

1997

Mary J. Rehn v. Charles C. Rehn : Reply Brief

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

MARY J. REHN,)	
)	
Plaintiff/Appellee,)	Case No. 970700-CA
)	
vs.)	Priority (15)
)	
CHARLES C. REHN,)	
)	
Defendant/Appellant.)	

APPELLANT'S REPLY BRIEF

APPEAL FROM A DIVORCE DECREE
IN THE THIRD JUDICIAL DISTRICT COURT OF
SUMMIT COUNTY, STATE OF UTAH

The Honorable Pat B. Brian, District Judge

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UTAH COURT OF APPEALS
BRIEF

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PAT BARTHOLOMEW
CLERK OF THE COURT

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STATEMENT OF FACTS

Appellant Charles Rehn incorporates herein the Statement of Facts set forth in his Appellant's Brief filed herein, which completely and accurately marshals the facts, disputed and undisputed, which are material and relevant to the issues on appeal.

ARGUMENT

I. THE FINDINGS OF THE TRIAL COURT ARE INADEQUATE AND REQUIRE REVERSAL AND REMAND.

A. INSUFFICIENT FINDINGS IN DETERMINING THE AMOUNT OF ALIMONY.

Mary's Brief fails to address the fatal deficiency of the trial court's Findings. Instead, Mary relies solely on the general rule that "considerable deference [should be granted] to the trial court due to its familiarity with the facts and the evidence." *Willey v. Willey*, 951 P.2d 226, 230 (Utah 1997). Mary claims that the trial court considered the *Jones* factors, as required by the court in *Chambers v. Chambers*, 840 P.2d 841, 843 (Utah App. 1992), in reaching its conclusions and that nothing more is needed. (Appellee's Brief pp.6-7) However, Mary is no better able than was Charles to point to facts considered by the trial court which show that the evidence supports the trial court's findings.

As stated by this court in *Woodward v. Fazzio*, 823 P.2d 474, 477-478 (Utah App. 1991), "the way to attack findings which appear to be complete and which are sufficiently detailed is to marshal the supporting evidence and then demonstrate the evidence

is inadequate to sustain such findings. But where the findings are not of that caliber, appellant need not go through a futile marshaling exercise. Rather, appellant can simply argue the legal insufficiency of the trial court's findings as framed." *Id.*

The findings, oral and written, are not sufficiently detailed and do not include any subsidiary facts to disclose the steps employed by the trial court in reaching its ultimate conclusions on each factual issue. See *Stevens v. Stevens*, 754 P.2d 952, 958 (Utah App. 1988). The trial court has failed to make any findings whatsoever to demonstrate that its findings were equitable and fair to Charles, as well as Mary. Charles cannot show that the trial court's conclusory findings are against the clear weight of the evidence when there are no findings of any underlying, basic fact for the reviewing court to weigh. The divorce decree cannot be properly reviewed on appeal or affirmed in the face of clearly insufficient findings.

The trial court's discretion to find facts, believe or disregard witnesses, is premised upon an understanding that the findings of fact will show that the decree "follows logically from, and is supported by, the evidence." *Smith v. Smith*, 726 P.2d 423, 426 (Utah 1986). Charles' concedes that the trial court did conclude that Mary needed Charles to pay and concluded that Charles had the ability to pay the ordered alimony, child support, debts and attorney's fees. However, there are undisputed facts which do not support such conclusions. There

are no findings to resolve the apparent contradictions. There are also disputed facts which the trial court makes no attempt to resolve though its factual findings.

The lower court makes no findings as to the parties accustomed standard of living, stating only that \$3,300 a month is reasonable for a mother and two children. However, the *Jones* decision requires the trial court find that the expenses are reasonable for the accustomed standard of living of the parties. *Jones v. Jones*, 700 P.2d 1072, 1075 (Utah 1985). Mary cites *Schaumberg v. Schaumberg*, 875 P.2d 598, 602 (Utah App. 1994) for support of the trial court's cursory findings. However, in *Schaumberg*, the parties' standard of living, the wife's needs and the husband's ability to pay were not controverted. The present case has many controverted facts, left unresolved by the findings.

1. Mary's Needs.

Mary presents no discussion of the lack of findings discussing the evidence considered by the trial court in concluding that Mary's needs are \$3300/month.

The parties estimated Mary's need for support was \$1300/month (over her claimed net income of \$1072/month) when Mary and Charles agreed on a support figure at the time of separation. (Tr. 34-35; Add. C). Thereafter, in a motion for temporary relief, Mary represented to the trial court by sworn affidavit that her living expenses on a temporary basis were only \$2,359/month (Add. D). Mary's testimony at trial was undisputed

that her needs increased on divorce by \$125.00/month to \$2,484/month because of COBRA medical insurance. However, her claim to have additional needs was heavily controverted by her own testimony and that of Charles:

She contended at trial that she needs to work at a flexible job so that she would not have to work when the children were out of school. (Tr. 44-45). Yet she has included the \$136/monthly expense of day care as a necessary expense for the trial court to consider in fixing her needs. (Add. B). During marriage the family entertainment budget was \$217/month (Addendum A), while Mary contends her entertainment expenses are now \$345/month (Addendum B). During marriage, the family budget for school and books was \$44/month (Addendum A), while Mary contends her school expenses for her and the children now are \$150/month. (Addendum B). Further, the trial court makes no finding as to whether it is reasonable for Mary who has two bachelor's degrees and an MBA in marketing to have further schooling expenses.

None of the evidence which cuts against the trial court's finding of needs of \$3300/month or shows the parties' lesser standard of living were explained or discussed in the findings.

2. Mary's Ability to Earn.

Mary's cites *Fletcher v. Fletcher*, 615 P.2d 1218 (Utah 1980) for the proposition that the trial court is not required to impute higher income where the mother is working part time and

carrying for children 4-8 years of age. However the children in the present case attend school full time. *Fletcher* is distinguishable from the present case in that the children in that case were pre-school age and the sum of alimony awarded in that case was only \$300.00. Further, the court found that the husband in *Fletcher* had unwittingly alienated the three older children from their mother resulting in the court's reluctant order of split custody with three children residing with each parent. The net effect is that Ms. Fletcher was receiving total monthly support of \$750.00 from Mr. Fletcher. (See *id.*).

Mary's reliance on *Watson v. Watson*, 837 P.2d 1, 3 (Utah App. 1992) is likewise misplaced. In that case, the children at home were preschool age. Further, the court ordered an automatic reduction of alimony of \$500.00 two years from the date of the divorce decree because the child would be in school full time then and Ms. Watson would be free to work. *Id.* Although the lower court mentions the ages of the children and indicates a finding that the mother had been the primary caretaker, the court does not address the real issue of Mary's earning capability.

