

Superior Court of New Jersey
CAMDEN VICINAGE

KELLY A. LAW
TRIAL COURT ADMINISTRATOR

GEORGE P. COAN
CIVIL DIVISION MANAGER



HALL OF JUSTICE
101 SO. 5TH STREET
CAMDEN, NJ 08103-4001
TEL.: 856-379-2234
FAX: 856-379-2253
TTY NJ RELAY NO.: 711
George.Coan@judiciary.state.nj.us

DOCUMENT RETURN LETTER

FROM THE DESK OF: Lesley M. Clelland
DOCKET #: _____

PHONE #: 856-379-2200 EXT: 3037
DATE: September 17, 2013

CASE CAPTION Coley vs Carter.

THE ENCLOSED DOCUMENT(S) IS/ARE BEING RETURNED FOR THE FOLLOWING REASON(S):

- | | |
|---|--|
| <input checked="" type="checkbox"/> COMPLAINT and/or 3 RD PTY COMPLT | <input type="checkbox"/> NOTICE OF MOTION |
| <input type="checkbox"/> ANSWER and/or COUNTER-CLAIM | <input type="checkbox"/> ORDER |
| <input type="checkbox"/> AMENDED COMPLAINT | <input type="checkbox"/> WARRANT FOR ARREST |
| <input type="checkbox"/> NOTICE OF APPLICATION | <input type="checkbox"/> DOCKETING STATEMENT |
| <input type="checkbox"/> WAGE EXECUTION | <input type="checkbox"/> STIPULATION |
| <input type="checkbox"/> BANK LEVY and/or GOOD & CHATTEL | <input type="checkbox"/> JUDGMENT |
| <input type="checkbox"/> OTHER: _____ | |

- Fee was not received/incorrect. Fee should be _____.
- Calculations incorrect. Please refer to the information given & make corrections.
- Notice of Motion is not in conformance with Rule 6:3-3(c) Please correct.
- Filing party is a corporation & an attorney is necessary per Rule 1:21-1.
- Document/Check is not signed.
- Judgment has not been entered.
- Certification was not received/incorrect.
- Not Camden County.
- Not Special Civil Part.
- A refund check in the amount of \$ 57.00 will be sent under separate cover.
- Defendant not served. Reason why:
- Other: _____.

Comments: Defendants principal address must be located within Camden County. Address listed on the Complaint is located in Essex County.

If corrections are made and documents returned within ten (10) days, they will be entered "filed" as of original date. If not returned within ten (10) days, a motion may be required.

CAMDEN COUNTY SUPERIOR COURT
FINANCE DIVISION

FEE/PAYMENT RECEIVED

NO: 0015286

DATE: 9/12/13

PAYOR: C. Colay

Amount: \$ 57.00

PAYMENT METHOD

CASH CHECK M.O.

CHECK/MONEY ORDER # :

09/12/2013 000001
#9253 14:42
15286
DOCUMENT #

BILL #5909
CASHR 40004

CHECK APPROPRIATE BOX

TYPE OF PAYMENT	DEPT #	✓
Child Support Collections	12	
Civil - Chancery	15	
Civil-Law	14	
Civil - Misc.	16	
Copy Fees	17	
Criminal Fees	18	
DeNovo	26	
Expungement	19	
Family Fees	20	
Probation Fines - Collections	9	

TYPE OF PAYMENT	DEPT #	✓
Gun Permits	21	
Municipal Appeals	22	
PTI Application Fee	23	
Special Civil Fees (DC, SC, LTR)	5	
Special Civil - Copy Fees	7	
Superior Court Misc. - Other	24	
Treasury - Other	26	
Monitoring Fees	25	
IV-D Fees	25	
Fines - Jury	10	

