17)</p>				
<p>PRO SE PRO SE ARG 180.00 MOT REFER TO FRD HF VOLPE</p>				
<p>0395706 S BURRIS, ROBERT FA-97 V. BURRIS, MAUREEN (18)</p>				
<p>PRO SE PRO SE JW AUGER JE HUDSON LEGAL CLINIC SUPPORT ENF UNIT</p>				
<p>ARG 128.00 MOTION FOR COUNSEL FEES</p>				
<p>0273107 S WALTER, TERRI FA-88 V. WALTER, MOEL DAVIS (19)</p>				
<p>W. J. NULSEN PRO SE ARG 138.00 MOT OPEN/MODIFY JUDGMENT</p>				
<p>0405610 S LANE, REGINA E. FA-95 V. LANE, KENNETH H. (20)</p>				
<p>PRO SE PRO SE L. PARLEY J. H. KELLEY L. J. COSTANTINI ARG 380.00 MOT WITHDRAW APPEARANCE</p>				
<p>0373911 S WILLIAMS, FELICIA FA-95 V. WILLIAMS, ROBERT J (21)</p>				
<p>M.I. OLMER ADELHAN L OFFICE ARG 148.00 MOT PERMISSION WD APPRNC</p>				
<p>0402512 S HUELLER, STEVEN K FA-97 V. HUELLER, CHARISSE G (22)</p>				
<p>R.S. FRIEDMAN E.J. DOLAN ARG 107.00 MOTION FOR VISITATION</p>				
<p>0412912 S VANWILGEN, STEPHANIE JA FA-98 V. VANWILGEN, AART III (23)</p>				
<p>MURPHY MAUREEN ULLMAN P & SKLAV AA WALLACE ARG 112.00 MOT CUSTODY-PD LITE</p>				
<p>0390614 S COX, SHAWN D. FA-96 V. COX, STEVEN P. (24)</p>				
<p>H.D. MURPHY E.J. DOLAN ARG 117.50 MOT OPEN/MODIFY JUDGMENT</p>				
<p>0365115 S GLENN, BARBARA FA-94 V. GLENN, JOSEPH K (25)</p>				
<p>PRO SE GJ SACHS CHILD SPT ENF A H.F. BRUNSWICK ARG 123.00 MOT OPEN/MODIFY JUDGMENT</p>				
<p>0415615 S GOULET, RAYMOND III FA-98 V. REYNOLDS, WENDY (26)</p>				
<p>DIANA C T & COMO H.A. LAWRENCE L. PARLEY ARG 120.00 MOTION FOR MODIFICATION</p>				
<p>0385316 S KUNTZ, SUSAN FA-96 V. KUNTZ, THOMAS (27)</p>				
<p>GOLDBLATT G & R V. MCMANUS, JR. ARG 110.50 MOT OPEN/MODIFY JUDGMENT</p>				
<p>0418422 S DICICCO, JANICE FA-98 V. DICICCO, HARVIN J (28)</p>				
<p>J. CHIARELLI J. E. SPONICK ARG * 101.00 MOTION FOR POSSESSION ARG 102.00 MOTION FOR INJUNCTION ARG 103.00 MOT FOR TRANSPORTATION ARG 104.00 MOTION FOR ORDER ARG 106.00 MOT FOR ALIMONY-PD LITE</p>				

EXHIBIT 11-10

Continued

0419223 S FA-98	GOLD,INGRID V. GOLD,LOUIS (29)	NY* 0416631 S FA-98	BONITO,SUSAN Z V. ZISEK,MICHAEL (40)	ARG * 103.01 MOT CUSTODY-PD LITE ARG 103.02 MOT FOR SUPPORT-PD LITE
S.O.LEBAS ARG * 101.01 MOT FOR SUPPORT-PD LITE ARG 101.02 MOT FOR ALIMONY-PD LITE	F. L. CIRILLO	AMENDOLA & N. ARG 109.00 MOT FOR SUPPORT-PD LITE	PRO SE	0388143 S FA-96
0406424 S FA-97	EDWARDS,MARK R V. EDWARDS,BONNIE (30)	0418431 S FA-98	PELLERIN,CAROL V. PELLERIN,DAVID J (41)	BALDWIN,ALISA V. CLARK,STERLING (53)
ADELMAN L OFFICE	D.R. DANIELS AAG AS GUIDO WALLACE & O LLC	D. L. DENVIR ARG * 102.01 MOT CUSTODY-PD LITE ARG 102.02 MOT FOR SUPPORT-PD LITE ARG 102.50 MOTION FOR ORDER	P. E. RICCIARDI	M KOSSAR ARG 103.00 RULE OPEN/MODIFY JDCMENT
ARG * 147.00 MOTION FOR MODIFICATION ARG 148.00 MOTION FOR ORDER ARG 149.00 MOT FOR SUPPORT-PD LITE ARG 150.00 MOTION FOR ORDER		0419432 S FA-98	MATTEO,GINA V. MATTEO,JOHN (42)	0417444 S FA-98
0416924 S FA-98	JEFFERSON,LOUIS V. JEFFERSON,KIMBERLY L (31)	JACOBS G B & D P ARG * 101.00 MOT FOR SUPPORT-PD LITE ARG 102.01 MOT CUSTODY-PD LITE ARG 102.02 MOTION FOR VISITATION ARG 103.00 MOTION FOR POSSESSION	NO APPEARANCE	0417444 S FA-98
PRO SE	PRO SE	0419535 S FA-98	DAY,LISA V. DAY,DAVID JR (43)	GOULD & G PC ARG 103.00 MOTION FOR ORDER
ARG * 102.00 MOT FOR ORDER PEND LITE ARG 103.00 MOT FOR ORDER PEND LITE		FARRELL & LESLIE ARG 101.00 MOTION FOR ORDER	NO APPEARANCE	0417544 S FA-98
0418524 S FA-98	SARGENT,DOREEN V. SARGENT,ERNEST (32)	0385434 S FA-96	PICHE, DONALD V. PICHE, ROSE (44)	LEVY & S LLC ARG 113.00 MOTION FOR MODIFICATION
F. M. GLYNN ARG * 101.01 MOT CUSTODY-PD LITE ARG 101.02 MOT FOR SUPPORT-PD LITE ARG 102.00 MOT FOR ALIMONY-PD LITE	NO APPEARANCE	R.M.KESSLER ARG 107.00 MOT OPEN/MODIFY JUDGMENT	PRO SE MA WIELER	0419245 S FA-98
0365225 S FA-94	KASSHEIMER,MICHAEL V. KASSHEIMER,SUSAN A (33)	0372136 S FA-95	ALLISON,ROBERT J V. ALLISON,KATHLEEN T (45)	NOYES & M PC ARG * 101.00 MOT ALIMONY-CUSTDY-SUPPRT ARG 102.00 MOTION FOR ORDER ARG 103.00 MOTION FOR COUNSEL FEES
DUMARK & LINDSAY ARG 121.00 MOTION FOR MODIFICATION	SOUSA R C & ASSO	G. BATTISTOLI ARG 121.00 MOT OPEN/MODIFY JUDGMENT	PRO SE SUSMAN D & S PC	0416846 S FA-98
0414527 S FA-98	HERNANDEZ,OTTO R V. IRIZARRY,MARIA (34)	0265836 S FA-87	CONSIGLIO, BARBARA A V. CONSIGLIO, VINCENT J (46)	NOYES & M PC ARG * 101.00 MOT ALIMONY-CUSTDY-SUPPRT ARG 102.00 MOTION FOR ORDER ARG 103.00 MOTION FOR COUNSEL FEES
D. L. DENVIR ARG * 112.00 MOT MOD SUPPORT P/L ARG 112.50 MOT MOD VIS P/L	M.DOODY AAG GM BARTO	SCHETTINO & T. SUPPORT ENF UNIT ARG * 139.00 OBJECTION TO MOTION ARG 140.00 MOT OPEN/MODIFY JUDGMENT	PRO SE ADELMAN L OFFICE	0416846 S FA-98
0418127 S FA-98	D'AMICO,LYNNE L V. D'AMICO,SALVATORE G (35)	0321937 S FA-91	KAUFFMAN,JANET ANN V. KAUFFMAN,BRUCE D (47)	0415149 S FA-98
N.M. LEGINSKY ARG 101.00 MOT FOR ORDER PEND LITE	PRO SE	PRO SE N.R.NESI J. L. WELTY ARG 134.00 MOT OPEN/MODIFY JUDGMENT	MCHAMARA & GOODM	RUBIN & E. ARG 110.00 MOTION TO SEAL FILE
0418527 S FA-98	HAZZELLA,ANNA MARIA V. HAZZELLA,WILLIAM (36)	0409338 S FA-98	ROCZYNSKI,LYDIA V. ROCZYNSKI,DARREN J (48)	0381451 S FA-95
CANTOR F R & G P ARG * 101.00 MOT FOR ALIMONY-PD LITE ARG 102.01 MOT CUSTODY-PD LITE ARG 102.02 MOT FOR SUPPORT-PD LITE ARG 103.00 MOTION FOR POSSESSION	NO APPEARANCE	RM STUTMAN ARG 133.00 MOT PERMISSIOIN WD APPRNC	ADELMAN L OFFICE	0415149 S FA-98
0412728 S FA-98	SPEARMAN,PATTI V. WILLIAMS,CHRISTOPHER (37)	0419040 S FA-98	MCDANIEL,RAUN M V. MCDANIEL,DONALD G (49)	ROBLES, LISA J. V. ROBLES, WILSON (59)
PRO SE	NO APPEARANCE	C NEWMAN ARG * 107.00 MOT JOINT CUSTODY ARG 108.00 MOTION FOR ACCOUNTING	GESMONDE P S & P	MF VOLPE ARG 128.00 MOTION FOR ORDER
C.E.FRONTIS ARG 106.00 MOTION FOR CONTINUANCE		0363542 S FA-94	GANN, JOHN V. GANN, INGRID (50)	0399752 S FA-97
0419329 S FA-98	GUISTINELLO,SUSAN V. GUISTINELLO,ANTHONY (38)	GOLDBLATT G & R ARG 172.00 MOTION FOR COUNSEL FEES	WEINSTEIN & W PC ULLMAN P & SKLAV VOTRE A A PC	0416953 S FA-98
NOYES & M PC ARG * 103.00 MOT IMMEDIATE HEARING ARG 105.01 MOT CUSTODY-PD LITE ARG 105.02 MOT JOINT CUSTODY ARG 106.00 MOTION FOR POSSESSION ARG 107.00 MOT FOR ALIMONY-PD LITE ARG 108.00 MOT FOR SUPPORT-PD LITE ARG 109.00 MOTION FOR ORDER ARG 110.00 MOTION FOR POSSESSION ARG 111.00 MOT APPT GUARDIAN AD LIT	AA WALLACE	0397542 S FA-97	SAVAGE,MARY ELLEN V. ELLIOTT, E.DONALD (51)	0416554 S FA-96
0387930 S FA-96	CLOSE,HEAD A V. CLOSE,JOYCE (39)	RUBIN & E. ARG * 124.00 MOT APPOINT ATTORNEY ARG 126.00 MOT RETURN PERSONAL ITEM	AMENDOLA & A LLC	0416554 S FA-96
JACOBS G B & D P ARG * 119.00 MOT OPEN/MODIFY JUDGMENT ARG 121.00 MOTION FOR ORDER	PRO SE WINNICK R & C LL AAG AS GUIDO	0413643 S FA-98	CORNING,TERRI V. OWENS,KENNETH (52)	0399254 S FA-97
		HARRINGTON & FOR PRO SE B.H. COX		LEETE, LINDA V. LEETE, BRADFORD (63)
				R.TIETJEN AAG AS GUIDO ARG * 124.00 MOT FOR SUPPORT-PD LITE ARG 125.00 MOTION FOR ORDER
				0415655 S FA-98
				SMITH,DION H V. SMITH,MICHELE L (64)