Finally, Mary indicates to the trial court that Mary has a handicap due to a tumor being removed in 1984. After this surgery, Mary obtained her MBA in the fall of 1984 or 1985 (Tr. 20). Thereafter she had significant positions of responsibility at work including food service supervisor at Woodland Park School District in Colorado (Tr. 11-2) and food service supervisor in the Park City School District in 1991 through 1992. When the

oldest child was four years old Mary returned to the home because day care was eating up much of her income. (Tr. 14) There is no evidence that Mary is not able to find full time employment because of her handicap.

The trial court made findings that there was no issue of underemployment based on the historical roles of the parties. (Findings paragraph 13-16). However, the historical roles of the parties included, Mary and Charles both working. Now the children are in school full time. Mary is a highly qualified person with two Bachelor Degrees and an M.B.A. in marketing. Mary has a work history of working in food administration at a rate of pay of over \$13.00 per hour (\$2253.00/month). (Tr. 13) Yet, she now works for an average of \$6.85 an hour (\$1429.00/month). However, there is no factual finding which resolves the dispute as to the ability of Mary to earn sufficient income to meet her needs.

3. Charles' Ability to Pay.

Mary cites the court to *Hill v. Hill*, 869 P.2d 963 (Utah at App. 1994) as authority for what constitutes adequate findings. However, the court in *Hill v. Hill* does not alter the following holding in *Bell v. Bell*, 810 P.2d 489 (Utah App. 1991): "Failure to consider the *Jones* factors in fashioning an alimony award constitutes an abuse of discretion. . . . Accordingly, the trial court must make sufficiently detailed findings of fact on each factor to enable a reviewing court to ensure that the trial court's discretionary determination was rationally based upon

these three factors." *Id.* at 492. (citing *Davis v. Davis*, 749 P.2d 647, 648 (Utah 1988); *Stevens v. Stevens*, 754 P.2d 952, 958 (Utah App. 1988); *Acton v. Deliran*, 737 P.2d 996, 999 (Utah 1987)).

The result in *Hill* was that the findings were sufficient. However, that case had different findings and different facts. In *Hill*, the court imputed income to Mr. Hill of \$2,000 a month rather than the \$1,100 a month alleged by Mr. Hill. The court lowered alimony from \$300/month to \$100/month and in turn ordered Mr. Hill to pay a \$200/month loan. In *Hill* the court set a review date for alimony two years after the divorce trial in anticipation of Mr. Hill's income increasing. These findings indicated that the court wrestled with the facts affecting Mr. Hill's ability to pay. However, in the present case, there is no indication of the process the trial court used to reach its conclusions. Rather, the trial court made a blanket conclusion that Charles has the ability to pay although there was evidence to the contrary.

The trial court's finding that "Charles had the capability to pay alimony" (Findings ¶ 37) without more does not allow a reviewing court to determine what evidence the trial court believed or disbelieved or how the trial court reached its conclusion. Charles testimony that he had living expenses of \$3,200 a month (not including payment for attorney's fees, day care and revolving debt) and income of \$6,833/month was undisputed. Charles' expert witness calculated that Charles' tax

obligations under the temporary order of the trial court were approximately \$2,050/month. (Tr. 68-69, Add E). There was no counter expert testimony. Charles expenses before support are \$5,250, leaving only \$1,583/month with which to pay support. The trial court made no findings to resolve the evidence that Charles could not afford to pay \$2,245 in support a month.

Plaintiff also asserts that Charles will receive a \$300 benefit for paying alimony on his taxes. However, Mary has already accounted for the tax deductions, assuming an alimony award of \$1600, in her income calculations for the trial court. (Addendum "C"). There was no findings as to the tax effect of the trial court's decision.

Because the trial court has made no findings to explain contrary evidence and to show the subsidiary facts considered in reaching its alimony award, this case should be reversed and remanded for reconsideration of alimony and for further findings.

**B. INSUFFICIENT FINDINGS TO SUPPORT A
DEVIATION ON THE LENGTH OF ALIMONY.**

Mary asserts that the trial court found the extenuating circumstances required by Utah Code Ann. § 30-3-5(7)(h) "that justify the payment of alimony for a longer period of time [than the length of the marriage]." *Id.* (Appellee's Brief p. 15).

However, the findings of the trial court give no indication of extenuating circumstances. (Findings paragraph 36-38). The trial court considered the following:

a. The disparity in the abilities of the parties to earn income;

b. The historical roles that both parties had played in this family during the 20-year marriage.

The disparity of the parties' incomes does not rise to the level of an extenuating circumstance. Mary has had significant positions of employment during the marriage. She has obtained an advanced college degree during the marriage, an MBA in marketing. (Tr. 19). Because Mary can provide for her own needs through her own abilities, the disparity in incomes does not warrant an exception under Utah Code Ann. § 30-3-5 (7)(h). However, the trial court made no findings to explain how it considered the evidence justified the exception under the statute.

The trial court also failed to make any specific findings explaining what it found about the historical roles of the parties that constitutes an extenuating circumstance in light of contradictory facts. Mary has been employed throughout the marriage. Charles has had the children 45 % of the days and nights throughout the 18 months of the parties' separation. (Tr. 96-97; Add. G). The findings do not explain why either of these factors justify a deviation from the statute.

Mary relies on *Watson v. Watson*, 837 P.2d 1 (Utah App. 1992) to support the trial court's decision regarding permanent alimony. However, the *Watson* decision came before Utah Code Ann. § 30-3-5(7)(h) was enacted.

Because the trial court failed to make specific findings justifying permanent alimony, this case should be reversed and remanded for reconsideration of the term of alimony and for further findings justifying the trial court's deviation from the statute.

C. INSUFFICIENT FINDINGS FOR A DEVIATION
FROM THE CHILD SUPPORT GUIDELINES.

Charles adamantly denies that there was any stipulation reached as to sole custody or to the use of the Plaintiff's proposed child support schedule, Exhibit 5, as argued by Mary. (Appellee's Brief p. 16). The record contradicts such a stipulation. The stipulation of the parties in the findings includes no reference to child support. (Findings paragraph 42).

Neither at the time Mr. Cathcart introduced the sole custody worksheet, nor at any time during the course of the trial does he or Mr. Christensen indicate that the parties have stipulated to sole custody. (Tr. 63).

Mr. Cathcart proposed that child support be paid in accordance with the child support schedule, i.e. the statutory guidelines, which Mr. Christensen agreed to. (Tr. 5) Mr. Cathcart went on to propose that child support should be around \$1,035 to \$1,055. Mr. Christensen did not agree to this proposal. (Tr. 5) In the same paragraph Mr. Cathcart indicates to the trial court "There is going to be a little bit of discussion with the court about appropriate alimony for my — appropriate income for my client." (Tr. 5). Mr. Cathcart was

well aware that Charles would ask the trial court to impute a significant amount of additional income to his client. Mr. Cathcart was also aware that Charles had the children 45% of the time. (Tr. 96-97; Add. G). Had Charles prevailed, the child support figure would be significantly less than \$1035-\$1055.

