



New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement

Please type or clearly print all information.

Title in Full AMELIA MANYA EMILY ORT, V. ABRAHAM ORT	Trial Court or Agency Docket Number FM-15-990-00
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• Attach additional sheets as necessary for any information below.

Appellant's Attorney Email Address: **APPDIV@DPDLAW.COM**
DPD@FAMILYLAWNJ.PRO (*)

Plaintiff Defendant Other (Specify)

Name DAVID PERRY DAVIS, Esq.		Client ABRAHAM ORT		
Street Address 57 HAMILTON AVE STE 301	City HOPEWELL	State NJ	Zip 08525	Telephone Number 609-466-1222

Respondent's Attorney Email Address: **TERRYB@PAONEZALESKI.COM**
JPP3@PAONEZALESKI.COM (*)

Plaintiff Defendant Other (Specify)

Name JOHN P PAONE, Esq.		Client AMELIA MANYA EMILIA ORT		
Street Address 146 GREEN STREET P.O. BOX 249	City WOODBRIIDGE	State NJ	Zip 07095	Telephone Number 732-750-9797

Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:
A post-judgment Order was entered on September 15, 2017 by the Hon. Valter H. Must, J.S.C. of the Ocean County Family Courthouse which denied the Defendant's Motion to Enforce Litigant's Rights and to Modify the Child Support Arrears. As an additional provision of the Order, Plaintiff was also hereby granted a judgment in the amount of \$102,767.17 representing additional and final unpaid child support. The Order further provided that the Defendant shall pay the Plaintiff \$10,000.00 in counsel fees in connection with the Motions which were filed in this matter.

Have all issues as to all parties in this action, before the trial court or agency, been disposed? Yes No
 That is, are there any claims against any party in the trial court or agency, either in this or a consolidated action, which have not been disposed? These claims may include counterclaims, cross-claims, third-party claims and applications for counsel fees.

If outstanding claims remain open, has the order been properly certified as final pursuant to R. 4:42-2? Yes No N/A

A) If the order has been properly certified, attach copies of the order and the complaint and any other relevant pleadings to the order being appealed. Attach a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.

B) If the order has not been certified or has been improperly certified, leave to appeal must be sought. (See R. 2:2-4; 2:5-6.) Please note that an improperly certified order is not binding on the Appellate Division.

If claims remain open and/or the order has not been properly certified, you may want to consider filing a motion for leave to appeal or submitting an explanation as to why you believe the matter

(*) truncated due to space limit. Please find full information in the additional pages of the form.

is final and appealable as of right.

Were any claims dismissed without prejudice? Yes No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h)) Yes No

Give a Brief Statement of the Facts and Procedural History:

The parties were married on February 22, 1977. There were thirteen (13) children born during the marriage. An Arbitration Final Judgment was incorporated into an Amended Final Judgment of Divorce on November 7, 2007 and was confirmed by the Hon. Ronald E. Hoffman, J.S.C. Since that date of the Final Judgment of Divorce, the Defendant has repeatedly failed to comply with court-ordered support obligations to pay child support.

As a result of the Defendant's willful disobedience and defiance to pay any child support to the Plaintiff, there is a bench warrant for the Defendant's arrest which has been outstanding since 2008. On June 13, 2013 the Court set a purge amount of \$100,000.00 which represents only a fraction of the Defendant's outstanding child support arrears. The Defendant remains a fugitive of justice and has not complied with any orders or financial obligations since the Arbitration Final Judgment. Nevertheless, Defendant repeatedly petitioned the Family Court for relief.

Most recently, the defendant sought to obtain relief by filing a Motion in the Ocean County Family Part in February 2017 in which he sought to Enforce Litigant's Rights and direct the Court to render a final determination as to child support arrears. However, the Defendant's petition was denied in its entirety by Judge Must as it was determined that the Defendant came before the Court with unclean hands. The Defendant was precluded from asserting any affirmative relief in the future until he posts a purge amount with the Court in the amount of \$100,000.00. The Court further determined that the Defendant's request to seek additional relief in this matter was found to contravene the Fugitive Disentitlement Doctrine.

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to R. 2:6-2(a)(5). (Appellant or cross-appellant only.):

This section is not applicable as the Plaintiff is not filing a Notice of Cross-Appeal but rather is only responding to Defendant's appeal.

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? 09/15/2017 Yes No
2. Did the trial judge issue written findings or an opinion? If so, on what date? 09/15/2017 Yes No
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? Yes No Unknown

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

Date of Your Inquiry:

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R.2:5-1(h)) Yes No
 If yes, you will need to serve the appropriate government attorney.

1. Is there any appeal now pending or about to be brought before this court which:
 - (A) Arises from substantially the same case or controversy as this appeal? Yes No
 - (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes No

(*) truncated due to space limit. Please find full information in the additional pages of the form.

If the answer to the question above is Yes, state:

Case Title

Trial Court Docket#

Party Name

2. Was there any prior appeal involving this case or controversy?

Yes No

If the answer to question above is Yes, state:

Case Name and Type (direct, 1st PCR, other, etc.)

Appellate Division Docket Number

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference.

Yes No

Explain your answer:

This post-judgment litigation has a tortured and prolonged history in which the Defendant-Appellant has repeatedly violated the directives and orders of the trial court. This willful non-compliance with orders and his present fugitive status render any prospect of this case being resolved by way of alternate dispute resolution through CASP virtually futile.

Whether or not an opinion is approved for publication in the official court report books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

AMELIA MANYA EMILIA ORT

Name of Appellant or Respondent

JOHN P PAONE, Esq.

Name of Counsel of Record
(or your name if not represented by counsel)

11/08/2017

Date

s/ JOHN P PAONE, Esq.

Signature of Counsel of Record
(or your signature if not represented by counsel)

016591982

Bar #

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Email Address



New Jersey Judiciary
Superior Court - Appellate Division
CIVIL Case Information Statement

Additional appellants continued below

Additional respondents continued below

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