---CONTINUED

NEW HAVEN COLUMN 4 SHORT CAL NO. 2

COLUMN 5

COLUMN 6

EXHIBIT 11-10

Continued

D. L. DENVIR ARG 112.00 MOTION FOR MODIFICATION ----- 0261057 S MURRAY, TERESA A FA-87 V. MURRAY, THOMAS W SR (65)	CELLA M & WILLIA PARRETT P P & C ARG * 139.00 MOTION FOR SANCTIONS ARG 140.00 MOTION FOR SANCTIONS ----- 0404657 S KARATZAS, TINA FA-97 V. KARATZAS, DINO (66)	0418464 S DOSTIE, LISA FA-98 V. HURTEAU, THOMAS W (77) PRO SE HIRTO K & B PC ARG 106.00 MOT OPEN/MODIFY JUDGMENT ----- 0418465 S VACCARO, PAUL D FA-98 V. VACCARO, ANN T (78)	0419273 S COLEMAN, DAWN FA-98 V. COLEMAN, WILLIAM L (90) PRO SE NO APPEARANCE ARG 101.00 MOT FOR ORDER PEND LITE ----- 0419573 S SPARANO, DEBRA FA-98 V. SPARANO, DANIEL SR (91)
J. CHIARELLI ARG * 139.00 MOTION FOR SANCTIONS ARG 140.00 MOTION FOR SANCTIONS ----- 0404657 S KARATZAS, TINA FA-97 V. KARATZAS, DINO (66)	TYLER, C. & A. COHEN G I L O OF ARG 111.00 MOTION FOR SANCTIONS ----- 0414757 S BRACERO, MELISSA FA-98 V. BRACERO, MARIO J (67)	KOLB C & E PC O'DONNELL J L OF ARG * 111.00 MOT EXTEND TIME ARG 112.00 MOTION FOR MODIFICATION ----- 0404266 S SAUERBRUNN, PAULA FA-97 V. SAUERBRUNN, FREDERICK (79)	NOYES & M PC NO APPEARANCE ARG 001.06 MOTION FOR COUNSEL FEES ----- 0418675 S GUHARES, ALBERT FA-98 V. SMITH, LYDIA A (92)
ADELMAN L OFFICE DL WRIGHT ARG 113.00 MOTION FOR MODIFICATION ----- 0350459 S SASSO, WARREN FA-93 V. SASSO, SUSAN B (68)	M.F. BRUNSWICK M.H. LERNER PERELHUTTER & P. WEIGAND H & A PC ARG 212.00 MOTION FOR MODIFICATION ----- 0390959 S MAGNAN, EILENE FA-96 V. MAGNAN, LEONARD J. (69)	D.W. CELOTTO, JR. LASALA, W. & M. N. EISENHANDLER ARG * 122.00 MOT JOINT CUSTODY ARG 123.00 MOTION FOR POSSESSION ARG 124.00 MOTION FOR ORDER ----- 0359266 S RICHMOND, WILLIAM M FA-94 V. RICHMOND, NORMA JEAN (80)	VISHNO R & V PC RR KLASKIN ARG * 102.01 MOT FOR ALIMONY-PD LITE ARG 102.02 MOTION FOR COUNSEL FEES ----- 0412676 S FRECKELTON, ERICKA A FA-98 V. FRECKELTON, LEONARD (93)
CANTOR F R & G P D. POLAN COHEN & THOMAS YOLEN & P LLC ARG 157.00 MOT PERMISSION WD APPRNC ----- 0403360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	J. CHIARELLI BERNBLUM & GREEN ARG 158.00 MOTION FOR ORDER ----- 0280467 S HARNS, SHEILA FA-89 V. HARNS, EDWARD (81)	LAMBLEY L FIRM NO APPEARANCE L. MARLOW ARG * 108.00 MOTION FOR COUNSEL FEES ARG 109.00 MOTION FOR GENETIC TEST ----- 0394176 S CRISCUOLO, KIMBERLY FA-96 V. CRISCUOLO, HARK (94)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	JACOBS G B & D P TYLER, C. & A. ARG 126.00 MOT OPEN/MODIFY JUDGMENT ----- 0417667 S MEHTA, VARSHA FA-98 V. MEHTA, PRASHANT (82)	BERDON Y & M PC J. F. CIRILLO ARG 131.00 MOT OPEN/MODIFY JUDGMENT ----- 0401577 S PURPORA, SUZANNE FA-97 V. PURPORA, DAVID P (95)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	GESMONDE P S & P COUGHLIN & M. ARG * 101.00 MOT FOR SUPPORT-PD LITE ARG 102.00 MOT FOR ALIMONY-PD LITE ARG 103.00 MOT JOINT CUSTODY ----- 0389467 S LAZROVE, STEVEN FA-96 V. LAZROVE, ANNE (83)	LYNCH T K & E PC PRO SE ARG 158.00 MOTION FOR ORDER ANDROSKI A & AND R.A. VOLO ----- 0329788 S ARNEILL, BONNIE B. FA-92 V. ARNEILL, BRUCE P. (96)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	COHEN G I L O OF TYLER, C. & A. ARG 132.00 MOT REFER TO FRD ----- 0405168 S BARNETT, SCOTT FA-97 V. BARNETT, PAMELA (84)	SUSHAN D & S PC J. L. MELTY ARG 131.00 MOT PERMISSION WD APPRNC ----- 0400181 S CLARK, DEBORAH A. FA-97 V. PERRY, JOHN C.III (97)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	SCHEIRER & GELLE BERSHTEIN B & B ARG 150.00 MOT PERMISSION WD APPRNC ----- 0367268 S TEODOSIO, ROBIN L FA-94 V. TEODOSIO, FRANK V (85)	PRO SE JACOBS G B & D P PRO SE ARG CM BARTO PT GIORDANO GESMONDE P S & P ARG 131.00 MOT PERMISSION WD APPRNC ----- 0385281 S CORVI, PETER A. FA-96 V. CORVI, PAMELA R. (98)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	V LILBURN SOLOMON K & W PC ARG * 122.00 MOTION FOR COUNSEL FEES ARG 123.00 MOT REFER TO FRD ARG 124.00 MOT OPEN/MODIFY JUDGMENT ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0415369 S WADE, MICHAEL G FA-98 V. FORD-WADE, ANNIE E (86)	CONN L L S FUND PRO SE ARG 114.00 MOTION FOR MODIFICATION MCHAHON ELIZABETH ----- 0419381 S TUCKER, SUZANNE M FA-98 V. TUCKER, ALAN R (99)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	LS DRESSLER NO APPEARANCE ARG 101.00 MOT FOR RECONCILIATION ----- 0391871 S CLUKEY, GENEVIEVE S. FA-96 V. CLUKEY, THOMAS F. (87)	VAVRA N J L OFFI NO APPEARANCE ARG * 101.01 MOT JOINT CUSTODY ARG 101.02 MOT CUSTODY-PD LITE ARG 101.03 MOT FOR SUPPORT-PD LITE ARG 101.04 MOT FOR ALIMONY-PD LITE ----- 0393482 S THOMPSON, WILLIAM FA-96 V. THOMPSON, ELIZABETH (100)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	RUBIN & E. GOLDBLATT G & R JACOBS G B & D P PARRETT P P & C ARG * 235.01 MOT FOR ALIMONY-PD LITE ARG 235.02 MOT FOR SUPPORT-PD LITE ARG 236.00 OBJECTION TO MOTION ARG 237.00 MOTION FOR COUNSEL FEES ----- 0418671 S FOSTER, LINDA L FA-98 V. FOSTER, GLENN P (88)	R. GEE, JR. A.S. DIBENEDETTO ARG CM BARTO AAG GC WILLIAMS ARG * 111.00 MOT RETURN PERSONAL ITEM ARG 112.00 MOTION FOR ORDER ----- 0385982 S RUETTGER, LOUIS M FA-96 V. RUETTGER, KARY L (101)
0419360 S LAFASCIANO, TRACY FA-97 V. LAFASCIANO, JASON (70)	PRO SE ANNUNZIATA A PC AAG AS GUIDO ARG 125.00 MOT OPEN/MODIFY JUDGMENT ----- 0419360 S BASCOM, MICHELE FA-98 V. BASCOM, DAVID H (71)	ADELMAN L OFFICE CANTOR F R & G P ARG 112.00 MOTION FOR COUNSEL FEES ----- 0418671 S FOSTER, LINDA L FA-98 V. FOSTER, GLENN P (88)	PRO SE J. MIRSKEY PRO SE ARG 121.00 MOTION FOR COUNSEL FEES DS GROGINS YOLEN & P LLC

NEW HAVEN COLUMN 7 SHORT CAL NO. 2

COLUMN 8

COLUMN 9

0418083 S ROSEN,JO-ANN
FA-98 V. ROSEN,JAMES
(102)

RUTKIN & O PC J. L. WELTY
ARG * 101.01 MOT FOR ALIMONY-PD LITE
ARG 101.02 MOT MEDICAL EXPENSES
ARG 101.03 MOTION FOR COUNSEL FEES
ARG 102.00 MOTION FOR ORDER