Charles did agree to continue to share the children as the parties had during their separation, Mary 55% of the time and Charles 45% of the time. (Tr. 3, 96-97, Add. G) Charles also agreed that the parties would have joint legal custody and that Mary would be the primary physical custodian. (Tr. 3).

Mary's also argues that Charles' objection is belated because Mr. Christensen has already approved the Findings and Decree as to form. However, the record correctly indicates that the parties stipulated to use the child support guidelines. There is no stipulation on record regarding sole custody or to the amount of child support.

Because the trial court has not made the findings under Utah Code Ann. § 78-45-7.2 which requires that child support be paid on the joint custody schedule without specific findings to the contrary when visitation exceeds 25% of the nights in the year. (See *Udy v. Udy*, 893 P.2d 1097, 1099-1100 (Utah App. 1995)), to justify its deviation from the statute, this case should be reversed and remanded for further findings as to child support.

D. INADEQUATE FINDINGS ON DEBT ALLOCATION

Mary cites *Hill v. Hill*, 869 P.2d 963 (Utah App. 1994) in support of the position that a courts have been able to exercise discretion by awarding 87% of the marital debt to the husband. However, the court in *Hill* said, "[p]art of the reason Mr. Hill ended up with 87% of the debt is that he improperly included the entire Eduserve loan in his calculations of the debt assigned to him. Ms. Hill's half of the Eduserve debt became Mr. Hill's responsibility only upon a corresponding reduction in his alimony obligation. It is therefore misleading to think of it routine debt distribution." *Id.* at 966. The facts in *Hill* show the court was juggling financial responsibilities of the parties. The *Hill* case does not stand for the proposition that lop sided debt distributions are appropriate within the sound discretion of the court.

The trial court concluded that Charles should pay 80% of the debt and Mary should pay 20% of the debt. (Findings paragraph 17). The findings do not indicate how the trial court reached the division of debts. The trial court's division of the debts does not appear to reflect the parties' abilities to pay. There is no adjustment in the allocation of marital debt to reflect Charles' payment of the alimony and child support orders as there was in *Hill*.

The trial court indicates that "the ratio of earned income" is 80% attributable to Charles. (Findings paragraph 9). However, there is no specific finding of how the trial court

translated proportionate earned income into a fair distribution of debt. Further there is no finding on how debt distribution is affected by the other orders of the trial court.

Mary's net income calculations show Mary with \$3300/month of disposable income, before adding the I.R.S. debt, compared to he calculations of Charles' \$2880/month disposable income before adding the I.R.S. debt. (Add. C; Findings paragraph 35-36). Finally, there are no findings to explain the trial court's decision to place an additional burden on Charles of 80% of the I.R.S. debt, plus attorney's fees.

The decree should be vacated and remanded for reconsideration of the debt allocation and for findings that will identify the specific facts the trial court considers in its decision.

E. ATTORNEYS' FEES.

Mary argues in her brief that it is sufficient that the trial court considered whether she had a need and whether Charles could afford to pay her attorneys fees. However, the trial court's findings say nothing more than these conclusions. (Findings paragraph 26). In *Matter of Estate of Quinn*, 830 P.2d 282 (Utah App. 1992), the court held that "[u]nless the record clearly and uncontrovertedly supports the trial court's decision, the absence of adequate findings of fact underlying the trial court's decision and requires remand for more detailed findings by the trial court." *Id.* (citing *Woodward v. Fazzio*, 823 P.2d 474 (Utah App. 1991)). There is no finding by the trial court

that Mary had any attorney fee debt at the time of trial. The only finding was that Mary had incurred attorneys' fees of \$8,660.00. Further the trial court does not explain how it considered Mary's need in light of the trial court's substantial alimony award and the debt allocation.

Mary included a \$125.00/month payment for her attorney in the estimated expenses which appear to have been used by the trial court. (Add. B; Findings paragraph 32). The Findings do not set forth how the trial court considered the money budgeted for attorneys fees or how the disposable income available to Mary was considered in the trial court's conclusion that Mary "is in need of assistance with her attorney's fees." (Findings paragraph 26). The trial court found that Charles has the ability to pay 80% of Mary's attorney's fees as well as 100% of his own attorney's fee. (Findings paragraph 28, Tr. 127).

By agreement of the parties, Charles cashed in the parties' 401(k) to pay for marital debts. (Tr. 4). Consequently, he has no ability to pay Mary's attorneys' fees from savings. With the on-going monthly obligations ordered by the trial court, Charles is unable to meet his own expenses. (Findings paragraph 35-36; Add. H)

Mary is not entitled to an award of attorney's fees on appeal. As properly argued in Charles's brief herein the trial court's award of attorney fees, child support, alimony as well as allocation of 80% of the debt to Charles were unsupported and an abuse of discretion. The trial court failed to make sufficient

findings to support its conclusions on any of these issues. In light of these deficiencies, Plaintiff is not entitled to an award of fees incurred in this appeal.

The decree should be vacated and remanded, for reconsideration of the attorney's fee award, debt allocation and for specific findings supporting its conclusions regarding alimony and child support.

II. CHARLES' EXPERT WITNESS WAS IMPROPERLY EXCLUDED

A. TRIAL COURT CANNOT EXCLUDE WITNESSES ABSENT A COURT ORDER

Mary's brief has no reference to statutory or case authority which gives the trial court the right to sanction a party by excluding its witness. In *Barrett v. Denver and Rio Grande Railroad Co., Inc.* 830 P.2d 291, 296 (Utah App. 1992) the court held that absent a court order, Utah Rules of Civil Procedure Rule 37(b)(2) does not give the trial court authority to "sanction a party by excluding its witnesses."

There is no discussion at all in Mary's brief regarding this holding of *Barrett*. Mary simply argues that *Barrett* is factually indistinguishable from the present case because in *Barrett* there had been no identification of witnesses to the other side prior to trial but Charles had identified some witnesses prior to trial in this case. (Appellee's Brief pp. 24-25). Although Mary appears to have found a fact that was different between the two cases, the fact is not material to the holding in *Barrett*. There was no court order in this case

requiring disclosure of witnesses by a certain date.

Mary argues that there is a court rule that allows the trial court to exclude witnesses. (Appellee's Brief p. 25). However, that rule was not cited in her brief. Mary also argues that pursuant to the rules, Charles was required to supplement his answers to interrogatories within thirty days prior to trial. (Appellee's Brief p. 25). There is no such rule. The rule on supplementation requires a party to "seasonably" supplement expert witness lists. Utah Rules of Civil Procedure Rule 26(e)(1). However, the thirty day pretrial discovery deadline requires a party seeking to conduct discovery within thirty (30) days of trial to seek leave of court. Utah Rules of Judicial Administration 4-502(5). The reference in Utah Rules of Judicial Administration 4-502(5) to all discovery responses must be completed thirty (30) days before trial presumably means that a party serving discovery must serve it in time for the responses to be due at least thirty (30) days before trial. There is no rule preventing a party from obtaining a witness closer to trial in the absence of a court order to the contrary.