TICKET#6040
\$0.00
\$57.00

\$57.00
\$57.00
\$60.00
\$3.00

EMPLOYEE: R Ingram

Docket #: Spec CN Comp

Special Civil Part Complaint - Form A

Superior Court Of New Jersey
Law Division, Special Civil Part

County _____

Little Coley
Plaintiff's Name

630 Erial Rd
Street Address

Blacksburg, NJ 08012
Town, State, Zip Code

856-302-1470
Telephone Number

Docket No. _____

B093

9-12-13

57.00

CA15286 CIVIL ACTION

Complaint

RECEIVED
2013 SEP 12 PM 2:37
SUPERIOR COURT/LAW DIV.

vs.
Shawn Carter
Defendant's Name (Person you are suing)

318 Walker Road
Street Address

West Orange, NJ 07052
Town, State, Zip Code

Telephone Number _____

Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): (See instruction B)

Attorney fee due to fraud by deception

(You may attach more sheets if you need to)

The amount you, the Plaintiff(s) are demanding from the Defendant(s) \$ 5500. + 10% plus interest and
\$ 57.00 for the costs of suing.

At the trial Plaintiff will need:

An interpreter Yes No Indicate Language: _____

An accommodation for disability Yes No Indicate Disability: _____

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

9-12-13
Date

Little Coley
Your Signature

Little Coley
Name Typed, Stamped or Printed

SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE - FORM B

Plaintiff or Plaintiff's Attorney Information:

Name: Lillie Coly

Address: 630 Elm Road

Telephone No.: _____

Coly, Plaintiff(s)

Shawn Carter, Defendant(s)

Demand Amount: \$ 5500 + 10%
 Filing Fee: \$ 5700
 Service Fee: \$ _____
 Attorney's Fees: \$ Perdy
 TOTAL \$ 50.00

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION, SPECIAL CIVIL PART
 _____ COUNTY

Docket No: _____
 (to be provided by the court)

Civil Action
 SUMMONS

(Check one): Contract or Tort

Defendant(s) Information: Name, Address & Phone:

318 Walker Road
West Orange, NJ 07052

Work Address: 1411 Broadway 38th Floor
New York, New York

Date Served: _____

RETURN OF SERVICE (For Court Use Only)

RETURN OF SERVICE IF SERVED BY COURT OFFICER

Docket Number _____
 Date: _____ Time: _____ WM _____ WF _____ BM _____ BF _____ OTHER _____
 HT _____ WT _____ AGE _____ HAIR _____ MUSTACHE _____ BEARD _____ GLASSES _____
 NAME: _____ RELATIONSHIP: _____
 Description of Premises _____

I hereby certify the above to be true and accurate:

 Special Civil Part Officer

**SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY**

L. Coley(Plaintiff)

Vs.

Shawn Corey Carter(Defendant)

1. On June 18, 2012 Lillie Coley filed a paternity action suit against Shawn Carter in Camden County NJ Family Court. This action was sent to the Mr. Carter's work address already on file with the court from June 2011, and to his lead attorney whom we had previous legal communications with. After the led attorney received this information from the court the Mr. Carter responded to the application filed on June 18, 2012 through a local attorney Lise Fisher

2. On August 3, 2012 Mr. Carter and the local attorney presented an application of "limited appearance" to the court requesting Ms. Coley's application be dismissed. During the hearing which took place on August 13, 2012 Mr. Carter not only presented false documents to the court in regard to his address, but his attorney Lise Fisher also verbally and repeatedly gave knowingly false information to the court in regard to her Mr. Carter's minimum contacts with the state of NJ which was never in disputed by any other attorney of the Mr. Carter in the past.

3. A portion of Ms. Coley's application submitted to the NJ court on June 18, 2012 specifically stated Mr. Carter client's work address but Mr. Carter and his attorney Ms. Fisher tried to mischaracterize the facts. Mr. Carter saw and reviewed Ms. Coley's application before his attorney wrote her cross response dated August 3, 2012.