0412284 S RYAN,BERNADETTE D
FA-98 V. RYAN,EDWARD JOSEPH
(103)

O'DONNELL J L OF LYNCH T K & E PC
ARG * 113.00 MOTION FOR ORDER
ARG 114.00 MOTION FOR ORDER

0280386 S RICHITELLI,DAWN
FA-89 V. RICHITELLI,MICHAEL
(104)

PHILPOT W M J L PRO SE
ARG 136.00 MOT OPEN/MODIFY JUDGMENT

0418186 S PRINDLE,JAQUELINE C
FA-98 V. PRINDLE,BRUCE D
(105)

CELLA M & WILLIA NO APPEARANCE
ARG 101.00 MOT FOR SUPPORT-PD LITE

0419186 S HUBYK,GREGORY
FA-98 V. HUBYK,PATRICIA
(106)

DINAN & D PRO SE
N. EISENHANDLER
ARG * 101.01 MOT CUSTODY-PD LITE
ARG 101.02 MOT FOR SUPPORT-PD LITE
ARG 101.03 MOT FOR ALIMONY-PD LITE
ARG 101.04 MOTION FOR COUNSEL FEES
ARG 102.01 MOTION FOR POSSESSION
ARG 102.02 MOTION FOR COUNSEL FEES
ARG 105.01 MOT CUSTODY-PD LITE
ARG 105.02 MOT FOR SUPPORT-PD LITE
ARG 105.03 MOTION FOR VISITATION
ARG 105.04 MOT FOR ALIMONY-PD LITE
ARG 106.00 MOTION FOR POSSESSION
ARG 107.00 MOTION FOR COUNSEL FEES

0414089 S GERBE,BARBARA
FA-98 V. BERBE,RAYMOND
(107)

M.SULLIVAN P. E. RICCIARDI
ARG 106.00 MOTION FOR ORDER

0417790 S KENNEY,CHRISTY
FA-98 V. KENNEY,JOHN
(108)

C.J.RIETHER NO APPEARANCE
ARG * 101.01 MOT FOR ALIMONY-PD LITE
ARG 101.02 MOTION FOR COUNSEL FEES

0419390 S GUZHAN,SAMUEL
FA-98 V. GUZHAN,MIRIAM
(109)

KINNEY & SECOLA NO APPEARANCE
ARG 101.00 MOTION FOR VISITATION

0417591 S ANDERSON,THERESA
FA-98 V. ANDERSON,DENIS
(110)

GREENBERG H & C PRO SE
ARG * 101.00 MOT FOR ALIMONY-PD LITE
ARG 102.01 MOT CUSTODY-PD LITE
ARG 102.02 MOT FOR SUPPORT-PD LITE
ARG 103.00 MOTION FOR POSSESSION

0411392 S CARRANO,ARTHUR T
FA-98 V. CARRANO,HEATHER A
(111)

SOLOMON K & W PC BOGDANOFF & C LL
ARG 129.00 MOTION FOR MODIFICATION

0415692 S GARTHAN,KENDRA
FA-98 V. GARTHAN,DONALD P III
(112)

G. H. KAHN KOLESNIK & MORRI
ARG 108.00 OBJECTION TO MOTION

0412394 S NOSAL,MICHELE H
FA-98 V. NOSAL,ANDREW JOHN
(113)

SOLOMON K & W PC B.A.CHAPLIN
ARG 136.00 MOTION FOR ORDER

NEW HAVEN

COLUMN 10 SHORT CAL NO. 2

0345594 S HARRIS, DARIN
FA-93 V. HARRIS, ANTHONY
(114)

PRO SE PRO SE
ARG 108.00 RULE OPEN/MODIFY JGDMENT

0411995 S LARKIN,DOROTHY
FA-98 V. LARKIN,WILLIAM
(115)

ENGELMAN & WELCH COHEN G I L O F
ARG 106.00 MOTION TO COMPEL

0416996 S SHANSON,KAREN
FA-98 V. MCNERNEY,DENNIS
(116)

H.H.LERNER NO APPEARANCE
ARG 101.00 MOT REFER TO FRD

0351197 S BEAHON, CLAUDETTE J.
FA-93 V. BEAHON, KEVIN E.
(117)

PRO SE PRO SE
NUGENT & BRYANT
ARG 147.00 MOT OPEN/MODIFY JUDGMENT

FPT 0401197 S ROSEHAN,SHELLEY
FA-97 V. ROSEHAN,MARK
(118)

LEVY & S LLC PRO SE
S.O.LEBAS G. H. KAHN
ARG 155.00 MOT OPEN/MODIFY JUDGMENT

0418697 S BISHOP,JONATHAN B
FA-98 V. BISHOP,DIANE P
(119)

H.D.MURPHY G. BATTISTOLI
ARG * 102.00 MOT FOR ALIMONY-PD LITE
ARG 103.00 MOT RETURN PERSONAL ITEM

0383998 S WILLIAMS,MARCELLE A.
FA-96 V. WILLIAMS,STANLEY A.
(120)

H.H.LERNER PRO SE
ALDIS & PELLEGGRI E.J. DOLAN
ARG * 149.00 MOTION FOR ORDER
ARG 150.00 MOTION FOR ORDER

0398598 S KACANICH, GARY
FA-97 V. KACANICH, LORRAINE
(121)

COHEN & W PC G. BATTISTOLI
L. PARLEY
ARG 123.00 MOT PERMISSION RD APPRNC

0248099 S CONTESSA,KATHLEEN
FA-86 V. CONTESSA,DOMINIC
(122)

E.J. DOLAN JACOBS G B & D P
ARG 127.00 MOTION FOR ORDER

CHIEF CLERK

NOTICE (continued from Column 1)

recorded controls. There is no marking to a later time or separate assignment.

A list of cases marked "Ready" and the judges and courtrooms to whom these cases are assigned, will be posted on the FIRST FLOOR, THIRD FLOOR, AND OUTSIDE THE CLERK'S OFFICE, the preceding Friday afternoon.

FAMILY RELATIONS

Parties must discuss their matter with a counselor from Family Relations when they arrive for their hearing. A Family Relations sign-up sheet is posted on the wall outside of Courtroom 3E for this purpose. Counselors will also be available to discuss pending motions prior to the assigned short calendar date. Call (203) 788-7903 for an appointment.

COLUMN 11

EXHIBIT 11-11

Sample stipulation regarding temporary support in a divorce case.

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SIMKE, CHODOS, SILBERFELD & ANTEAU, INC.
6300 Wilshire Boulevard
Suite 9000
Los Angeles, California 90048-5202
(213) 653-0211

FILED
LOS ANGELES SUPERIOR COURT
JAN 21 1994
EDWARD J. HINAGA, CLERK
H. Hinaga
BY H. HINAGA, DEPUTY

Attorneys for Respondent,
MELISSA JANE CARREY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In re the Marriage of:)	CASE NO. BD 135 499
)	
Petitioner: JAMES EUGENE CARREY)	STIPULATION RE: PENDENTE
)	LITE SUPPORT
and)	
)	
Respondent: MELISSA JANE CARREY)	
)	

WHEREAS, due to the uncertainty of Petitioner's employment that will exist until approximately March 1, 1994; and

WHEREAS, the parties are desirous of entering into a stipulation relative to spousal and child support for income tax purposes; and

WHEREAS, the parties are desirous of establishing some certainty as to spousal and child support for the months of January, February and March of 1994; and

WHEREAS, the parties are agreeable to any such agreement being without prejudice to the contentions of either party,

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto, and joined in by their respective counsel as

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In re Marriage of Carrey L.A.S.C. Case No. BD 135 499

follows:

1. That for the months of January, February and March of 1994, Petitioner shall pay to Respondent, as and for spousal support, the sum of \$20,600.00 (Twenty-Thousand, Six-Hundred Dollars) per month, payable one-half (1/2) on the first and one-half (1/2) on the fifteenth days of each month, commencing January 1, 1994, and continuing thereafter through March 15, 1994.

The spousal support paid by Petitioner to Respondent shall be reportable as income by Respondent and deductible by Petitioner for income tax purposes.

2. That Petitioner shall pay to Respondent, as and for child support of the minor child of the parties, the sum of \$5,300.00 (Five-Thousand, Three-Hundred Dollars) per month, payable one-half (1/2) on the first and one-half (1/2) on the fifteenth days of each month, commencing January 1, 1994 and continuing thereafter through the payment on March 15, 1994.

3. Petitioner shall continue to pay and maintain the existing policies of medical and life insurance for the benefit of Respondent and the minor child.

4. That with respect to the minor child, the parties shall share equally any non-insurance covered expenses, which shall include at the commencement of 1994, the deductible portions.

5. Respondent shall be responsible for all of the living expenses of herself and the minor child while in her custody, including but not limited to mortgage payments and real property taxes on the family residence, household expenses and private school expenses for the minor child. Additionally, Respondent

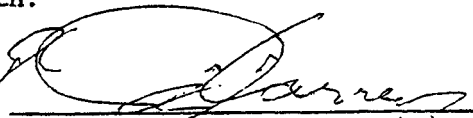
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In re Marriage of Carrey L.A.S.C. Case No. BD 135 499

shall be responsible for any credit card charges incurred by her after January 1, 1994, and at such time as she receives credit cards which have been issued in her name alone, she will surrender the joint credit cards in her possession.

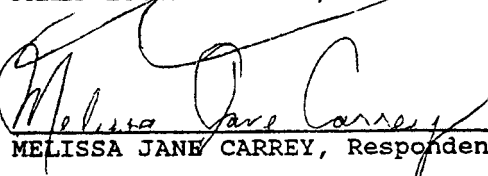
6. The aforesaid spousal and child support shall be without prejudice to either party's position, and in the event either party hereafter files an Order to Show Cause proceeding for pendente lite spousal and child support, same shall be retroactive to January 1, 1994, with Petitioner receiving credit for the payments hereinabove set forth.

DATED: ~~December~~ JANUARY 14, 1994, 1993



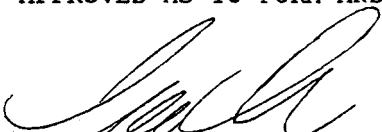
JAMES EUGENE CARREY, Petitioner

DATED: December 6, 1993



MELISSA JANE CARREY, Respondent

APPROVED AS TO FORM AND CONTENT:



NORMAN M. DOLIN, Attorney for
Petitioner, JAMES EUGENE CARREY

SIMKE, CHODOS, SILBERFELD & ANTEAU, INC.