Mary states that failure to supplement interrogatory responses within thirty days prior to trial placed Charles, "squarely within the trial court's discretion to exclude any further evidence verbally his responses might disclose." (Appellee's Brief p.25). However, there is no rule or case law cited by Mary justifying this statement. The trial court's discretion discussed in the rule is limited to the decision of

whether to allow a party to conduct discovery within 30 days of trial. Utah Rules of Judicial Administration 4-502(5).

The Judge indicates on the record that the rules of civil procedure require a party calling an expert witness to give timely notice of the expert to opposing counsel. The rule relates only to supplementing interrogatories directly requesting identity of expert witnesses. Even though Mary's interrogatory asked for "witnesses" generally and did not directly request the identity of expert witnesses, Charles has always been forthright in identifying his expert witnesses to Mary as they were retained. Utah Rules of Civil Procedure Rule 26(e)(1). Mr. Christensen did give timely notice to opposing counsel of the additional witness. There was no order of the trial court requiring witnesses to be selected and identified sooner.

As indicated in the three pre-trial orders issued the summer of 1997, the trial court failed to designate any witness exchange date. (Add. F). The first scheduling order which set trial for June 14, 1997 had no instruction as to an exchange of witness lists. The second scheduling order, issued forty two days before trial, indicated that witness lists were to be exchanged according to the rules. However, there is no rule which gives a deadline for exchange of witness lists. Further, Mr. Cathcart never requested the trial court to set a specific date for exchange of witnesses.

Charles obtained witness James White the day after the last pre-trial settlement conference between the parties and Judge

Brian. (Tr. 80-81). A letter identifying James White and the purpose of calling him as a witness was faxed to Mary's attorney two days before trial, the same day he was retained. (Tr. 80-81). As indicated by Mary in her brief, the issue on which the excluded vocational expert was called to testify, Mary's earning potential, was "in issue before the court and before counsel from the day that Plaintiff's complaint was originally filed." (Appellee's brief p.20). Although the earning potential was at issue from the beginning of this case, Charles' vocational witness was unknown until two days before trial.

Mr. Cathcart had time to depose either of Charles' experts. However, Mary did not request to depose either expert. There was no court order to obtain the witnesses by a certain date.

B. ANY PREJUDICE COULD HAVE BEEN RESOLVED
BY A CONTINUANCE.

The day before trial, the trial court and counsel discussed use of the expert at trial in a telephone conference. (Tr. 80-82, 85). The parties agreed to continue the trial so Mary could obtain a counter expert witness. Mr. Cathcart, after agreeing to a continuance, changed his mind on the grounds that the delay was prejudicial to his client. If there was prejudice to his client because the new trial date given by the clerk was too far out, Mr. Cathcart should have requested a sooner date from the judge. However, he failed to raise any such concern. On the morning of trial, Mr Cathcart knew Charles was going to call the expert witness. (Tr. 80-81). Mr. Cathcart should have moved to exclude

the witness at the beginning of the trial. Yet, he made no motion to exclude the witness until the end of the trial when the witness was called. (Tr. 79).

Mary argues that she is prejudiced by the late designation of Charles's expert because "there was a real financial need on the part of Mary (not to mention the need to bring closure to the matter)". (Appellee's Brief p. 22). The trial judge, however, suggested that the trial be continued and that temporary support be raised to alleviate any financial hardship. (Tr..81) The parties agreed to this. (Tr. 81-82). The need to bring closure to this divorce was not something more prejudicial to Mary than not having an expert witness was to Charles. It is Mary that moved from the home and filed the complaint for divorce. (Tr. 34). Her desire to have the divorce over with is secondary to having a fair evidentiary hearing with all witnesses present. There is no other prejudice cited by Mary for a short continuance of the trial.

The prejudice to the Plaintiff that the trial court found as a basis for exclusion of Charles' witness was that Mary would not be able to consult with a counter expert (Tr. 84-85). The trial court made no findings as to why a short continuance would not overcome that prejudice. Charles agreed to and was prepared to cooperate with all suggestions to avoid prejudice to Mary, including temporary increase in his support and a new trial date.

Charles' motion to continue the trial was denied even though all testimony, except for the excluded witness, had been

received. (Tr. 111). The trial court could have continued the trial to a date relatively close in time to the trial. There is no explanation in the trial court record as to why one witness, and a possibly a rebuttal witness, could not have been worked into the trial court's calendar at some time soon after August 14, 1997. Previously, Counsel had agreed to continuing the case at the trial court's suggestion. (Tr. 80-82).

Charles has been severely prejudiced by not having evidence before the trial court as to Mary's earning capacity. She has an MBA in marketing and many years experience using her BA degrees of Health and Nutrition and Dietetics. (Tr. 19). The evidence suggests Mary can earn more than she is currently earning. Mary has earned almost double her current hourly rate in her past employment as Food Service Director of Park City's Schools. (Tr. 13; Add. C). She admitted that she is designing her work schedule so that she can be home with the children when they are out of school in the afternoons and on holidays. (Tr. 40, 42-43). To finance this part-time work schedule, the trial court has made a monthly alimony award of \$1,200/month over and above the \$1,045/month awarded as child support to Mary. (Findings paragraph 35-36).

Charles has acted in good faith. Charles has disclosed his witnesses as they were retained. (Tr. 80-83). There has been no attempt to sabotage the discovery process or to put Mary at a disadvantage. Charles agreed to pay increased temporary support while awaiting a later trial date. (Tr. 80-83). Charles simply

seeks a fair day in court to present the evidence of Mary's superior training and work ability rather than to bear the burden of her part-time work while he works long hours and takes the children 45% of the time. (Tr. 40-43, 96-97, Add. G). Charles needs a vocational expert witness to testify as to what full-time employment a person with Mary's credentials could obtain and at what level of pay the trial court could expect her to be employed. These issues bare directly on the amount of imputed income for child support and the spouses need for alimony. Charles is entitled to a trial with all of his witnesses before the trial court.

Because the trial court lacked authority to exclude Charles' vocational expert witness, this case should be remanded for a new trial.

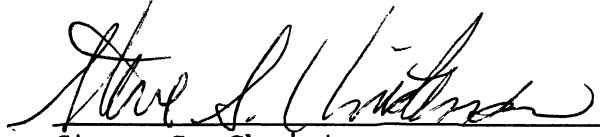
CONCLUSION

There is no application of the evidence to the trial court's conclusions. Charles requests this court to reverse and remand this case for adequate findings showing how the trial court used the evidence to arrive at its conclusions.

