

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-0158-21**

JEANNE CARTER,

Plaintiff-Appellant,

v.

DANIEL HALPERN,

Defendant-Respondent.

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Argued June 7, 2023 – Decided June 19, 2023

Before Judges Haas and Mitterhoff.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Family Part, Mercer County,  
Docket No. FM-11-0472-17.

Jeanne Carter, appellant pro se (Charles C. Berkeley,  
on the briefs).

Jacqueline M. Printz argued the cause for respondent  
(Greenbaum, Rowe, Smith & Davis, LLP, attorneys;  
Jacqueline M. Printz, of counsel and on the brief).

PER CURIAM

In this post-judgment matrimonial matter, plaintiff Jeanne Carter appeals from the portions of the Family Part's August 2, 2021 order that: (1) narrowed the scope of the discovery she sought by quashing several subpoenas she attempted to serve; (2) granted defendant Daniel Halpern's request for counsel fees<sup>1</sup> in connection with his motion to quash the subpoenas; and (3) denied plaintiff's motion to obtain an accounting of a \$35,000 withdrawal defendant made from a 401(k) plan prior to the dissolution of the parties' marriage. Plaintiff contends that the trial court misinterpreted the terms of the parties' settlement agreement by limiting the broad post-judgment discovery she sought about defendant's financial situation, and abused its discretion by "sanctioning" her by granting counsel fees to defendant.

Based on our review of the record and the applicable law, we conclude that plaintiff's arguments are without sufficient merit to warrant extended discussion in a written opinion. R. 2:11-3(e)(1)(E). We affirm substantially for the reasons set forth in the trial court's thorough August 2, 2021 oral decision. We add the following brief comments.

The scope of our review of the Family Part's order is limited. We owe substantial deference to the Family Part's findings of fact because of that court's

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<sup>1</sup> The trial court granted defendant \$10,000 in counsel fees.

special expertise in family matters. Cesare v. Cesare, 154 N.J. 394, 411-12 (1998). Thus, "[a] reviewing court should uphold the factual findings undergirding the trial court's decision if they are supported by adequate, substantial and credible evidence on the record." MacKinnon v. MacKinnon, 191 N.J. 240, 253-54 (2007) (alteration in original) (quoting N.J. Div. of Youth & Family Servs. v. M.M., 189 N.J. 261, 279 (2007)).

We owe no special deference to the trial court's legal conclusions. Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995). However, we will not interfere with "the factual findings and legal conclusions of the trial [court] unless . . . convinced that they are so manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence as to offend the interests of justice' or when we determine the court has palpably abused its discretion." Parish v. Parish, 412 N.J. Super. 39, 47 (App. Div. 2010) (second alteration in original) (quoting Cesare, 154 N.J. at 412). We will reverse the Family Part's decision "[o]nly when the trial court's conclusions are so 'clearly mistaken' or 'wide of the mark' . . . to ensure that there is not a denial of justice." N.J. Div. of Youth & Family Servs. v. E.P., 196 N.J. 88, 104 (2008) (quoting N.J. Div. of Youth & Family Servs. v. G.L., 191 N.J. 596, 605 (2007)).

Applying these principles, plaintiff's arguments concerning the August 2, 2021 order reveal nothing "so wide of the mark" that we could reasonably conclude that a clear mistake was made by the trial court. The record amply supports the court's factual findings and, in light of those findings, its legal conclusions are unassailable.

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



CLERK OF THE APPELLATE DIVISION