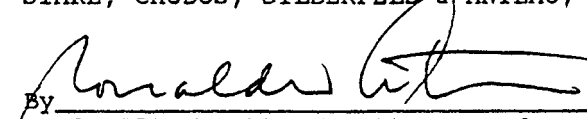

BY _____
RONALD W. ANTEAU, Attorneys for
Respondent, MELISSA JANE CARREY

EXHIBIT 11-12

Sample motion for contempt.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : SEPTEMBER 21, 2000

MOTION FOR CONTEMPT

The plaintiff in the above-referenced matter respectfully requests that the court find the defendant in contempt of court for failing to pay plaintiff court-ordered alimony payments. In support hereof, the plaintiff represents as follows:

1. On August 15, 2000, the court ordered the defendant to make weekly pendente lite alimony payments to the plaintiff in the amount of \$275.
2. The defendant has failed to make weekly pendente lite alimony payments in any amount since August 29, 2000.
3. The defendant currently owes the plaintiff back pendente lite alimony in the amount of FIVE HUNDRED AND FIFTY DOLLARS (\$550).

WHEREFORE, the plaintiff asks that the court find the defendant in contempt of the Court's order of August 15, 2000, and exercises its power to compel defendant to abide by said court order.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

EXHIBIT 11-12

Continued

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this _____ day of _____, 2000, as follows:

Grace A. Luppino
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 11-13

Sample motion for modification.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : SEPTEMBER 21, 2000

MOTION FOR MODIFICATION OF ALIMONY

The defendant in the above-referenced matter respectfully requests that the Court modify its order for alimony to reflect the defendant's changed financial circumstances.

In support hereof, the defendant represents as follows:

1. On August 15, 2000, this honorable court ordered the defendant to make weekly alimony payments pendente lite to the plaintiff in the amount of \$275.
2. The defendant complied with the court's order from the date of its entry through August 22, 2000.
3. On or about August 25, 2000, defendant's employment was terminated and defendant has remained without employment until September 20, 2000.
4. Defendant's income from her present employment is considerably lower than income from defendant's previous position.
5. Defendant is unable to pay plaintiff the weekly amount of \$275.

WHEREFORE, the defendant requests that the Court modify its alimony order of August 15, 2000 to reflect the defendant's adversely changed financial circumstances.

THE DEFENDANT,
EVELYN BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

EXHIBIT 11-13

Continued

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Justine F. Miller, Esq.
22 Park Place
New Haven, CT 06511

Grace A. Luppino, Esq.
Commissioner of the Superior Court

REVIEW QUESTIONS

1. What is a statutory cooling-off period?
2. What is meant by the term *pendente lite*?
3. Explain the purpose of a *pendente lite* motion.
4. Name the general features common to motions in all jurisdictions.
5. What information is provided in the caption of a motion?
6. List three motions commonly filed in a divorce proceeding.
7. What is the paralegal's role in facilitating *pendente lite* motions?
8. Explain the purpose of motion days or a short calendar.
9. What is a docket control system?
10. When would a party file a motion for contempt? A motion for modification?

EXERCISES

1. Find out the mandatory cooling-off period for divorce cases in your state. What is the minimum period of time that the parties must wait before the divorce is finalized? Are there any exceptions?
2. Contact the clerk of your local family court to determine when *pendente lite* motions are heard. Arrange to sit in and observe court proceedings on a short calendar or motion day. Make sure you obtain a copy of that day's calendar from the clerk's office so you can follow along.
3. Determine the procedure required in your state for filing *pendente lite* motions. Are you required to file accompanying documents with the motion? What are the time frames for filing motions? What is the procedure for serving motions on the opposing party?
4. Find your state statutes regarding *pendente lite* motions and outline the statutory criteria.
5. What is the required format for *pendente lite* motions in your state?

CHAPTER

12

THE DISCOVERY PROCESS IN FAMILY LAW

KEY TERMS

Capias	Notice of deposition
Confidential	Notice of filing of interrogatories
Confidentiality agreement	Notice of responding to and/or objecting to interrogatories
Cross-examination	Objection
Deponent	Overbroad
Deposition	Privilege
Direct examination	Redirect
Discovery	Request
Discovery tool	Request for admission
Duplicative	Request for physical or mental examination
Financial affidavit	Request for production of documents
Interrogatories	Requesting party
Irrelevant	Responding party
Joint stipulation	Subpoena
Malpractice	Subpoena duces tecum
Memorandum of law	
Motion for disclosure of assets	
Motion for protective order	
Motion to compel examination	

The discovery process is an important part of any type of civil suit. **Discovery** is the term used to describe the process or stage in a civil litigation matter during which information is gathered by each party for use in their case against the other party. There are set procedures known as **discovery tools** that the court allows the parties to employ while conducting discovery. The court, upon a motion from one of the parties, may hold the other party in contempt and/or compel the other party to release information held back unless the reluctant party has asserted a valid *objection* or *privilege*.

In a dissolution action, discovery is used to acquire essential information that will lead to an equitable distribution of marital property and to accurately determine each party's income in order to set alimony and child support payments. Finally, discovery can provide the information needed to make wise decisions about what type of custody the court will award and what visitation arrangements are in the child's best interests.

DISCOVERY TOOLS

In any type of lawsuit each party has the right to use any or all of the following discovery vehicles:

- ▼ Interrogatories,
- ▼ Requests for the production of documents,
- ▼ Requests for physical and mental examination,
- ▼ Requests for admission, and
- ▼ Depositions.

In litigation involving family law matters, most and sometimes all of these general discovery tools are used. Frequently, family law attorneys also employ additional discovery-oriented procedures designed to elicit specific information essential to the resolution of the particular issues involved in a family law matter. Examples include the motion for disclosure of assets and the parties' respective financial affidavits.

What follows is a description of both the general discovery tools common to all types of litigation and the subsidiary discovery vehicles commonly used in family matters. Accompanying each of these descriptions is a summary of the family law paralegal's role and duties in facilitating effective use of each discovery tool and procedure.

INTERROGATORIES

Interrogatories are written questions that one party in a lawsuit serves on any opposing party or parties. The party on whom the interrogatories are served must answer the interrogatories under oath. A party may object to having to answer an interrogatory. **Objections** can be asserted on the grounds that the information sought is **irrelevant**, **overbroad**, or **duplicative**. A party may also refuse to answer by asserting a privilege. A **privilege** is a court-conferred right permitting parties in a lawsuit to keep confidential any information ex-

changed between themselves and another person in instances where there was a special type of relationship between themselves and the other person that generated an expectation of trust, confidentiality, and privacy. For instance, the court recognizes

- ▼ Spousal privilege,
- ▼ Attorney/client privilege,
- ▼ Physician/patient (therapist/client) privilege, and
- ▼ Priest/penitent (clergy/parishioner) privilege.

Interrogatories in a family law proceeding may seek to have the other party identify all banks accounts, stock accounts, and real property held by that party jointly or in his or her name, solely. Interrogatories may contain questions about a spouse's current employment, earned income, bonuses, and health insurance and life insurance coverage. The purpose of these types of interrogatories is to uncover all of the opposing party's assets and sources of earned and unearned income, as well as forms of nonmonetary employment compensation.

Interrogatories may also seek to have the opposing party spouse reveal the names of parties residing with the spouse; the names and addresses of doctors who have treated the spouse or who have treated the minor children when in that spouse's care; and the names of day care providers or other child care workers who have cared for the child or children. Interrogatories must be answered in writing, under oath, and by the party on whom they have been served.

FIGURE 12-1

A party may consider a question "privileged" and refuse to answer it if it deals with a patient/doctor relationship.



Preparation of Interrogatories

The paralegal in a family law practice will often have the task of drafting interrogatories to be served on the opposing party. The paralegal should begin this process by reviewing the client's file and making a list of all areas where information will be needed from the opposing spouse. Then the paralegal, with the supervising attorney's approval, should schedule a meeting with the client.

Prior to the meeting the paralegal prepares a rough draft of the interrogatories or questions to be posed and answered. At the meeting, the client and paralegal review these questions, correct any inaccurate information, and add and delete questions as they agree is appropriate. Following the initial meeting, the paralegal revises the draft of the interrogatories and presents this revised draft to the supervising attorney for review and further revision, if necessary.

Once the supervising attorney completes any needed revisions and signs off on the document, the paralegal prepares the final form of the interrogatories and returns the completed document to the supervising attorney for final review and signature. Once signed, the paralegal ensures that the document is sent to the opposing party's attorney. In most jurisdictions, interrogatories and responses are not filed with the court. Many states, however, require that parties file with the court a **notice of filing of interrogatories** and a **notice of responding to and/or objecting to interrogatories**. The paralegal should learn the jurisdiction's requirements for filing any documents related to interrogatories and responses and time limitations on such filings.

Preparation of Responses to Interrogatories

As mentioned, a party served with interrogatories must answer the interrogatories in writing and under oath, and within a specific time frame. In the oath, the party must state that his answers or responses are true and accurate to the best of his knowledge. This obligation to answer truthfully and accurately does not preclude the law firm from providing a client with assistance in forming and articulating accurate responses or from providing technical assistance in the manuscripting or transcribing of the answers or objections.

When a law firm receives a set of interrogatories for a particular client to answer, frequently the family law paralegal will see to it that the client provides the required responses within the appropriate time frame. The paralegal often copies the interrogatory papers and sends a copy to the client with a cover letter explaining that the client should try to provide answers to all questions as best she can. In this letter the paralegal will also tell the client to mail back her responses as soon as possible. After the client has sent the responses to the law firm, the paralegal reviews the information and then, with the approval of the supervising attorney, calls the client and sets a date for the client to come to the office and meet with the paralegal to discuss and finalize the responses.

At this meeting, the paralegal assists the client in reformulating any answers that are incomplete or that do not really answer the question asked. In addition, the paralegal helps the client delete any information in answers that should be objected to or that is privileged. The paralegal also helps the client delete any information that has not been requested, especially information that, if left in the response, would, in fact, help the other side with their case and hurt the client.

After the client and paralegal have finalized the responses, the paralegal prepares a final document that is reviewed by the supervising attorney. If the super-

vising attorney has questions or concerns regarding any part of the document, these issues are discussed and resolved. The paralegal then revises the document as needed, and the attorney reviews the revised document.

