

DOCKET NO: FBTFA236122882S

SUPERIOR COURT

ORDER 442324

ALEXANDER, KARA
V.
ALEXANDER, JASON

JUDICIAL DISTRICT OF BRIDGEPORT
AT BRIDGEPORT

5/10/2024

ORDER

The following order is entered in the above matter:

ORDER:

MEMORANDUM OF DECISION AFTER TRIAL

The plaintiff, Kara Alexander, commenced this dissolution of marriage action against the defendant Jason Alexander, by summons and complaint dated April 3, 2023. The case was tried before the Court on April 29, 2024. The plaintiff was represented by Parrett, Porto, Parese & Colwell, P.C., and the defendant was represented by Elton Williams.

The court heard testimony from both parties. Both parties submitted financial affidavits. The court also marked a total of 3 exhibits for the plaintiff. For the defendant, no exhibits were introduced. The parties agreed on most issues, except for alimony and whether the plaintiff should be entitled to half of the defendant's pension and annuity, if it existed. The defendant also agreed, because of the plaintiff's motions in limine (#144, and 149), to not introduce any evidence on his credit card debt, or evidence that would contradict the plaintiff's testimony, as a sanction for not complying with discovery.

Upon careful consideration of the facts agreed to by the parties, of the evidence presented and the pertinent statutory law, in particular General Statutes § 46b-84 (child support), § 46b-66 (agreements), § 46b-82 (alimony) and § 46b-81 (assignment of the marital estate), the relevant case law, having observed the demeanor and assessed the credibility of the witnesses at trial, and reviewed the admissible exhibits, the court finds and orders as follows.

FINDINGS:

Jurisdiction

The plaintiff and the defendant were married on July 25, 2011, in Manhasset, NY. The plaintiff, and the parties' minor children, continuously lived in Connecticut for at least one year before this action was filed. The two minor children born of the marriage are: Nixon Alexander, born 8/25/2014 and Lola Alexander, born 10/17/2018.

All statutory stays have expired. The court has jurisdiction over this matter.

During the marriage, neither the parties nor their children received any public assistance.

Factual Background

The plaintiff is in her early 40s. She is in good health. She has a high school diploma and a cosmetology certificate. She works full-time as a hairdresser, earning a gross income of approximately \$ 978 weekly.

The defendant is also in his early 40s. He is in good health. He has a high school diploma, as well as

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Elton Williams, Esq.
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plumbing and electrical certificates. He works as a superintendent in an apartment complex in New York. His weekly gross income, inclusive of fringe benefits, is found to be \$2,033 weekly.

The plaintiff claims the marriage broke down because of the defendant's infidelity. The defendant did not provide any testimony to challenge her claims. The plaintiff seeks alimony, half of the defendant's 401k valued at \$62,504.26, and half of any other retirement account (i.e. annuity and pension) he has in his name that were funded during the marriage. She also seeks half the value of all his assets, namely the equity in his 2009 VW Golf R32. The equity in the car is approximately \$20,000.00.

LEGAL ANALYSIS

1. Alimony

The purpose of alimony is to fulfill a continuing duty to support, which arises out of the obligation the spouses assume toward each other because of the marriage. *Smith v. Smith*, 249 Conn. 265, 275, 752 A.2d 1023 (1999). In this case, considering all the applicable factors, the circumstances favor a limited award of alimony to the plaintiff for a short period of time.

When considering an award of alimony, the court considers, among other equitable factors, "the evidence presented by each party and shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, earning capacity, vocational skills, education, employability, estate and needs of each of the parties and the award, if any, which the court may make pursuant to section 46b-81" concerning property distribution. Provided the court considers all the statutory criteria, it has wide discretion in awarding alimony. *Costa v. Costa*, 57 Conn.App. 165, 174, 752 A.2d 1106 (2000).

The court has considered all the statutory factors in determining whether to award alimony to the plaintiff, and other equitable factors. The parties are the same age, have the same level of education and skill set. However, with fringe benefits the defendant makes more than the plaintiff. Given the defendant's failure to fully comply with discovery, his total financial picture and assets remain unclear, but it is evident that he has more assets and retirement funds than the plaintiff. The plaintiff testified credibly that the defendant was the cause of the breakdown of the marriage. She testified that she is operating at a deficit of \$300 a week, even with child support. She also claims that because of the defendant's failure to comply with discovery, she is unsure of the amount she will have to pay to maintain health insurance in the future.

Accordingly, the court orders an award of alimony to the plaintiff in the amount of \$300 a week, for a period of one (1) year from the date of this order's publication, to give the plaintiff the opportunity to get back on her feet and organize her finances.

2. Assignment of the Marital Estate

When the court determines "the nature and value of the property, if any, to be assigned, the court ... shall consider the length of the marriage, the causes for the ... dissolution of the marriage ... the age, health, station, occupation, amount and sources of income, earning capacity, vocational skills, education, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court shall also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates." General Statutes § 46b-81(c). Such contributions are not limited to monetary contributions. *Picton v. Picton*, 111 Conn.App. 143, 153, 958 A.2d 763 (2008). Here, the court finds that the parties equally contributed during the marriage. The court finds it fair and equitable to equally divide this marital asset, namely all retirement accounts and the value of the defendant's vehicles. The court finds the vehicles were acquired and maintained using marital funds.