4. It was stated during the hearing that Mr. Carter's had numerous properties in NJ but Mr. Carter's attorney kept stating he did not. Mr. Carter attorney even used a Verified Compliant form

and put another false address of 411 Broadway, NY, NY as her client's home which actually turned out to be a parking lot. Even after her being probe by Judge Edward Mc Bride(**Docket no. FD-04-002874-12**) about his resident and minimum contacts she deliberately gave him false information to his face stating that client stated that the address of 1411 Broadway NY, NY was his home even though she knew and knew from Ms. Coley's application to the court that was his work address.

5. As result of Mr. Carter's action of false information the ruling for case dated August 13, 2012 was based on a non-resident, so we did not get the personal jurisdiction of her Client. Knowingly and giving false information to claim **limited appearance** based on lack of minimum contacts would be fraudulent especially, when it's known that your client does have minimum contacts with the state of NJ.

6. On August 31, 2012 Ms. Coley requested a reconsideration to the same Judge based on the certified residential property deeds she found verifying that Client did in fact have **not one(1) but at least three(3)** or more residential properties in the state of NJ along with the taxes that her client was paying for these properties (**See Exhibit E-F** details also in record **FD-04-002874-12** along with court transcripts). Ms. Coley, also served the Mr. Carter's legal documents at one of his properties on September 4, 2012 as verification with the Mr. Carter's full knowledge **Exhibit B of postal service certification**. Complete transcripts and deed are in record with above docket number Mr. Carter's attorney have already been served these documents last year.

7. From August 31, 2012 to December 14, 2012 even after Mr. Carter and her Client saw the certified property DEEDS, NJ state tax records and service to one of his addresses she continue to submit to the court cross motions and documents stating the Ms. Coley still did not have personal jurisdiction of her client. It was not until December 14, 2012 after being in Open court Mr. Carter

finally admitted the truth. Mr. Carter filed false documents even after she saw the DEEDs and tax records on August 31, 2012. More importantly, she and her Client knew that he had properties before the application was submitted on August 3, 2012 and continue give fraudulent information to the court.

9. At the hearing on December 14, 2012 the finding were that the Ms. Coley could not present new evidence that was not available to the Judge at the time he made the ruling since "after discover" is not permissible in family court, but this does not change the fact that Mr. Carter was fraudulent in her actions and never attempted to withdraw or modify her case, but she continue to submit false documents. As result of her actions on August 13, 2012 Ms. Coley suffered damages of legal fees and cost of approximately \$5,500 that Ms. Coley wants refunded with interest. Ms. Coley is also seeking punitive damages that can be determined by the court. Ms. Coley will also file a claim against Mr. Carter's attorney as a tort claim. Ms. Coley expects that Mr. Carter and his attorney will pay equal share of direct damages although the punitive damages will be separate. However, each may pay all or part of the direct damages. **Within the transcripts you can review the following pages and line numbers.**

Page 8 -Line 22-23

Page 9 line 3

Page 28 line 20, 25

Page 29 line 21 &22

Page35 line 23-25

Page 41 line 4,9,14,18

Page 44 line 9

Page 49 line 3,13

Page 53 line 16,22

Page 54 line 1-2

JURISDICTION

10. Venue lies in Camden County where the Ms. Coley currently resides and illegal action occurred.

PARTIES

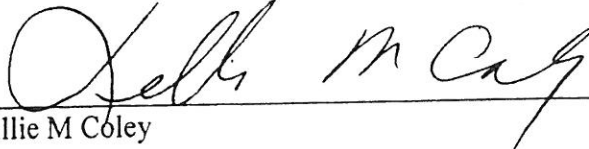
11. Ms. Coley is an African-American female at 630 Erial Road Blackwood, NJ.

12. Mr. Carter 318 Walker East Orange, New Jersey

Relief Requested

a) Order Mr. Carter to pay damages due to her fraudulent actions and punitive damages so he will not do this to others and any other damages Ms. Coley is entitled to.