If everything is in order, the paralegal again arranges for the client to come to the office, review the final document and, subject to any final revisions, the client signs the responses under oath in the presence of two witnesses, and a notary public or officer of the court acknowledges her oath. Once finalized, the paralegal sends the responsive document to the opposing party's counsel and files notice with the court, if such notice is required. A sample set of interrogatories is provided in Exhibit 12-1.

REQUESTS FOR PRODUCTION

Parties may request production and inspection, and often copying, of documents that are relevant to a dissolution action (see Exhibit 12-2). For instance, by means of a **request for production**, one party can request inspection of the other party's federal and state tax returns, canceled checks, bills for the minor children's summer camp or private school, copies of health insurance plans, insurance policies, copies of driver's licenses, pay stubs, and titles to cars, boats, or other recreational vehicles. The party asking to see and, most likely, copy these documents is called the **requesting party**. The party who must produce these documents is known as the **responding party**.

The responding party must produce all documents requested unless he has a valid objection or the documents are privileged, or **confidential**, or the responding party does not have what has been requested and has no idea of where these documents are. Sometimes, a responding party may withhold a document on the grounds that it is confidential. In a family law matter, this issue might arise when the requesting party seeks information relating to the respondent's business, profession, or employment. For the respondent to produce this information, the respondent might be divulging a trade secret, classified work-related data, or even information about an invention for which the respondent is seeking a patent, or about an artistic work the respondent wishes to have copyrighted before revealing it to the public. In instances like this, either or both parties may draft and file with the court a **motion for protective order** and a **confidentiality agreement**. These documents will ensure that although certain confidential information will be disclosed to the opposing party, that party, under penalty of law, must limit disclosure of this information to the court and the parties only and must affirmatively act to protect the confidentiality of the material provided.

Preparation of Requests for Production

The family law paralegal is often the person who prepares the preliminary draft of production requests that the client or the supervising attorney wishes to make. The steps in this process are similar to the steps utilized for preparing interrogatories. The paralegal reviews the file, consults with the attorney and with the client, and also draws on models of production requests from previous similar types of family law actions.

When the opposing party remits documents in response to the request, the paralegal checks off these documents, catalogs them, and prepares a list of documents not produced so that the supervising attorney will know of and can respond to the opposing party's noncompliance.

Preparation of Responses to Requests for Production

The family law paralegal may also be responsible for orchestrating a client's response to the opposing side's production requests. When the law firm receives a request for the production of documents, the paralegal sends a copy to the client just as the paralegal has sent the client a copy of interrogatories served. Because there is only a thirty-day time limit in which to respond to both interrogatories and production requests, the paralegal follows up the letter with a phone call to the client in which the paralegal offers assistance in helping the client to identify and find the requested documents. The paralegal should also meet with the supervising attorney to discuss which documents the attorney wishes to withhold as privileged, which documents the attorney objects to producing, and which documents, if any, the attorney wishes to be shielded by a protective order and confidentiality agreement.

REQUEST FOR PHYSICAL OR PSYCHIATRIC EXAMINATION

In a dissolution action, one party may request that the other party submit to a physical examination and/or a psychiatric evaluation (see Exhibit 12-3). This may occur when the requesting party believes and alleges that the other party's physical or mental status should preclude awarding child custody or unsupervised visitation to the other party.

A party may also file a **request for physical or mental examination** if the opposing party has requested a high amount of alimony on the basis that she is physically unable to work or too emotionally unstable to work, or where the party on her financial affidavit reflects high weekly costs for mental health counseling or therapy.

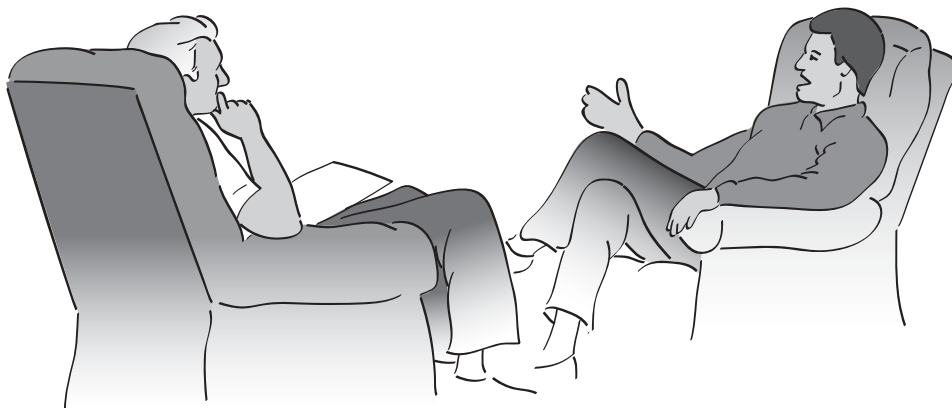
Finally, in dissolutions involving minor children, the children's mother may request a physical examination of the male spouse to establish paternity of the child for purposes of support, custody, and visitation. The husband/spouse may also request a paternity test if he doubts that he is the natural father of one or more of the children born during the marriage.

Preparation of a Request for a Medical Examination

When a family law paralegal has an initial informational interview with a client, as discussed in an earlier section, the paralegal asks the client to complete a questionnaire that addresses many aspects of the client's marital history and each

FIGURE 12-2

A party to a dissolution may request a mental examination of the other party if the other party claims, for example, an inability to work due to emotional stress.



spouse's individual family background, educational attainments, and medical history. After reviewing the client's responses, the paralegal may immediately recognize the existence of one of the above-mentioned circumstances that gives rise to the need for a physical or mental examination of the opposing party. The paralegal should bring this to the attention of the supervising attorney. If the supervising attorney agrees with the paralegal's analysis, she will direct the paralegal to prepare the document for filing in court.

In most jurisdictions, the party desiring such an examination must file a document with the court known as a **request** rather than a motion. A request differs from a motion in that it is automatically granted by the court thirty days after filing, absent the opposing party's objection. The family paralegal files the original of the request document with the court and makes sure that proper service is made on the opposing party's counsel. If no objection is filed within the prescribed time limit and the time limit expires, the paralegal prepares a letter to opposing counsel requesting dates on which to schedule the requested examination or examinations. Absent the timely filing of an objection, the opposing party must submit to the examination within a reasonable amount of time. If the party refuses to do so, the paralegal must alert the supervising attorney of this failure and, with the supervising attorney's approval, file a **motion to compel examination**.

Frequently, an opposing party may object to an examination completely, or object unless there is agreement as to the choice of examiner, agreement as to the extent, nature, and exact purpose of the exam, or the use to which the requesting party will allocate the results. When an objection is filed, the opposing attorneys may be willing to negotiate a compromise and avoid litigating the issue in open court.

If no agreement is reached, the matter is scheduled for a hearing and the paralegal keeps a watchful eye for the court calendar that will be sent to the law firm indicating the date of the hearing. When it arrives, the paralegal will docket the hearing on the calendar. If the scheduled date conflicts with other obligations of the attorney handling the case, the paralegal apprises the supervising attorney, who then decides whether to send another of the firm's attorneys to the hearing or to have the paralegal attempt to reschedule the matter. The paralegal is also responsible for notifying the client of the need to be in court on the hearing date. If the supervising attorney believes that the client will need to offer testimony, the paralegal may schedule a meeting with the client prior to the hearing to review the matter and prepare the client for his appearance on the witness stand.

Preparation of a Response to a Request for a Medical Examination

When the family law firm receives a request that a client be subjected to a physical examination or mental or psychological evaluation, the attorney handling the file may direct the paralegal to communicate the request to the party and arrange for an office conference to discuss the request. After this meeting, the supervising attorney may decide to object to the request or negotiate with opposing counsel to allow the examination subject to agreed-on parameters such as the ones mentioned above.

Usually, a party's attorney will not allow a blanket assent to an examination and the uses to which the results will be applied unless the examination is limited by its own nature and/or unless the client insists on no limitations. The family law paralegal may have the task of drafting a letter to the opposing counsel memorializing the limiting terms parties have agreed to. If no agreement is reached, the

FIGURE 12-3

An attorney may decide to object to a request for a medical examination or may ask for certain parameters to be accepted, such as naming the person who will conduct the examination.



paralegal will, within the thirty-day period, draft and see to the finalization of an objection or objections that must be filed with the court. Once filed, the paralegal will make sure that the court's notice of a hearing on the objections is noted, and docketed on the firm's calendar, and that any need for a continuance is requested in a timely manner.

If a client must submit to a medical examination or mental or psychological evaluation, the paralegal may be the staff person who arranges for the client's appointment, notifies the client of this appointment, and telephones the client a day or two before the appointment to remind the client of this obligation. After the examination, the paralegal should make sure that the firm receives a copy of the examining physician's report and/or a copy of the results of any laboratory tests.

REQUEST FOR ADMISSION

Sometimes either party in a dissolution action may file a **request for admission** of certain facts or events (see Exhibit 12-4). In civil suits, one party may request formally that an opposing party admit the truth of some fact or event that will inevitably be proved at trial. For instance, one party may request that the other party admit that although the other party receives child support for three minor children, the oldest child resides with the noncustodial parent. If one party files a request for admission with the court, and the other party does not object to this request within thirty days after it is filed, the facts or events requested to be admitted are deemed admitted. If the other party does file an objection, then the parties may negotiate a compromise of admissions or, if no compromise is reached, the parties' attorneys will argue their respective positions before the court.

Preparation of a Request for Admissions

The family law paralegal is responsible for recognizing any circumstances listed on the client questionnaire that may necessitate the filing of a request for admission from the opposing party. The paralegal should apprise the supervising attorney of such circumstances and if the supervising attorney agrees that a request for admission of certain facts is in order, then the paralegal may prepare the document, present it to the attorney for review and signing, and see that it is filed properly with the court and that a copy is mailed to the opposing counsel in a timely manner.

Once such a document is filed, the paralegal should watch the calendar to ensure that any objections received from opposing counsel are filed within the thirty-day time limit. If objections are timely filed and the parties' attorneys reach a compromise, the paralegal prepares, for court filing, either a revised request for admissions negotiated and agreed to by both parties, which will be automatically granted after thirty days, or a **joint stipulation** in which the opposing party withdraws its objections subject to the modification of some aspect of the requested admissions.

