

FILED**FEB 02 2017**

SUPERIOR COURT OF NJ
 MERCER VICINAGE
 SUPERIOR COURT OF NEW JERSEY
 FAMILY PART
 CHANCERY DIVISION –
 FAMILY PART
 MERCER COUNTY

DOCKET NO. FM-11-213-06 K
 CS42755093A
 CIVIL ACTION

ORDER**PREPARED BY THE COURT****Prasad Kummarapurugu,****Plaintiff,****v.****Padmini Thota,****Defendant.**

THIS MATTER having come before the Court on June 10, 2016, the Honorable Catherine Fitzpatrick, P.J.F.P., presiding, on the application of the plaintiff, Prasad Kummarapurugu, represented by David Perry Davis, Esq., seeking an order as stated in the notice of motion; and the defendant, Padmini Thota, represented by Ronald Garzio, Esq., having filed written opposition and seeking an order granting relief as stated in the notice of cross-motion; and the plaintiff having filed a reply; and the Court having considered the parties' submissions; and the parties' having requested oral argument; and the Court having heard oral argument on June 10, 2016; and thereafter counsel having submitted multiple letters to the Court will additional argument and for the reasons stated on the record on June 10, 2016 as well as February 2, 2017 and for good cause shown;

IT IS on this 2nd day of February, 2017:

1. **ORDERED** that plaintiff's application for an order recalculating child support based on the birth of plaintiff's child Anaga Kummarapurugu is **granted by consent as to modification only**. Plaintiff's child support obligation shall be \$188.00 per week pursuant to the New Jersey Child Support Guidelines effective

February 12, 2016, the date of plaintiff's application. Inasmuch as plaintiff shall be entitled to a significant credit for overpayment in child support as noted in paragraph 4 below, the Court will reduce plaintiff's child support obligation by \$88.00 per week effective February 12, 2016 until his overpayment is exhausted. Therefore, plaintiff's child support obligation shall be \$100.00 per week effective February 12, 2016. The Mercer County Probation department as well as the Family Division shall adjust plaintiff CS account 42755093A accordingly; and it is


2. **FURTHER ORDERED** that plaintiff's application for an order effectuating the modification of support effective September 26, 2015, the date of Anaga's birth, is **withdrawn**; and it is
3. **FURTHER ORDERED** that plaintiff's application for an order increasing plaintiff's parenting time with Abhiram Kummarapurugu is **reserved** pending a plenary hearing that was previously ordered on October 31, 2013. Plaintiff shall also continue to be obligated to advance the cost of custody expert as previously ordered in paragraph 2 of the Court's prior order dated October 31, 2013. The Court will conduct a telephonic case management conference on February 10, 2017 at 4:00 p.m. to ascertain the name of plaintiff's custody expert and a timeline for completing same; and it is
4. **FURTHER ORDERED** that plaintiff's application for an order correcting the typographical errors in the Court's February 12, 2014 Order in accordance with the order of the New Jersey Supreme Court is **granted**. Effective from July 8, 2013 through February 12, 2016 plaintiff's child support obligation shall be reduced from \$273.00 per week to \$171.00 per week and the Mercer County

probation department and Family Division shall adjust plaintiff's CS account 42755093A accordingly; and it is

5. **FURTHER ORDERED** that plaintiff's application for an order awarding counsel fees and costs is **denied** for the reasons stated on the record on June 10, 2016; and it is
6. **FURTHER ORDERED** that defendant's application for an order denying the plaintiff's notice of motion in its entirety is **denied**; and it is
7. **FURTHER ORDERED** that defendant's application for an order directing plaintiff to reimburse defendant for childcare and miscellaneous expenses for the parties' son, Abhiram is **granted in part by consent** as to swimming classes and YMCA membership,¹ and future English tutoring costs **and denied in part** as to math tutoring at Kumon which was previously denied by the Court and **reserved in part** as to child care contribution² to be decided at the time of the plenary hearing. However, rather than reimburse the defendant in light of the plaintiff's overpayment in child support, same shall be deducted from the overpayment with the amount to be credited by probation following the plenary hearing when the alleged child care contribution shall be determined; and it is
8. **FURTHER ORDERED** that defendant's application for an order awarding counsel fees and costs is **denied** for the reasons stated on the record on June 10, 2016.

¹ Plaintiff's 55% YMCA contribution totals \$99.00, his 55% swimming contribution totals \$173.25

² From February, 2015 through May of 2015



CATHERINE FITZPATRICK, P.J.F.P.

If this order contains any provisions concerning custody and/or parenting time, both parties are advised that failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2C:13-2, Interference with Custody. Such criminal penalties include, but are not limited to, imprisonment, probation and/or fines.