I certify that this information is true and to best of my knowledge and belief. I understand that any statements made by me falsely is punishable by law. I have also served copies of this to the following parties below.

s 
Lillie M Coley

Cc: Shawn Carter 318 Walker, East Orange, NJ

**SUPERIOR COURT OF NEW JERSEY:
CHANCERY DIVISION, FAMILY PART**



Website: _____

Fax: _____

Little Coley
Plaintiff Obligee Obligor

Docket No: _____
Case ID: _____

Shawn Cole vs
Defendant Obligee Obligor

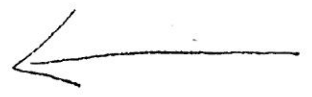
**CIVIL ACTION
CERTIFICATION ON NON-MILITARY SERVICE AND COMPETENCY**

Little Coley hereby certify that:

1. I am the Plaintiff / Defendant in the above-entitled civil action.
2. I am personally acquainted with the other party and know that he or she resides at
3. The other party is not a minor and is not a mentally incapacitated person.
4. The other party is not in the Military Service of the United States.
5. I am supplying the Court with the following information as to how I know the other party is not in the military.
(Please check the statements below that apply to your case and describe in detail):

- I have recently seen the other party (if so, when and where):
- My child(ren) last had parenting time with him or her on (specify date and time):
at
- I have recently had telephone contact with the other party. (Provide any information from telephone contact showing other party is not in the military)
- I know where the other party works (indicate employer name and address):

1411 Broadway 3rd Floor
New York NY 10014





Date: 09/17/2012

Dear Postal Customer:

The following is in response to your 09/17/2012 request for delivery information on your Certified Mail(TM) item number 7012 1010 0001 6701 0032. The delivery record shows that this item was delivered on 09/04/2012 at 11:47 am in WEST ORANGE, NJ 07052. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section	
Signature	
Printed Name	C. THOMAS

Address of Recipient:

Delivery Address	318 Walker Rd
------------------	---------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

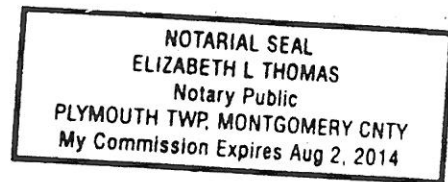
Exhibit C

Affidavit of Wanda Satterthwaite

I am writing this memo to support Lillie Coley's grievance compliant #13-0185. On August 13, 2012 I was a witness and party in my son's paternity suit which was filed by his godmother on June 18, 2012 in NJ Camden County. This compliant was mailed to Shawn Corey Carter's lead attorney Andrew Kupsinse in Connecticut. On August 13, 2012 I witness Ms. Lise Fisher the local attorney who was hired by Kupsinse state in court that Mr. Carter did not have minimal contacts with the State of New Jersey. Ms. Fisher stated that Mr. Carter lived at an address in NY which she knew was his work address, and that he had no residential NJ properties. Ms. Coley's attorney repeatedly stated he had NJ properties but Ms. Fisher kept saying he did not. Even after Ms. Fisher was questioned by the Judge in this regard she continual to give false presentation of Mr. Carter's contacts with the state in open court. In fact, Ms. Fisher submitted a "limited appearance" package which in itself is not true. Thereafter, even when Ms. Coley requested a reconsideration on August 31, 2012 Ms. Fisher along with Mr. Kupsinse and Mr. Carter did not retract, revised or change their statement in this regard and there were several court sessions up until December 14, 2012.

Wanda Satterthwaite

Wanda Satterthwaite
1866 Apt. Q N. 27th St.
Philadelphia, Pa 19121



WITNESS

DATE

Elizabeth L. Thomas 4.4.13

Sworn and subscribed to before me this 4th
day of April, 2013.

Notary Public of the Montgomery County
State of Ga

Exhibit D, EF

40/165782

DEED: JURISDICTION OF THE STATE OF NEW JERSEY
COUNTY OF ESSEX

Compared 1982 by ALL STATE LEGAL SERVICE CO
One Commerce Drive, Cranford, NJ 07016
Prepared by: *Edward S. Nagorsky*
EDWARD S. NAGORSKY, ESQ.