Preparation of a Response to a Request for Admission

Frequently, when an attorney receives a request for admission from opposing counsel, the attorney will ask the paralegal to contact the client, explain the purpose of a request for admission, describe the nature of the admissions sought, and inquire whether the facts the opposing counsel seeks to have admitted are true and accurate. The paralegal discusses the outcome of this conversation with the supervising attorney, who will decide how to respond to the request. If the paralegal feels that the client needs further explanation or clarification of the request for admissions, the paralegal should convey this to the attorney, who may wish to speak to the client personally before proceeding further. The attorney may direct the paralegal to send the client a copy of the request for admission and a cover letter that requests the client to call the office and set up a time for an office meeting or telephone conference with the attorney to discuss how to proceed.

The paralegal must also monitor the running of the thirty-day objection deadline so that before the time period expires, the attorney confers with opposing counsel and decides whether to allow the admissions or have the paralegal prepare a stipulation, or prepare objections to the request for admission to be heard by the court. If objections are filed and the court schedules a hearing, the paralegal will be responsible for docketing the date and notifying the client. If a scheduling conflict exists, the paralegal may have to notify the office of opposing counsel of this conflict and also notify the court by requesting a continuance for the hearing.

DEPOSITIONS

The need for depositions does not arise in every dissolution case. Depositions are employed primarily when there is a need to identify all of the opposing spouse's assets or when documentation is needed to support one parent's claim that the child's interest will be best served by investing sole custody in that parent, or when a parent wishes to establish the need to severely restrict the other party's visitation rights.

A **deposition** is a procedure in which one party's attorney orally questions an opposing party or a nonparty witness who has sworn under oath to answer all

questions truthfully and accurately to the best of their knowledge and ability. The person being deposed is known as the **deponent**. The format of a deposition includes the initial questioning by the deposing party's attorney. This questioning is termed **direct examination**. After the deposing attorney conducts the direct examination, the opposing party's lawyer has the opportunity to cross-examine his or her client. After this **cross-examination**, the deposing attorney may question the deponent on any subject covered in the cross-examination testimony. This questioning is known as **redirect** questioning.

The following individuals must be present at a deposition: the deposing attorney, the opposing party, and the court reporter. The attorney for the opposing party *should* also be present. The deposing party's client may be present and, for practical reasons, should be present. If, however, the deposing party's client in a dissolution suit is terrified of the opposing party, and the deposing lawyer decides that the risks to his or her client's well-being outweigh the value of the client's presence at the deposition, the attorney may choose to depose the opposing party outside the client's presence. The deposing attorney may also decide to have his or her paralegal present to take notes or retrieve documents for direct questioning or cross-examination.

At the deposition of a nonparty witness, all parties must be invited but their presence is not mandatory. Usually the opposing party's lawyer will attend and want the client to also attend. The court reporter must always be present at a deposition.

Deposition Expenses

Depositions are expensive. Therefore, the need for a deposition must be great enough to justify the expense. An attorney will apprise a client of the availability of the deposition as a discovery tool and may strongly recommend deposing the opposing party or a witness or witnesses. However, the decision to depose ultimately rests with the client, who must pay the attorney for time spent preparing for and appearing at the deposition and who must pay the court reporter for transcription services at the deposition and for the typed transcript of the deposition.

FIGURE 12-4
Court reporters are always present at depositions.



Early in a client's representation the attorney should make the client aware of the possible need for depositions and the anticipated costs. An attorney should also tell his client that the opposing spouse's attorney may require that she be deposed. A client may refuse to appear at a deposition once she is noticed. Exhibit 12-5 provides a sample **notice of deposition**, which is served on a party to a lawsuit by sending the notice via first class mail to the party's lawyer.

Once a party has been served, the party through his or her attorney has the following options:

1. Appear at the deposition at the noticed time and place,
2. Negotiate to reschedule the deposition to a time and/or place mutually agreeable to the deposing party and the party being deposed, or
3. Request to have the other party cancel the deposition by offering to negotiate or informally resolve the issue that has given rise to the noticing of a deposition.

If a deposing party's purpose for the deposition is to uncover the opposing party's hidden assets or hidden and ongoing source of income, the party noticed for deposition may decide to amend her financial affidavit to reflect these amounts, thus obviating the need, time, and expense of a deposition, or the party may simply decide to make the opposing spouse a higher property settlement or agree to a higher amount of alimony or child support or both.

Sometimes the simple act of noticing a party for a deposition will produce one or another of these results. Doing so is considered an act of strategy!

The Paralegal's Role in the Deposition

At a minimum, the paralegal in a family law practice is responsible for preparing the notice of deposition, determining the client's availability, and sending copies to all counsel and *pro se* parties. Because a deposition is usually held at the law offices of the deposing attorney, the paralegal must check the availability of the conference room, or in a larger firm, the availability of one of the conference rooms.

Sometimes, either the attorney or the paralegal will call the opposing attorney or their paralegal to agree and reserve in advance the date or dates for the deposition. These dates then appear on the notice of deposition, which must nevertheless be served even if the respective attorneys have agreed to the fact of the deposition and its place, time, and date.

NOTICING OF NONPARTY WITNESSES

The paralegal is also often responsible for preparing the paperwork needed to bring a nonparty witness to a deposition.

To require a nonparty witness to appear at a deposition to be deposed, the deposing lawyer must serve a subpoena on the witness ordering their appearance. A **subpoena** is a legal document signed by an officer of the court that requires the person receiving it to appear under penalty of law at the time, date, and place indicated on the document (see Exhibit 12-6). A sheriff or other indifferent person serves the subpoena on the nonparty witness. In many jurisdictions, the statute requires the sheriff to give the nonparty witness cash or a check to reimburse the nonparty for a percentage of his travel expenses from his home to the site of the deposition. A **subpoena duces tecum** is a subpoena commanding a party or wit-

ness, who has in his or her possession, documents that are relevant to a case, to produce them at a motion hearing or trial.

Typically, the paralegal prepares the subpoena and arranges for the sheriff to pick up the subpoena and serve the witness. The paralegal is responsible for giving the sheriff the proper address for the witness and possibly a physical description of the witness. Also, the paralegal should later check with the sheriff to determine if service has indeed been made.

MOTION FOR DISCLOSURE OF ASSETS

Frequently, in conjunction with the taking of a party's deposition, the deposing attorney will file with the court a **motion for disclosure of assets** (see Exhibit 12-7). In this motion, the moving attorney requests the court to order the opposing party to bring to the deposition detailed information on all existing assets and acceptable documentation to substantiate the extent and/or limits of the party's assets. The opposing attorney may object to the granting of this motion, in which case, the court hears arguments from both sides and either grants or denies the motion. If the motion is granted, the party must under penalty of law bring such materials to the deposition. There, the opposing counsel examines the documents and questions the party on various aspects of the information. Naturally, the deponent's attorney will have an opportunity for cross-examination and the deposing attorney may conduct redirect examination on the cross-examination.

If a party's attorney is not deposing the opposing party, the party's attorney may still file a motion for disclosure of assets. If the motion is granted, the opposing party's attorney must see that a written disclosure is made, that it is accompanied by requested documentation, and that the disclosure is made within the court-ordered time frame. If a party fails to fully disclose his or her assets, the opposing counsel may file a motion to hold the party in contempt of a court order. If contempt is proven, the court may order immediate and full disclosure which, if not complied with, may result in the court issuing a **capias**, which is a civil arrest warrant served by a sheriff ordering that officer to take physical custody of the party and bring them to the appropriate corrections facility, that is, *jail*, where they will remain incarcerated until they make arrangements to comply with the court's order for disclosure.

A motion for disclosure of assets in a family law matter typically requests disclosure of all real and personal property owned by a spouse either in her own name or owned jointly with the spouse or with another person or entity. Examples of such assets include bank accounts, certificates of deposit, mutual funds, stocks, boats, cars, and parcels of real estate. The motion for disclosure of assets and the assets it involves is discussed extensively in Chapter 6, which covers property distribution.

Preparation of a Motion for Disclosure of Assets

The family law paralegal is often given the task of drafting the motion for disclosure of assets. The paralegal should review the client intake sheet on which the client has listed assets he believes the other spouse owns. In addition, the paralegal should confer with the client over the phone or in person to review the assets listed and determine whether other categories of assets should also be requested to be disclosed. After the conference, the paralegal drafts the motion and submits it to the supervising attorney for review and possible revision.

Once the final draft of the motion is approved and signed by the supervising attorney, the paralegal files the motion. The court schedules the motion for a hearing that the paralegal then docket or, if necessary, reschedules through a continuance. If the motion is granted, the paralegal monitors the compliance with the motion and drafts a motion for contempt if disclosure is not made or if disclosure is not complete.

Preparation of a Response to a Motion for Disclosure of Assets

If the opposing party serves the firm's client with a motion for disclosure of assets, the supervising attorney may decide to file with a court a written objection to the motion for disclosure of assets, and may direct the paralegal to draft such an objection and possibly draft a **memorandum of law** supporting the objection. After the supervising attorney reviews and finalizes these documents, the paralegal prepares them in final form, obtains the attorney's signature on them, and sees that the originals of the documents are filed with the court and that copies are properly noticed on opposing counsel.

If the court orders a client to disclose the enumerated assets, the paralegal may be given the task of helping the client list all of the assets and compile, assemble, and organize the substantiating documentation. Once this is done, the paralegal drafts the document containing the disclosed information and documentation, submits it for review and signing to the attorney, transmits the information to opposing counsel, and formally notices the court of the client's compliance.

THE FINANCIAL AFFIDAVIT

Certainly most, if not all, jurisdictions require that both parties in a dissolution or divorce proceeding file a financial affidavit with the court within a specified period of time after the commencement of the proceeding. A **financial affidavit** is a sworn statement that enumerates the party's sources of income, earned and unearned; the party's expenses, necessary and optional; and all of the party's assets and liabilities. As mentioned above, assets include real and personal property, such as cash on hand, cars, furniture, stocks and bonds, rental property, vacation homes, and the interest, if any, in one's primary residence. Liabilities include debts such as credit card balances, student loans, court judgments, mortgages, and balances owned on any and all other secured and unsecured loans.

The party completing the affidavit must provide either a weekly or monthly breakdown of income, expenses, and payments on debts. Whereas in years past the financial affidavit was drafted by a party's attorney, most jurisdictions now provide a preprinted, two-sided "fill-in-the blanks" form (see Exhibit 12-8). Most family law courts require the filing of this document before resolving any matters of any nature, financial or otherwise, in the pending proceeding. Financial affidavits must always be filed not only in dissolution matters, but also in any subsequent matters involving a change in alimony and child support orders.