There is no rule or statute which gave the trial court authority to exclude an expert witness in the absence of a court ordered deadline for witness designation. Charles requests this court to reverse this case and remand for a new trial where Charles' excluded witness will be permitted to testify.

DATED this 11th day of August 1998.

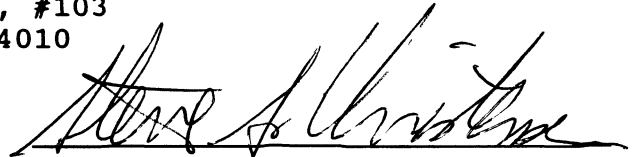
HENRIOD, NIELSEN & CHRISTENSEN


Steve S. Christensen
Attorney for Defendant/Appellant.

CERTIFICATE OF SERVICE

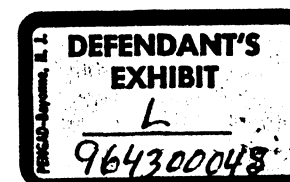
I hereby certify that two copies of the foregoing
APPELLANT'S REPLY BRIEF was mailed first class, postage prepaid
on the 11th day of August 1998 to:

Terry L. Cathcart
Attorneys for Plaintiff/Appellee
380 North 200 West, #103
Bountiful, Utah 84010



ADDENDUM A
Defendant's Exhibit L

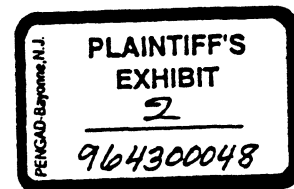
Mary and Charles Rehn Joint Checking Account - 1995											
Expenses	January	February	March	April	May	June	July	August	September	Ave. mo.	Expenses
Food		635	974	905	1000	1090	972	931	1240	865	Food
Utilities/phone		240	240	185	150	122	380	127	125	192	Utilities/phone
Gas-car		50	87	50	95	110	105			62	Gas-car
Car ins.		190		280	98	192		90	94	118	Car ins.
Med/dental		643	643	380	50	98		20		174	Med/dental
Child care			175	160	343	290		175		143	Child care
Clothes		126	89	181	330	95	260	135	300	190	Clothes
Incidentals											Incidentals
church		60	20	10		20	50			20	church
haircuts		16	35		5	70		28		19	haircuts
misc.		112	25		39				23	25	misc.
school/books		90	37	42	62	25				44	school/books
Total Incidental		282	117	52	106	115	50	28	23	108	Total Incidental
Entertainment											Entertainment
health club		107	103	108	112	100	108		117	94	health club
misc. ent.		31	246	100	80	78	90	90	125	123	misc. ent.
Total Entertainment		138	349	208	192	178	198	90	242	217	Total Entertainment
rent+car		1575	1575	1575	1575	1575	1575	1575	1575	1575	rent+car
Total Expenses		4061	3852	4164	3952	4647	3876	3391	3725	3959	Total Expenses



ADDENDUM B
Plaintiff's Exhibit 2

PLAINTIFF'S MONTHLY EXPENSES

Rent	\$ 520
Renter's Insurance	13
Maintenance (residence)(appliance maintenance/replacement)	50
Food and household supplies	500
Utilities (electricity and heat)	50
Telephone	50
Laundry and cleaning	50
Clothing	150
Medical (asthma prescriptions/allergy medications/podiatrist/optometrist)	125
Dental (Orthodontist, Kyle's retainer/braces(?))	50
Medical/Dental Insurance	185
Child care	136
School (children and myself)	150
Entertainment (memberships, travel, recreation, camps, sports)	345
Incidentals (grooming, alcohol, gifts and donations)	200
Auto expense (gas, oil, repair, insurance)	226
Auto payments	341
Installment payment(s) (counselor and attorney's fees)	125
Other expenses (taxes)	<u>50</u>
TOTAL:	\$ 3316



ADDENDUM C
Plaintiff's Exhibit 3

ALIMONY COMPUTATIONS

Plaintiff:

\$ 1428 per month gross
x 75 net after taxes
\$ 1072 net
[214] [child support]
\$ 858
1611 alimony

\$2469

Defendant:

\$ 6833 per month gross
x 75 net after taxes
\$ 5125 net
[1045] [child support]
\$ 4080
[1611] [alimony]

\$ 2469

Therefore, Defendant should be ordered to pay Plaintiff alimony of \$1,611 for the length of the marriage (20 years) or until earlier terminated by law



ADDENDUM D
Defendant's Exhibit A

1-612-645-2901

TERRY L. CATHCART, #4809
Attorney for Plaintiff
380 North 200 West, #103
Bountiful, Utah 84010
Telephone: (801) 295-2391

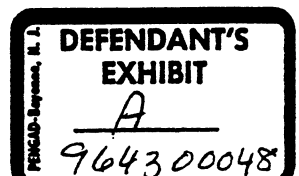
IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SUMMIT COUNTY, STATE OF UTAH

MARY J. REHN, Plaintiff, vs. CHARLES C. REHN, Defendant.	PLAINTIFF'S AFFIDAVIT OF EXPENSES Civil No. 96-43-00048 DA
--	--

STATE OF UTAH)
 :SS.
COUNTY OF DAVIS)

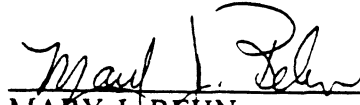
MARY J. REHN, after being duly sworn, states from firsthand knowledge of the facts and circumstances that her expenses are as follows:

<u>EXPENSE</u>	<u>MONTHLY PAYMENT</u>
1. rent (includes renter's insurance)	515
2. medical insurance	60
3. medical expenses beyond insurance coverage	20
4. dental expenses	20
5. clothing	150



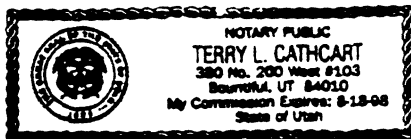
<u>EXPENSE</u>	<u>MONTHLY PAYMENT</u>
6. vacations	50
7. furniture or household furnishings	50
8. automobile payments	340
9. automobile insurance	74
10. automobile maintenance	50
11. automobile operation (gas, oil, etc.)	50
12. food and household supplies	500
13. utilities (gas, electric)	100
14. telephone	75
15. laundry and dry cleaning	45
16. entertainment	100
17. club dues	60
18. other expenses: (cable, newspapers, magazines, personal grooming)	<u>100</u>
Total Expenses	2,359
Net Monthly Income	[850]
Net Monthly Deficit	1,509

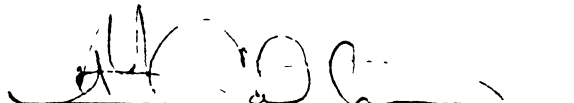
DATED this 29th day of March, 1996.



MARY J. REHN
Plaintiff

Subscribed and sworn to before me this 29th day of March, 1996.