DEED

This Deed is made on June 23, 1999

BETWEEN

JEFFREY R. NANFELDT and ELIZABETH ANN NANFELDT, husband and wife,

whose address is about to be 37 Highland Avenue, Short Hills, New Jersey 07080 referred to as the Grantor,
AND SHAWN CARTER, Single

whose post office address is about to be 502 North Ridgewood Road, South Orange, New Jersey 07079 referred to as the Grantee
The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of Three Hundred and Eighty-Nine Thousand, Five Hundred (\$389,500.00) DOLLARS.
The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-21) Municipality of South Orange
Block No. 401 Lot No. 1 Account No. _____
 No property tax identification number is available on the date of this deed if such has applicable.

Property. The property consists of the land and all the buildings and structures on the land in the Village of South Orange, County of Essex, and State of New Jersey. The legal description is:

See Schedule "A" attached hereto.

SUBJECT to easements, restrictions and zoning ordinances, if any, and such state of facts as an accurate survey may disclose.

BEING the same lands and premises conveyed to Grantors herein by Deed from Claudio Mickel and Patricia Mickel, husband and wife, dated 9/25/87 and recorded 12/3/87 in Deed Book 5003, page 239 in the Essex County Clerk's Office.

Said premises are subject to the Terms of Right-Of-Way Deed for the strip of land immediately adjoining the premises on the southeast as set forth in Deed Book X64, Page 371 in the Essex County Register's Office.

8562480658

RECORDED
INDEXED
JUN 23 1999
ESSEX COUNTY CLERK
100 N. BRIDGE ST.
MORRISTOWN, NJ 07960

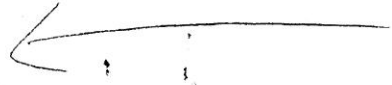
Exhibit D

State of New Jersey
Department of the Treasury
Division of Taxation

**RECORD DETAILS
AS OF JANUARY 10, 2012:**

OWNER INFORMATION

Owner Name: CARTER, SHAWN
Owner Address: POB 310066
MIAMI, FL 33231



PROPERTY INFORMATION

Property Location 502 RIDGEWOOD ROAD NORTH
County 07 - Essex
District 19 - South Orange Village Tw
Block Number 401
Lot Number 1
Qualifier
Property Class 2 - Residential
Land Description .287 AC
Building Description 2SF2UG
Acreage 0.287

Land Value 243,100
Building Value 377,000
Net Value 620,100
Prior Year's Taxes \$21,607.10



E Exhibit

BK5646PG0565

Prepared by: William J. Soriano
WILLIAM J. SORIANO, ESQ.

9/15/99
25/206546

DEED

This Deed is made on SEPTEMBER 30, 1999.

BETWEEN BONITA AREMAN, Unmarried,

whose address is 7 North Cobane Terrace, West Orange, New Jersey 07052, referred to as the Grantor,

AND SHAWN C. CARTER

whose post office address is about to be 7 North Cobane Terrace, West Orange, New Jersey 07052, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00).

The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of WEST ORANGE, Block No. 80.01 Lot No. 21 Account No.

____ No property tax identification number is available on the date of this deed. (Check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land in the TOWNSHIP of WEST ORANGE, County of ESSEX and State of New Jersey. The legal description is:

SEE ATTACHED SCHEDULE "A" DESCRIPTION.

Being the same premises conveyed to Grantor herein by Deed from Peter M. Zebrowski and Andrea S. Zebrowski, husband and wife, dated December 17, 1992, recorded December 30, 1992, in the Register's Office of Essex County in Deed Book 5242, Page 688.

Promises by Grantor. The Grantor promises that Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:
William J. Soriano
WILLIAM J. SORIANO, ESQ

Bonita Areman
BONITA AREMAN
Essex County, N.J.
Received & Recd:
Register's Office
05/1999 10:5
A. GRAY
206546
\$240,000
\$975.