Preparation of a Financial Affidavit

The family law office paralegal frequently assists the client in preparation of the financial affidavit. The amount of assistance needed will vary depending on the individual client's level of financial sophistication, her recordkeeping and organizational skills, the quantity and nature of the assets and liabilities involved, and the

complexity or simplicity involved in calculating sources of income and essential and nonessential expenses. At the very least, the paralegal will transmit a copy of the financial affidavit form to the client together with a cover letter instructing the client to complete and return the form to the law office together with copies of applicable substantiating documentation such as bills, bank statements, cancelled checks, rental or mortgage payment receipts, pay stubs, and tax returns. When the paralegal receives this information, he may have to see that the amounts reported are broken down into the periodic increments the court requires. For instance, if a client forwards pay stubs that report gross income, deductions, and net income on a bimonthly basis and the jurisdiction requires a weekly breakdown or a monthly breakdown on the affidavit, the paralegal will have to apply arithmetic skills to arrive at and furnish the appropriate figures sought.

In instances where the parties in a dissolution proceeding each earn a moderate income from only one or two sources—for instance, employment compensation and bank account interest—the completion of the financial affidavit is fairly simple. However, when one or both of the divorcing parties have a very high earned income as well as considerable unearned income from several sources, and where the parties, together or separately, have accumulated valuable assets, both tangible and intangible, the completion of a financial affidavit in a manner that accurately and fully reflects each party's financial status is extremely complex. Arriving at proper figures may entail consulting with the client's accountant, financial advisor, and/or investment broker and retaining independent experts to evaluate pension assets and equity in business entities or to appraise tangible personal property such as antiques, expensive household furniture, art work, and other valuable collectibles.

It is extremely important that the financial information obtained be complete and accurate. The paralegal assigned to the file must perform her duties in a very thorough, responsible, and competent manner. Failure to do so could expose the client to allegations of fraud because the financial affidavit is signed under oath. The injured client who has provided honest and full disclosure to the firm handling the matter could seek redress against the firm through an action for professional malpractice and/or breach of fiduciary duty.

The paralegal may also have responsibilities involving the review of the financial affidavit submitted by an opposing party. The paralegal may have to meet with the client to review the other party's affidavit. If the client believes that the opposing spouse has not fully disclosed all assets or sources and amounts of income, or has misrepresented her financial position, the paralegal must report this to the supervising attorney immediately with a summary of the reasons the client has given to support his belief. Subsequently, the attorney may assign the paralegal various tasks designed to properly uncover the opposing party's hidden or undervalued assets and unreported or underreported sources of income.

Again, we cannot stress too strongly that the paralegal must handle these assignments with the utmost care and professionalism. Failure to do so can mislead the supervising attorney who may honestly "miss" identifying and locating all of the opposing party's assets and sources of income. If divorcing parties agree to a financial settlement based on wrong data, the party injured by lack of the right information can and may bring suit against his attorney for negligent legal representation, more commonly known as **malpractice**. The supervising attorney is ultimately responsible for the negligent actions of the law office staff persons assigned to the file and this attorney as well as the entire firm will suffer the conse-

quences. If the attorney has instructed the paralegal in a clear and understandable manner to perform relatively standard procedures for obtaining the additional information sought and the paralegal performs this work in a slipshod or incomplete way, yet leads the supervising attorney to believe that the work has been done in a responsible manner, the paralegal should and most likely will be terminated and may have difficulty obtaining employment in any other law firm.

On the other hand, if an attorney assigns a paralegal work well beyond the paralegal's area of knowledge, training, and expertise and, further, if the attorney fails to review the paralegal's work product before sending it out of the office or relies on the work product to make decisions on the case, the paralegal is blameless. The attorney has committed malpractice and should be dismissed from the firm, but the paralegal should not be held responsible if she completed the assigned work to the best of her training and ability and the supervising attorney failed to review the work before relying on it.

Sometimes an attorney will in good faith assign a paralegal work that is beyond her reach. In this instance, the paralegal and attorney are best served if the paralegal honestly reports her concerns about being able to complete the assignment adequately. The attorney is then put on notice and can either modify the parameters of the assignment or tell the paralegal to complete the assignment as given to the best of her ability, knowing that the results cannot be relied on as a finished product.

EXHIBIT 12-1

Sample interrogatory.

DOCKET NO. FA 96-123456	: SUPERIOR COURT
BRONSON, RODNEY	: JUDICIAL DISTRICT OF NEW HAVEN
V.	: AT NEW HAVEN
BRONSON, EVELYN	: SEPTEMBER 14, 2000

INTERROGATORIES

The plaintiff requests that the defendant answer under oath the following interrogatories within thirty days of the service hereof by serving the same upon counsel for the defendant of this action and that they can be provided by the defendant with substantially greater facility than they can otherwise be obtained by the plaintiff.

1. State whether or not you have any present or future interest in any pension plan, retirement plan, profit sharing plan, stock option plan, deferred income plan, or other similar type of plan, annuity, or fund.

2. If the answer to Interrogatory 1 is yes, please answer the following:
 - a. The type of plan, annuity, or fund:

 - b. Name of the plan, annuity, or fund:

 - c. Account number of the plan, annuity, or fund:

 - d. Name and address of the plan administrator, trustee, or custodian:

 - e. Age of eligibility for each plan, annuity, or fund:

 - f. Date when each plan, fund, or annuity will vest:

EXHIBIT 12-1

Continued

- g. Present value of each plan, fund, or annuity:

- h. Projected value of plan, fund, or annuity at eligibility age:

- i. Date of withdrawal for each plan, fund, or annuity:

- j. Amount of benefits upon retirement for each plan, fund, or annuity:

THE PLAINTIFF,
RODNEY BRONSON

BY: _____

JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

The foregoing answers are true to the best of my knowledge and belief.

Rodney Bronson

Subscribed and sworn to me this ____ day of _____, 20__.

Notary Public/
Commissioner of the Superior Court

EXHIBIT 12-1

Continued

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED

THE COURT

BY: _____

JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 12-2

Sample request for production.

DOCKET NO. FA 96-123456	: SUPERIOR COURT
BRONSON, RODNEY	: JUDICIAL DISTRICT OF NEW HAVEN
V.	: AT NEW HAVEN
BRONSON, EVELYN	: SEPTEMBER 14, 2000

REQUEST FOR PRODUCTION

The plaintiff represents that certain documents material to the pending action, which are not privileged or within the possession of the plaintiff, whose production would be of assistance in the prosecution of the action, can be provided by the defendant with substantially greater facility than they could otherwise be obtained by the plaintiff and therefore requests that the defendant produce for inspection and copying the following:

1. Copies of any pension plan, retirement plan, profit sharing plan, stock option plan, deferred income plan, or other similar type plan, annuity, or fund.
2. Copies of all statements of accounts for the year 20__ through the present date which indicates the amount to your interest and contributions to all said plans, annuities, or funds.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 12-3

Sample request for medical examination.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : SEPTEMBER 14, 2000

REQUEST FOR PSYCHIATRIC EXAMINATION

The plaintiff, Rodney Bronson, requests the Court to order a psychiatric evaluation of the defendant, Evelyn Bronson. The plaintiff contends that the mother's ability to care for the children is at issue.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 12-4

Sample request for admission.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : SEPTEMBER 14, 2000

REQUEST FOR ADMISSION

The plaintiff hereby requests the defendant to admit the truth of the following statements:

That the defendant's employer provides health insurance coverage for all biological or adopted minor children of the insured employee, regardless of their place of residence.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 12-5

Sample notice of deposition.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : SEPTEMBER 14, 2000

NOTICE OF DEPOSITION

The plaintiff, Rodney Bronson, hereby gives notice that his attorney intends to take the deposition of the defendant, Evelyn Bronson, regarding her knowledge of the above-captioned matter on October 22, 2000, at 11:30 a.m., before court reporters at the law office of the plaintiff's counsel located at 22 Park Place, New Haven, CT.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____

JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 12-6
Sample subpoena.

STATE OF CONNECTICUT
SUPERIOR COURT

**SUBPOENA
FAMILY/JUVENILE**
JD-FM-125 Rev. 4-89 (Old SJIC-11A)
C.G.S. 52-143, 52-144, 52-260



INSTRUCTIONS

To be used only if the witness is being subpoenaed by the state in family or juvenile matters, including those subpoenas issued by the attorney general, or an assistant attorney general, or by any public defender or assistant public defender acting in his/her official capacity. (For example, in family matters, use in conjunction with form JD-FM-124.)

NAME OF CASE _____ DOCKET NO. _____

NAME AND ADDRESS OF COURT (No., street and town) _____

TO _____

DATE AND TIME YOU ARE TO APPEAR _____

BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to appear before the Superior Court in session at the above address on the date indicated above or to such day thereafter and within sixty days hereof on which the action named above is legally to be tried, to testify what you know in said action pending in the court.

YOU ARE FURTHER COMMANDED TO BRING WITH YOU AND PRODUCE:

HEREOF FAIL NOT, UNDER PENALTY OF THE LAW.

To any proper officer or indifferent person to serve and return.

NAME OF STATE AGENT ISSUING SUBPOENA _____ TITLE _____

SIGNED (Clerk, Commissioner of Superior Court) _____ ON (Date) _____ AT (Town) _____

NOTICE TO THE PERSON SUMMONED

You must report to the court at the time and address shown above and remain until this case is disposed of and you are discharged by the court. Present this subpoena when you report. Your statutory fees as witness will be paid by the clerk of the court where you are summoned to appear, if you give the clerk this subpoena on the day you appear. If you do not appear in court on the day and at the time stated, or on the day and at the time to which your appearance may have been postponed or continued by order of an officer of the court, the court may order that you be arrested. In addition, if you fail to appear and testify, without reasonable excuse, you shall be fined not more than twenty-five dollars and pay all damages to the aggrieved party.

RETURN OF SERVICE

JUDICIAL DISTRICT OF _____ DATE _____

SS. _____, Connecticut

Then and there I made service of the within subpoena not less than eighteen hours prior to the time designated for the person summoned to appear, by reading the same in the presence and hearing/leaving a true and attested copy hereof in the hands/at the last usual place of abode of each of the within-named persons, viz:

The within is the original/ a true copy of the original subpoena.