NOTARY PUBLIC

CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of the foregoing to the following named individual via first-class mail, postage prepaid on this 29th day of March, 1996:

Charles C. Rehn
4118 Saddleback Road
Park City, UT 84060



ADDENDUM E
Defendant's Exhibit H

CHARLES & MARY REHN
AFTER-TAX DISPOSABLE ANNUAL INCOME ANALYSIS

ver 10.1c

DESCRIPTION	CHARLES REHN	MARY REHN
FILING STATUS	(SINGLE)	(HEAD OF HOUSE)
EXEMPTIONS	SELF	SELF + 2 CHILDREN
TOTALS WAGES	82,000.00	19,000.00
ALIMONY RECEIVED		8,550.00
LESS: ALIMONY PAID	(8,550.00)	
ADJUSTED GROSS INCOME	73,450.00	27,550.00
LESS: STANDARD DEDUCTION (a)	(4,000.00)	(5,900.00)
LESS: EXEMPTIONS (b)	(2,550.00)	(7,650.00)
TAXABLE INCOME	66,900.00	14,000.00
FEDERAL INCOME TAX	(15,874.50)	(2,100.00)
LESS NEW CHILD TAX CREDIT FOR 1998	0.00	800.00
ADJUSTED FEDERAL INCOME TAX	(15,874.50)	(1,300.00)
STATE INCOME TAX	(3,805.66)	(842.00)
CHILD SUPPORT	(12,364.80)	12,364.80
ADJUST FOR NONCASH TAX ITEMS (a & b)	6,550.00	13,550.00
ADJUST FOR SOC. SEC. TAX PAID	(5,076.40)	(1,453.50)
ROUNDING FACTOR	(9.34)	
AFTER TAX DISPOSABLE INCOME	36,319.30	36,319.30

- (a) Standard deduction for 1996
Head of Household \$5,900, Single \$4,000
(b) Personal exemption for 1996 = \$2,550

ADDENDUM F
Four Pretrial Orders

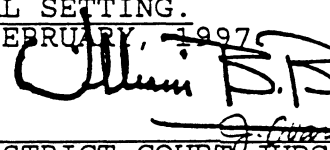
IN THE THIRD JUDICIAL DISTRICT COURT
SUMMIT COUNTY, STATE OF UTAH

REHN, MARY J. :
PLAINTIFF, :
 : SCHEDULING ORDER AND
 : TRIAL NOTICE
-VS- :
 : CASE NO. 964300048 DA
REHN, CHARLES C. :
 : HONORABLE JUDGE W. BOHLING
DEFENDANT. :

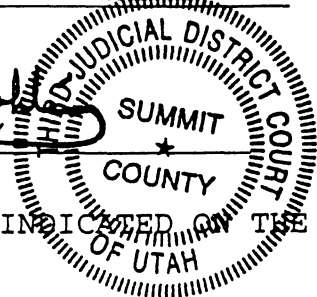
PURSUANT TO THE SCHEDULING CONFERENCE HELD ON 2/6/97
THE FOLLOWING DATES WERE SET AND MATTERS DISCUSSED:

1. THIS CASE IS SET FOR TRIAL ON JUNE 13, 1997 AT 9:00 A.M.
2. ANTICIPATED TRIAL TIME IS 01 DAYS.
3. THE CASE IS SET FOR NON JURY TRIAL
4. ALL DISCOVERY INCLUDING RESPONSES MUST BE CONCLUDED BY
5. ALL DISPOSITIVE MOTIONS ARE TO BE HEARD BY
6. EXHIBIT AND WITNESS LISTS ARE TO BE EXCHANGED BY
7. A FINAL PRETRIAL SETTLEMENT CONFERENCE WILL BE HELD ON
JUNE 9, 1997 AT 2:00 P.M. TRIAL COUNSEL AND CLIENTS, OR
AN INDIVIDUAL WITH AUTHORITY TO SETTLE THIS CASE ARE TO BE
PRESENT. OUT OF STATE PARTIES MUST BE AVAILABLE BY PHONE AT THE
TIME OF THE PRETRIAL SETTLEMENT CONFERENCE.
8. FAILURE TO APPEAR AT THE PRETRIAL SETTLEMENT CONFERENCE
MAY RESULT IN A DEFAULT.
9. THE FOREGOING DATES SHOULD BE CONSIDERED FIRM SETTINGS
AND WILL NOT BE MODIFIED WITHOUT COURT ORDER, AND THEN ONLY
UPON A SHOWING OF MANIFEST INJUSTICE. COUNSEL ARE INSTRUCTED TO
STAY IN CONTACT WITH THE CLERK OF THIS COURT AS THE TRIAL DATE
APPROACHES REGARDING THE TRIAL SETTING.

DATED THIS 6TH DAY OF FEBRUARY, 1997


DISTRICT COURT JUDGE

COPIES MAILED TO PARTIES AT THE ADDRESSES INDICATED ON THE
ATTACHED MAILING CERTIFICATE.



2/12/97

IN THE THIRD JUDICIAL DISTRICT COURT
SUMMIT COUNTY, STATE OF UTAH

REHN, MARY J.

PLAINTIFF,

-VS-

REHN, CHARLES C.

DEFENDANT.

:
: *NEWEST*
: SCHEDULING ORDER AND
: TRIAL NOTICE
:
: CASE NO. 964300048 DA
:
: HONORABLE PAT B BRIAN

PURSUANT TO THE SCHEDULING CONFERENCE HELD ON 6/19/97 APPROXIMATELY
THE FOLLOWING DATES WERE SET AND MATTERS DISCUSSED:

1. THIS CASE IS SET FOR TRIAL ON AUGUST 14, 1997 AT 9:00 A.M.
2. ANTICIPATED TRIAL TIME IS 01 DAYS.
3. THE CASE IS SET FOR NON JURY TRIAL
4. ALL DISCOVERY INCLUDING RESPONSES MUST BE CONCLUDED BY
(AS PER RULES)
5. ALL DISPOSITIVE MOTIONS ARE TO BE HEARD BY (AS PER RULES)
6. EXHIBIT AND WITNESS LISTS ARE TO BE EXCHANGED BY
(AS PER RULES)
7. NO FINAL PRETRIAL CONFERENCE HAS BEEN SCHEDULED.
8. FAILURE TO APPEAR AT THE PRETRIAL SETTLEMENT CONFERENCE
MAY RESULT IN A DEFAULT.
9. THE FOREGOING DATES SHOULD BE CONSIDERED FIRM SETTINGS
AND WILL NOT BE MODIFIED WITHOUT COURT ORDER, AND THEN ONLY
UPON A SHOWING OF MANIFEST INJUSTICE. COUNSEL ARE INSTRUCTED TO
STAY IN CONTACT WITH THE CLERK OF THIS COURT AS THE TRIAL DATE
APPROACHES REGARDING THE TRIAL SETTING.
11. OTHER MATTERS: MATTER WAS PRE-TRIED ON 6/9/97; NOT SET-
TLED; TRIAL DATES OF 6/13/97 & 6/24/97 WERE BUMPED/OTHER TRIALS.
DATED THIS 3RD DAY OF JULY, 1997.

