SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0365-16T1

PAI-SU KANG,

Plaintiff-Appellant,

v.

STEPHEN T. LAN,

Defendant-Respondent.

Argued January 17, 2018 – Decided February 12, 2018

Before Judges Hoffman and Gilson.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Somerset County, Docket No. FM-18-0558-08.

Pai-Su Kang, appellant, argued the cause pro se.

Jeffrey C. Green argued the cause for respondent (Green & Green, attorneys; Jeffrey C. Green, on the brief).

PER CURIAM

This case returns to us after remand proceedings directed by our previous opinion, Pai-Su Kang v. Lan, Nos. A-4376-12, A-4131-13 (App. Div. May 18, 2015), certif. denied, 223 N.J. 557 (2015).

In an August 16, 2016 order, the Family Part judge amended certain portions of the April 2, 2013 Final Judgment of Divorce (FJOD). Among other things, the judge valued plaintiff's business at $88,875 and determined defendant's equitable interest to be $33,000; the judge also addressed a calculation error regarding the parties' joint bank account, and required plaintiff to pay defendant $25,688.42. Plaintiff filed an appeal from the August 16, 2016 order; defendant did not cross-appeal. We affirm.

I

The parties are familiar with the facts and procedural history of this case; therefore, a detailed recitation of those facts and events is unnecessary. Instead, we provide the following abbreviated account.

The parties married in December 1997. They have two children, a daughter born in 2000, and a son born in 2002. The parties separated in September 2007, and plaintiff filed her divorce complaint in December 2007. The Family Part conducted a forty-day trial, beginning in August 2010, and entered the FJOD, with an accompanying 122-page opinion, on April 2, 2013. Plaintiff appealed from the FJOD, and separately appealed from orders entered

on an enforcement motion.[1] We addressed both appeals in a May 18, 2015 opinion; we affirmed in part, and reversed and remanded in part. Pai-Su Kang, slip op. at 32.

On remand, the judge accepted additional submissions from the parties, and on August 16, 2016, issued a written opinion and order addressing the remand issues and explaining the reasons for his findings.

II

As she did in her original appeal, plaintiff takes issue with certain findings concerning equitable distribution. Namely, plaintiff's arguments focus on the Family Part's valuation of her business. She also disputes the Family Part's joint bank account calculations, arguing it erred by "adding [$9173] . . . when it [should have] . . . subtracted."

Based on our review of the record and applicable law, as well as our consideration of the briefs and oral arguments, we are not persuaded by any of plaintiff's arguments. We affirm substantially for the reasons expressed by the Family Part judge in his thorough and well-reasoned opinion. We add the following comments.

[1] Plaintiff also appealed from a December 5, 2014 Family Part order denying a post-judgment enforcement motion and requiring her to pay counsel fees and costs. See Pai-Su Kang v. Lan, No. A-2266-14 (App. Div. July 21, 2016).

Family courts have "special jurisdiction and expertise in family matters," and therefore, "appellate courts should accord deference" to a family court's fact finding. Cesare v. Cesare, 154 N.J. 394, 413 (1998). "We grant substantial deference to a trial court's findings of fact and conclusions of law, which will only be disturbed if they are 'manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence.'" Crespo v. Crespo, 395 N.J. Super. 190, 193-94 (App. Div. 2007) (quoting Rova Farms Resort, Inc. v. Inv'rs Ins. Co. of Am., 65 N.J. 474, 484 (1974)).

Our Supreme Court has recognized that "in the valuation of a business, '[t]here is no single formula that will apply to each enterprise.'" Steneken v. Steneken, 183 N.J. 290, 296 (2005) (quoting Bowen v. Bowen, 96 N.J. 36, 44 (1984)). "Flexibility must be the byword in determining which approach is best suited in a particular instance because '[t]here is no inflexible test for determining fair value, as valuation is an art rather than a science . . . .'" Id. at 297 (quoting Lawson Mardon Wheaton, Inc. v. Smith, 160 N.J. 383, 397 (1999)). Business valuation "requires consideration of proof of value by any techniques or methods which are generally acceptable in the financial community and otherwise admissible in court." Ibid.

In his August 16, 2016 opinion, the judge explained his trial findings, stating, "The [parties'] experts could not have been more inapposite as to determining fair market value of [plaintiff's] 100 [percent] ownership in her sole proprietorship business." Specifically, defendant's expert approximated the business's worth to be $237,000, whereas plaintiff's expert "decided the value of [plaintiff's] business to be zero, and therefore, nothing to be divided between the parties as to equitable distribution."

The judge took issue with both experts' opinions, and noted he "need not adopt the opinion of either expert in its entirety." As such, he used "parts of each expert's testimony and report and . . . formulated [his] own determination based upon certain indisputable facts, common sense, and realities." See, e.g., Townsend v. Pierre, 221 N.J. 36, 52 (2015) ("The admission or exclusion of expert testimony is committed to the sound discretion of the trial court."). Ultimately, he valued plaintiff's business at $88,875, and finding "[t]here was little evidence . . . as to [defendant] adding to or assisting in the growth of the business in a direct way," determined defendant was entitled to $33,000 equitable interest in the asset.

We discern no basis to disturb the judge's determination. He appropriately valued plaintiff's business and, based on his "feel

for the case," distributed the marital property accordingly. See Div of Youth & Family Servs. v. M.M., 189 N.J. 261, 293 (2007) (Wallace, J., dissenting).

Moreover, plaintiff's argument that the judge erred by "continu[ing]" to adopt defendant's "self-created fraudulent chart . . . to determine [her] bank account" lacks merit. In our remand, we held:

> Defendant submitted a summary of the parties' non-retirement bank accounts as of December 3, 2007. As plaintiff transferred $9173 to defendant after that date, defendant exempted $18,346 of plaintiff's funds from equitable distribution. This accurately reflected the transfer because the summary overstated plaintiff's accounts by $9173, and understated defendant's accounts by $9173.
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> [Pai-Su Kang, slip op. at 13-14.]

Here, the judge accurately addressed our concern and amended the balance plaintiff owed defendant to $25,688.42.

In light of the record and applicable legal principles, we find no error. The judge clearly identified the issues we remanded and explained the reasons for the amendments set forth in the August 16, 2016 order.

Any arguments raised but not specifically addressed lack sufficient merit to warrant comment in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.