Accordingly, the plaintiff will be entitled to half the value of the defendant's VW Golf, in the amount of \$10,000. She will also be entitled to half the value of all his retirement accounts, which includes his 401k. The current value of the 401k account is unknown due to the defendant's failure to comply with

discovery, but the court orders the parties to retain the services of Elizabeth McMahon to prepare a qualified domestic relations order (QDRO). The court will retain jurisdiction over this issue. The defendant is also ordered to immediately sign and execute all necessary releases and authorizations to allow plaintiff's counsel and/or Elizabeth McMahon to obtain information about his possible pension plan(s) and annuity from his union and/or employer(s).

3. Child Support

The parties agreed on a Guideline's Child Support award of \$342. See Proposed Orders, #156, p. 6. The court finds the child support award follows the guidelines in the amount of \$342 weekly based on two minor children, with the plaintiff's gross weekly income at \$978 and the defendant's gross weekly income at \$2033. See Worksheet #155.00. The court awards child support to the plaintiff in the amount of \$342 weekly. See Worksheet #155.

ORDERS

1. The marriage is dissolved on the grounds of irretrievable breakdown. There is no hope of reconciliation. The parties are declared single and unmarried.
2. Custody: The parties will share joint legal custody of the minor children, the plaintiff will have physical custody of the minor children.
3. Relocation: The parties will inform each other of their plans to relocate within sixty (60) days of relocation.
4. Non disparagement: Neither party shall make disparaging remarks about the other party in front of the children.
5. Visitation: The defendant father shall visit with the children every other weekend, beginning Friday at 6:30 p.m. to Sunday at 6:30 p.m. The parties shall alternate all major holidays with the children, such as Easter, Memorial Day, July 4th, Labor Day, Halloween, Christmas, Thanksgiving.
6. The parties shall equally divide their visitation time with the children on the children's birthdays.
7. Each parent shall be entitled to two weeks of non-consecutive vacation with the minor children during the summer. The parties shall confer with each other and inform each other of the vacations plans and itinerary before making the final arrangements.
8. Passports: The parties shall cooperate in obtaining passports and other travel documents and authorization for the children.
9. Post-Secondary Education: The court finds that had the parties remained an intact family, they would have provided for their children's post-secondary education. At the request of the parties, the court will retain jurisdiction to enter post-secondary education support orders in accordance with § 46b-56c of the Connecticut General Statutes.
10. Child Support: The defendant shall pay \$342 weekly in child support to the plaintiff on each Friday by 5pm. The court finds this amount is supported by the Connecticut Child Support Guidelines Worksheet. See #155.00.
11. Medical Insurance: Each party shall be responsible for their own medical, vision, and dental insurance and premiums. The defendant will cooperate with the plaintiff to ensure she is able to obtain COBRA benefits.
12. The defendant shall be fully responsible for the children's medical, vision, and dental insurance provided it is available through his employment at a reasonable cost and shall insure the children until they are eligible for coverage, which may exceed their age of majority.

13. The parties shall equally share in the children's unreimbursed medical, dental, and related costs.
14. Extra-curricular Activities: The parties shall equally share in the cost of the children's agreed upon extra-curricular activities.
15. Taxes: The plaintiff shall claim the children every year on her state and federal income taxes.
16. Alimony: The defendant shall pay the plaintiff alimony in the amount of \$300 per week, for a period of one (1) year, starting from the date of this order. This alimony order is non-modifiable by term or amount. The alimony payment is due every week on Friday.
17. Retirement Accounts: The parties shall equally divide the defendant's retirement accounts, which may include but may not be limited to pension(s), annuit(ies), and 401k(s). The parties shall retain the services of attorney Elizabeth McMahon to prepare said QDRO(s). The parties shall equally share the fees associated with the QDRO preparation. The court shall retain jurisdiction over this issue. The defendant is also ordered to immediately sign and execute all necessary releases and authorizations to allow plaintiff's counsel and/or Elizabeth McMahon to obtain information about his possible pension plan(s) and annuity from his union and/or employer(s).
18. Bank Accounts: Each party shall retain all banks accounts in their names.
19. Debts: Each party shall be responsible for their own debts and liabilities.
20. Vehicles: The parties shall maintain all the vehicles listed as their own on their financial affidavits. The defendant shall pay the plaintiff \$10,000, which represents half of the value of his Volkswagen Golf R32. Said payment is due to the plaintiff within one year from the date of the publication of this order and may be paid in installment payments or one lump sum.
21. Life insurance: The defendant shall maintain his existing life insurance policy at the same amount until his children reach the age of majority. The defendant shall list the plaintiff as the primary beneficiary on the life insurance policy during the time he is obligated to pay alimony to her. He shall list his children, Nixon Alexander, born 8/25/2014 and Lola Alexander, born 10/17/2018, as the secondary beneficiaries. At the termination of his obligation to pay alimony, the defendant shall list his children, Nixon Alexander, born 8/25/2014 and Lola Alexander, born 10/17/2018 as the primary beneficiaries until they reach the age of majority.
22. The plaintiff's maiden name, Kara Tosiello, is hereby restored.

It is so ordered.

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Judge: NDIDI N MOSES

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.