William B. Ballis
DISTRICT COURT JUDGE

COPIES MAILED TO PARTIES AT THE ADDRESSES INDICATED ON THE
ATTACHED MAILING CERTIFICATE.

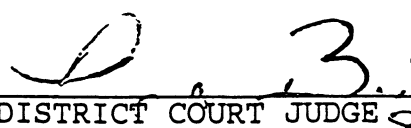


IN THE THIRD JUDICIAL DISTRICT COURT
SUMMIT COUNTY, STATE OF UTAH

REHN, MARY J. :
PLAINTIFF, :
 : SCHEDULING ORDER AND
 : TRIAL NOTICE
-VS- :
 : CASE NO. 964300048 DA
REHN, CHARLES C. :
 : HONORABLE PAT B BRIAN
DEFENDANT. :

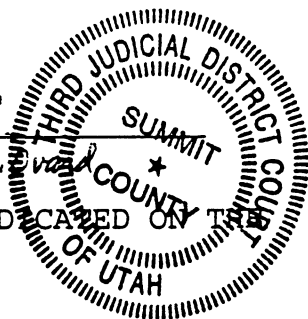
PURSUANT TO THE SCHEDULING CONFERENCE HELD ON (SEE PRIOR NOTICE)
THE FOLLOWING DATES WERE SET AND MATTERS DISCUSSED:

1. THIS CASE IS SET FOR TRIAL ON AUGUST 14, 1997 AT 9:00 A.M.
2. ANTICIPATED TRIAL TIME IS 01 DAYS.
3. THE CASE IS SET FOR NON JURY TRIAL
4. ALL DISCOVERY INCLUDING RESPONSES MUST BE CONCLUDED BY
(SEE PRIOR NOTICE)
5. ALL DISPOSITIVE MOTIONS ARE TO BE HEARD BY (SEE PRIOR NOTICE)
6. EXHIBIT AND WITNESS LISTS ARE TO BE EXCHANGED BY
(SEE PRIOR NOTICE)
7. A FINAL PRETRIAL SETTLEMENT CONFERENCE WILL BE HELD ON
AUGUST 11, 1997 AT 2:00 P.M. TRIAL COUNSEL AND CLIENTS, OR
AN INDIVIDUAL WITH AUTHORITY TO SETTLE THIS CASE ARE TO BE
PRESENT. OUT OF STATE PARTIES MUST BE AVAILABLE BY PHONE AT THE
TIME OF THE PRETRIAL SETTLEMENT CONFERENCE.
8. FAILURE TO APPEAR AT THE PRETRIAL SETTLEMENT CONFERENCE
MAY RESULT IN A DEFAULT.
9. THE FOREGOING DATES SHOULD BE CONSIDERED FIRM SETTINGS
AND WILL NOT BE MODIFIED WITHOUT COURT ORDER, AND THEN ONLY
UPON A SHOWING OF MANIFEST INJUSTICE. COUNSEL ARE INSTRUCTED TO
STAY IN CONTACT WITH THE CLERK OF THIS COURT AS THE TRIAL DATE
APPROACHES REGARDING THE TRIAL SETTING.
11. OTHER MATTERS: (PRE-TRIAL IS SET AT JUDGE BRIAN'S RE-
QUEST) (TRIAL IS SET FOR 1/2 TO 1 DAY)
DATED THIS 16TH DAY OF JULY, 1997.


DISTRICT COURT JUDGE

COPIES MAILED TO PARTIES AT THE ADDRESSES INDICATED ON THE
ATTACHED MAILING CERTIFICATE.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this proceeding should call Third District/Circuit Court (801)336-4451 ext 205. Individuals with hearing disability may communicate with this Court through the Utah Relay Service 1-800-346-4128.



RECEIVED JUL 3 0 1996

IN THE THIRD JUDICIAL DISTRICT COURT
SUMMIT COUNTY, STATE OF UTAH

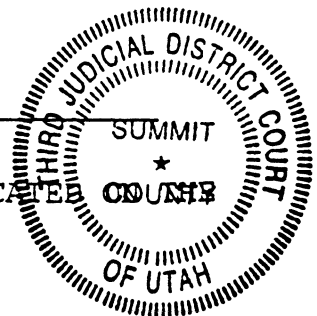
REHN, MARY J. :
PLAINTIFF, :
 : SCHEDULING ORDER AND
 : TRIAL NOTICE
-VS- :
 : CASE NO. 964300048 DA
REHN, CHARLES C. :
 : HONORABLE PAT B BRIAN
DEFENDANT. :

PURSUANT TO THE SCHEDULING CONFERENCE HELD ON 7-26-96
THE FOLLOWING DATES WERE SET AND MATTERS DISCUSSED:

1. THIS CASE IS SET FOR TRIAL ON SEPTEMBER 24, 1996 AT 9:00 A.M.
 2. ANTICIPATED TRIAL TIME IS 01 DAYS.
 3. THE CASE IS SET FOR NON JURY TRIAL
 4. ALL DISCOVERY INCLUDING RESPONSES MUST BE CONCLUDED BY
AS PER RULES
 5. ALL DISPOSITIVE MOTIONS ARE TO BE HEARD BY AS PER RULES
 6. EXHIBIT AND WITNESS LISTS ARE TO BE EXCHANGED BY
AS PER RULES
 7. A FINAL PRETRIAL SETTLEMENT CONFERENCE WILL BE HELD ON
AUGUST 26, 1996 AT 2:00 P.M. TRIAL COUNSEL AND CLIENTS, OR
AN INDIVIDUAL WITH AUTHORITY TO SETTLE THIS CASE ARE TO BE
PRESENT. OUT OF STATE PARTIES MUST BE AVAILABLE BY PHONE AT THE
TIME OF THE PRETRIAL SETTLEMENT CONFERENCE.
 8. FAILURE TO APPEAR AT THE PRETRIAL SETTLEMENT CONFERENCE
MAY RESULT IN A DEFAULT.
 9. THE FOREGOING DATES SHOULD BE CONSIDERED FIRM SETTINGS
AND WILL NOT BE MODIFIED WITHOUT COURT ORDER, AND THEN ONLY
UPON A SHOWING OF MANIFEST INJUSTICE. COUNSEL ARE INSTRUCTED TO
STAY IN CONTACT WITH THE CLERK OF THIS COURT AS THE TRIAL DATE
APPROACHES REGARDING THE TRIAL SETTING.
 10. IF PLAINTIFF'S COUNSEL ANTICIPATES THAT EVIDENCE AT TRIAL
WILL SHOW DAMAGES OF LESS THAN \$20,000, COUNSEL SHOULD PREPARE AN
ORDER TRANSFERRING THE CASE TO THE CIRCUIT COURT.
- DATED THIS 26TH DAY OF JULY, 1996.