Exhibit E

State of New Jersey
Department of the Treasury
Division of Taxation

**RECORD DETAILS
AS OF JANUARY 10, 2012:**

OWNER INFORMATION

Owner Name: CARTER, S. %MORRISON, BROWN, ARGIZ &
Owner Address: PO BOX 310066
MIAMI, FL 33231

**PROPERTY
INFORMATION**

Property Location: 7 NORTH COBANE TERRACE
County: 07 - Essex
District: 22 - West Orange Twp
Block Number: 80.01
Lot Number: 21
Qualifier:
Property Class: 2 - Residential
Land Description: 75X100
Building Description: 2SF2G
Acreage: 0.1722

Land Value: 125,000
Building Value: 199,600
Net Value: 324,600
Prior Year's Taxes: \$11,299.33

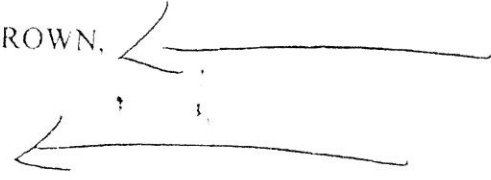
C. Webb

State of New Jersey
Department of the Treasury
Division of Taxation

**RECORD DETAILS
AS OF JANUARY 10, 2012:**

OWNER INFORMATION

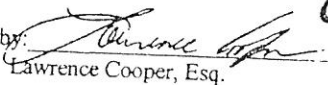
Owner Name: CARTER, S. %MORRISON, BROWN, ARGIZ &
Owner Address: PO BOX 310066
MIAMI, FL 33231



**PROPERTY
INFORMATION**

Property Location 318 WALKER ROAD
County 07 - Essex
District 22 - West Orange Twp
Block Number 160.01
Lot Number 30.05
Qualifier
Property Class 2 - Residential
Land Description 101 X 210
Building Description
Acreage 0.4869

Land Value 177,000
Building Value 581,000
Net Value 758,000
Prior Year's Taxes \$26,385.98

Prepared by: 
Lawrence Cooper, Esq.

ORIGINAL

DEED

This Deed is made on December 17, 2007

BETWEEN Syed Hassan and Hadiqa S. Hassan, married, whose address is 408 Millburn Ave., Millburn New Jersey 07041 referred to as the Grantor.

AND Shawn Carter whose address is about to be 318 Walker Road, West Orange, New Jersey, 07052 referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

TRANSFER OF OWNERSHIP. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of Nine Hundred Eighty-Five Thousand (\$985,000.00) Dollars. The Grantor acknowledges receipt of this money.

TAX MAP REFERENCE. (N.J.S.A. 46:15-2.1) Municipality of West Orange is Block No. 160.01 Lot No. 30.05 Account No.

[] No property tax identification number is available on the date of this Deed.

PROPERTY. The property consists of the land and all the buildings and structures on the land in the Township of West Orange, County of Essex and State of New Jersey. The legal description is:

See Schedule A Attached.

BEING the same premises conveyed to Hadiqa S. Hassan, married, by Deed from Ralph E. Mitschele, Jr. and Bonnie Mitschele, dated February 1, 2000, recorded in the Essex County Register's Office on February 22, 2000 in Deed Book 5675 at Page 0800.

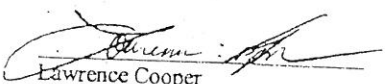
Commonly known as 318 Walker Road, West Orange, New Jersey 07052.

This conveyance is made subject to all easements and restrictions of record, the rights of the public and public utilities in and to the public road abutting the subject property and such state of facts as an accurate survey may disclose.

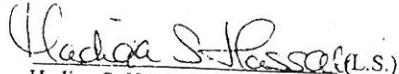
PROMISES BY GRANTOR. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to Grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

SIGNATURES. The Grantor signs this Deed as of the date at the top of the first page.

WITNESSED BY:


Lawrence Cooper
Attorney at Law of N.J.


Syed Hassan (L.S.)


Hadiqa S. Hassan (L.S.)