ATTEST (Signature of proper officer or indifferent person) _____ TITLE (if applicable) _____

DATE
FEEES
COPY
ENDORSEMENT
SERVICE
TRAVEL (Show miles and amount)
TOTAL

DISTRIBUTION: WHITE - Return to court after service YELLOW - Witness PINK - Retained by clerk

EXHIBIT 12-7

Sample motion for disclosure of assets.

DOCKET NO. FA 96-123456 : SUPERIOR COURT
BRONSON, RODNEY : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT NEW HAVEN
BRONSON, EVELYN : SEPTEMBER 14, 2000

MOTION FOR DISCLOSURE OF ASSETS

The plaintiff in the above-captioned matter hereby requests the Court to order the defendant to disclose her assets.

Wherefore, the plaintiff requests the Court to order the defendant to appear at the office of the undersigned on October 22, 2000, to disclose under oath during a deposition, all of her assets.

THE PLAINTIFF,
RODNEY BRONSON

BY: _____
JUSTINE F. MILLER, ESQ.
HIS ATTORNEY
22 PARK PLACE
NEW HAVEN, CT 06511
(203) 861-4444
JURIS NO. 313133

ORDER

The foregoing motion having been heard, it is hereby ORDERED:

GRANTED/DENIED
THE COURT

BY: _____
JUDGE

CERTIFICATION

This is to certify that a true copy of the foregoing motion was mailed, postage prepaid, on this date to all counsel and pro se parties of record on this ____ day of _____, 2000, as follows:

Grace A. Luppino, Esq.
555 Main Avenue
New Haven, CT 06511

Justine F. Miller, Esq.
Commissioner of the Superior Court

EXHIBIT 12-8
 Financial Affidavit

COURT USE ONLY
 FINAFF



FINANCIAL AFFIDAVIT

JD-FM-6 Rev. 5-88
 P.B. 25-30

STATE OF CONNECTICUT
 SUPERIOR COURT

FOR THE JUDICIAL DISTRICT OF

AT (Address of court)

DOCKET NO.

NAME OF CASE

NAME OF AFFIANT (person submitting this form)

PLAINTIFF DEFENDANT

OCCUPATION

NAME OF EMPLOYER

ADDRESS OF EMPLOYER

A. WEEKLY INCOME FROM PRINCIPAL EMPLOYMENT (Use weekly average not less than 13 weeks)

1. DEDUCTIONS	AMOUNT/WEEK \$	4. DEDUCTIONS (Cont.)	AMOUNT/WEEK \$	GROSS WKLY WAGE FROM PRINCIPAL EMPLOYMENT → \$	
2.	\$	5.	\$		TOTAL DEDUCTIONS → \$
3.	\$	6.	\$		NET WEEKLY WAGE → \$

B. ALL OTHER INCOME (Include in-kind compensation, gratuities, rents, interest, dividends, pension, etc.)

1. SOURCE OF INCOME		GROSS AMT/WK \$	2. SOURCE OF INCOME		GROSS AMT/WK \$	GROSS WEEKLY INCOME FROM OTHER SOURCES → \$	
DEDUCTIONS		AMOUNT/WEEK \$	DEDUCTIONS		AMOUNT/WEEK \$		TOTAL DEDUCTIONS → \$
		\$			\$		NET WEEKLY INCOME FROM OTHER SOURCES → \$
		\$			\$	ADD "NET WEEKLY WAGE" FROM SECTION A, AND "NET WEEKLY INCOME" FROM SECTION B, AND ENTER TOTAL BELOW.	
		\$			\$		
		\$			\$		
		\$			\$		

A TOTAL NET WEEKLY INCOME → \$

2. WEEKLY EXPENSES	1. RENT OR MORTGAGE		\$	6. TRANSPORTATION	Gas/Oil	\$	11. DAY CARE	\$
	2. REAL ESTATE TAXES		\$		Repairs	\$	12. OTHER (specify below)	
	3. UTILITIES		Fuel		\$	Auto Loan	\$	
			Electricity	\$	Public Trans.	\$		\$
			Gas	\$	Medical/Dental	\$		\$
			Water	\$	Automobile	\$		\$
			Telephone	\$	Home-owners	\$		\$
			Trash Collection	\$	Life	\$		\$
			Cable T.V.	\$	8. MEDICAL/DENTAL	\$		\$
	4. FOOD		\$	9. CHILD SUPPORT (order of court)	\$			\$
5. CLOTHING		\$	10. ALIMONY (order of court)	\$			\$	

B. TOTAL WEEKLY EXPENSES → \$

3. LIABILITIES	CREDITOR (Do not include mortgages or loan balances that will be listed under assets.)	AMOUNT OF DEBT	BALANCE DUE	DATE DEBT INCURRED	WEEKLY PAYMENT
		\$	\$		\$
		\$	\$		\$
		\$	\$		\$
		\$	\$		\$
		\$	\$		\$
		\$	\$		\$
C. TOTAL LIABILITIES (Total Balance Due on Debts)			—	D TOTAL WEEKLY LIABILITY EXPENSE.	\$

(continued)

EXHIBIT 12-8

Continued

4. ASSETS	A. Real Estate	Home	ADDRESS			VALUE (Est.) \$	MORTGAGE \$	EQUITY \$
		Other:	ADDRESS			VALUE (Est.) \$	MORTGAGE \$	EQUITY \$
		Other:	ADDRESS			VALUE (Est.) \$	MORTGAGE \$	EQUITY \$
	B. Motor Vehicles	Car 1:	YEAR	MAKE	MODEL	VALUE \$	LOAN BALANCE \$	EQUITY \$
		Car 2:	YEAR	MAKE	MODEL	VALUE \$	LOAN BALANCE \$	EQUITY \$
	C. Personal Property	DESCRIBE AND STATE VALUE OF EACH ITEM						TOTAL VALUE
								\$
	D. Bank Accounts	BANK NAME, TYPE OF ACCOUNT, AND AMOUNT						TOTAL BANK ACCOUNTS
								\$
	E. Stocks, Bonds, Mutual Funds	NAME OF COMPANY, NUMBER OF SHARES, AND VALUE						TOTAL VALUE
								\$
	F. Insurance (exclude children)	NAME OF INSURED	COMPANY		FACE AMOUNT \$	CASH VALUE \$	AMT. OF LOAN \$	TOTAL VALUE
					\$	\$	\$	
	G. Deferred Compensation Plans	NAME OF PLAN (Individual I.R.A., 401K, Keogh, etc.) AND APPROX. VALUE						TOTAL VALUE (less loans)
								\$
H. All Other Assets							TOTAL VALUE	
							\$	
I. Total						E. TOTAL CASH VALUE OF ALL ASSETS	\$	
5. HEALTH INSURANCE	NAME AND ADDRESS OF HEALTH OR DENTAL INSURANCE CARRIER							
	INSURANCE POLICY NO.		NAME(S) OF PERSON(S) COVERED BY THE POLICY					
SUMMARY (Use the amounts shown in boxes A thru E of sections 1-4.)								
TOTAL WEEKLY INCOME (A)			\$	TOTAL CASH VALUE OF ASSETS (E)			\$	
TOTAL WEEKLY EXPENSES (B + D)			\$	TOTAL LIABILITIES (C)			\$	
CERTIFICATION								
I hereby certify that the foregoing statement is true and accurate to the best of my knowledge and belief.								
SIGNED (Affiant)			Subscribed and sworn to before me on	DATE	SIGNED (Notary, Comm. of Superior court)			
JD-FM-6 Rev. 5-98 (Back)								

REVIEW QUESTIONS

1. What is the purpose of the discovery process in a family law proceeding?
2. List and describe the five discovery tools and explain how each of these tools can be used in a family law proceeding.
3. What is the difference between an objection and a privilege raised in the discovery process?
4. List the privileges and objections that may be asserted to prevent disclosure of discovery information sought in a dissolution matter.
5. What types of interrogatories might be filed in a dissolution matter where the issue of child custody is contested?
6. What types of documents might either party request in a family law proceeding relating to a divorce matter for a modification of alimony, child support, or custody?
7. In what family law proceedings does the court require both parties to submit financial affidavits?
8. How may the paralegal assist in the preparation of interrogatories and production requests?
9. How may the paralegal assist in preparing responses to interrogatories and production requests?
10. If a party does not furnish adequate financial information and records in response to interrogatories and production requests, what other means may the opposing party employ to obtain this information?
11. What is the purpose of a motion to compel?
12. Are interrogatories and responses filed with the court?
13. Describe the paralegal's role in preparing requests for physical and mental examinations.
14. Describe the paralegal's role in assisting clients to comply with a court-ordered physical or mental examination.
15. What is the difference between a request and a motion?
16. What is a request for admission?
17. Give one example of when a party's attorney in a family law proceeding might decide to file a request for admission.
18. What is the paralegal's role in assisting a party in complying with a request for admission?
19. What is the legal term for the person being deposed in a deposition?
20. What are the advantages and disadvantages of employing depositions as a discovery tool in a family law proceeding?
21. What information must be contained in a notice of deposition?
22. What is the legal procedure for notifying a nonparty witness to appear at a deposition?
23. What is a subpoena *duces tecum*?
24. What is the paralegal's role at the deposition of the client and at the deposition of the opposing party?
25. Describe the paralegal's role in preparing a client's financial affidavit and list the types of documentation the paralegal should request and obtain from the client to ensure that the information provided is complete and accurate.

EXERCISES

1. Identify the form or format required by your jurisdiction for the filing of a financial affidavit. Prepare a financial affidavit for each spouse using this form or format.
2. Prepare a set of interrogatories and requests for production to be served by one of the two parties to a dissolution proceeding and prepare responses by the opposing party.
3. Check your jurisdiction's rules of court family matters section for rules governing discovery. List the section names and numbers and summarize each one.
4. At your local courthouse, obtain a copy of the short calendar listing upcoming motions. Circle ones that deal with discovery. Describe the nature of the various motions, why you think they were filed, and what the moving party hoped to achieve by bringing these matters before the court.

5. Prepare a motion or request for a medical or psychiatric examination that the other party is opposing using forms from your jurisdiction. In the text of the motion, list the compelling reasons why the court should grant the order.

6. Write an excerpt from a court reporter's transcript of a spousal deposition that covers one or two topics of dispute, such as the deponent's ability to

have custody of the children, the deponent's assets and sources of income, or the deponent's physical and mental treatment of the spouse.

7. Prepare a bill from your law firm that details the time spent in connection with various forms of discovery, such as the work done and the costs of any related tools.