Pat B. Brian
DISTRICT COURT JUDGE

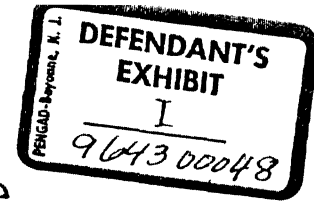
COPIES MAILED TO PARTIES AT THE ADDRESSES INDICATED
ATTACHED MAILING CERTIFICATE.



ADDENDUM G
Defendant's Exhibit I

June 1996


Kids Spent Night at Charles Rehn House



Sun	Mon	Tue	Wed	Thu	Fri	Sat
	3	4	5	6		
			12	13		
			19	20		
23	24		26	27		
30						

July 1996

Kids Spent Night at Charles Rehn House

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
						
	15	16	17	18		
21	22	23	24	25		
	29	30	31			



August 1996

Kids Spent Night at Charles Rehn House

[illegible]

September 1996

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	2  Labor Day	3	4	5	6	7
8	9	10	11	12		
15	16	17	18	19	20	
22 Autumn begins	23  Yom Kippur	24	25	26		
29						

October 1996




Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3		
6	7	8		10		
	14  Columbus Day (Observed)	15	16	17	18	
20	21	22	23	24		
27	28	29	30			

Daylight Savings - back 1 hour




November 1996

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
3	4	5  Election Day	6	7	8	9
10	11  Veterans Day	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27 	28	29	30


December 1996

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6 	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25 	26	27	28 <small>Winter break</small>
29	30	31 				

January 1997

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1  New Year's Day	2	3	4
5	6	7	8	9	10	
	13	14	15			
19	20 Martin Luther King Jr	21	22	23		
26	27		29	30		




February 1997

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
2 Groundhog Day	3	4	5	6		
9	10	11	12  Ash Wednesday	13		
		18	19	20		
23	24	25	26	27		


March 1997

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
2	3	4	5	6		8
9	10	11	12	13		
16	17  St. Patrick's	18	19			
23 Palm Sunday	24	25	26			
30  Easter	31					

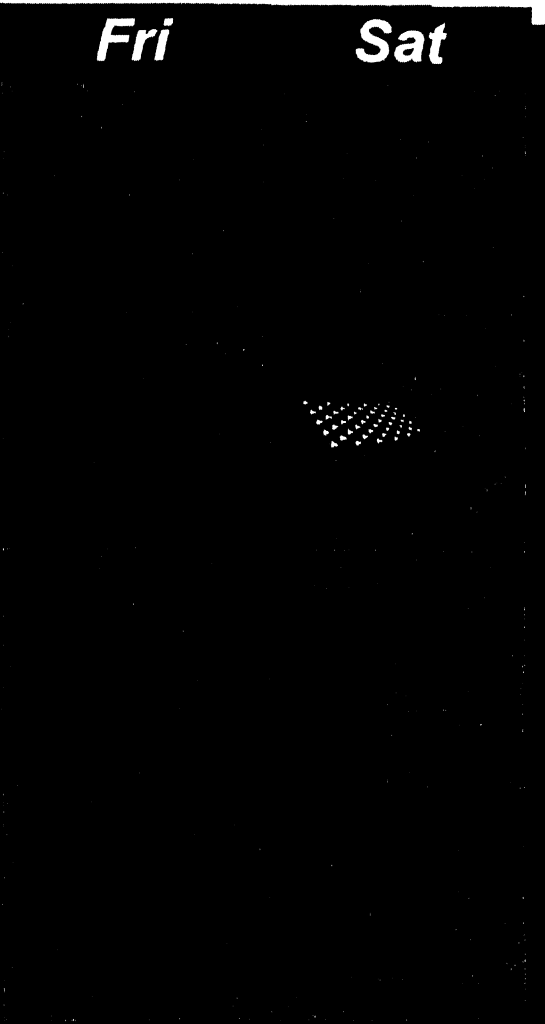
April 1997

Kids Spent Night at Charles Rehn House

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		1 <small>April Fools Day</small>	2	3		
			9	10		
13	14	15	16	17		
20	21	22  <small>Passover</small>	23	24		
27	28		30			


June 1997

Kids Spent Night At Charles Rehn House

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1	2	3	4	5		
8	9	10	11	12		
15 Happy Father's Day <small>Father's Day</small>		17 ▷	18	19		
22	23	24	25	26		

July 1997

Kids Spent Night At Charles Rehn House

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
						
20	21	22	23	24		
27	28	29	30	31		




August 1997

Kids Spent Night At Charles Rehn House

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
3	4	5	6	7		
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						


April 1996

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4  Passover		
7  Daylight Savings 1 hour ahead 1 hour Easter	8 April Fools Day	9	10	11		
14	15	16	17	18		
21	22	23	24	25		
		30				

May 1996

Kids Spent Night at Charles Rehn House

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2		
5 Cinco de Mayo	6	7	8	9		
12 Happy Mother's Day Mother's Day	13	14	15	16 Ascension Day		
19	20	21	22	23		
	27  Memorial Day (Observed)	28	29	30		

ADDENDUM H
Defendant's Exhibit J

Question 2

Current Expenses

Rent - \$1050/month - Exhibit A
Car payment - \$575/mo - Exhibit B
Water - \$38/month - Exhibit C
Sewer- \$28/mo - Exhibit D
Phone - \$63/month - Exhibit E
Gas (Mountain Fuels) - \$58/mo - Exhibit F
Auto Gas/oil/repair - \$100/mo - Exhibit G
Car insurance - \$142/mo - Exhibit H
Renters insurance - \$16/mo - Exhibit I
Life Insurance - \$52/mo - Exhibit J
Medical/Vision/Dental - \$214/mo - Exhibit K
Food - \$400/mo - Exhibit L
Laundry and Dry Cleaning - \$50/mo - Exhibit M
Entertainment (clubs, social obligations, travel, recreation) - \$150/mo
Daycare - \$136/mo - Exhibit O
Legal - \$200/mo -- deferred
Motor Vehicle Registration - \$20/mo - Exhibit Q
Maintenance(household) - \$50/mo -- deferred
Clothing - \$100/mo -- deferred
Incidentals - \$150/mo -- deferred
— Electric Bill - \$46/mo - Exhibit X 3375

Subtotal - \$3,638 82. 3375
Current child support - \$1055/mo 125 1055
Current temporary alimony - \$750/mo 900

Total monthly expenditures - \$5443/mo
Monthly take home pay - \$4838/mo

Current deficit - \$604/mo