Transcript of Hearing December 12, 2012 Docket no. FD-04-002874-12 reference pages of ATTORNEY FISHER STATING SHE MISSPOKE about her clients living at 1411 Broadway but this is impossible when she saw evidence that suggest otherwise particularly the Plaintiff Coley's application to the Court specifically stating he did not live at 1411 Broadway. Even after seeing this Fisher still lied which is why the had to rely on that fraudulent information until verified at a later date page 3 lines 29-35; Regarding Coley needing personal jurisdiction to obtain general jurisdiction over Carter;

Page 5 lines 10-16 - Coley filed Reconsideration because she stated at previous hearing in Oral Argument Carter had several NJ properties;

Page 5 lines- Coley did believe Carter lived in NJ as mentioned in past; Attorney made mistake in her reply stating Coley did not know where Carter lived she did know or what was her belief based on serving him at address 318 Walker West Orange, NJ.

Page 6 Lines 13-20 - Fisher lies about she Misspoke when she saw Coley' application stating Carter's work address of 1411 Broadway even after she saw the DEEDs of Carter she still lied and said the properties were not his which caused Continuous Violations.

Page 7 lines 38-39 - Carter's creditability of his properties;

Page 8 lines 1-6 - Creditability issues Continue since a person does not need to be present to Charge with Perjury and other criminal acts for lying in documents;

Page 11 - If Fisher had not lie at the August 13, 2012 hearing and continued the lie in the December 12, 2012 hearing regarding contacts Coley at the August 13, 2012 hearing would have been able to have "Evidentiary Hearing on a Motion to Dismiss on the basis of personal jurisdiction" says Judge Mc Bride.

Page 11 - Coley could have had a Prima Facie case of general jurisdiction over Carter but due to Fisher's lies in August 13, 2012 hearing that was lost.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
CAMDEN COUNTY, NEW JERSEY
DOCKET NO.: FD-04-002874-12
A.D. NO.: _____

LILLIE COLEY,)	
)	
Plaintiff;)	TRANSCRIPT
)	
vs.)	OF
)	
SHAWN CARTER AND WANDA)	HEARING
SATTERTHWAITE,)	
)	
Defendants.)	

Place: Camden County Hall of Justice
101 South Fifth Street
Camden, New Jersey 08103-4001

Date: August 13, 2012

BEFORE:

THE HONORABLE EDWARD J. MCBRIDE, JR., J.S.C.

TRANSCRIPT ORDERED BY:

Ms. Lillie Coley
630 Erial Road
Blackwood, NJ 08012

APPEARANCES:

CHRISTOPHER BARRETT FAY, ESQ. (Sole Practitioner)
Attorney for the Plaintiff

LISE A. FISHER, ESQ. (Law Office of Michael E.
Fingerman)
Attorney for the Defendant

A **DARCEL D. HART**
UTOMATED TRANSCRIPTION SERVICES
P.O. Box 1582
Laurel Springs, New Jersey 08021
(856) 784-4276
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autotranscripts@comcast.net

I N D E X

August 13, 2012

ARGUMENT

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By Mr. Fisher

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By Mr. Fay

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THE COURT

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THE COURT: Thank you everybody.

MS. FISHER: Good afternoon, Your Honor.

THE COURT: Good afternoon. Everybody can be seated. Let me -- before we get started and actually before we even get into the caption of the case, I was presented with a Form of Order to close the courtroom. There is a Court Rule that is relevant here. But, However, the Parentage Act itself has a section 9:17-42 that mandates the closure of, of the Court in Act -- proceedings under the Parentage Act. And that specifically used the phrasing of sealing records, but states that all the papers in the records in the case are, are confidential. So, I made a slight modification to the order that was submitted to me and made reference to that Statute as well.

So, I want to find out who is here in the courtroom? We have Coun, Counsel, your appearance.

MR. FAY: Yes, Your Honor, it's Christopher Barrett Fay on behalf of the plaintiff, Lillie Coley.

THE COURT: And that is Ms. Coley to your right?

MR. FAY: Seated to my right.

THE COURT: Okay.

MS. FISHER: Your Honor, Lise Fisher on behalf of defendant, Shawn Carter with a limited

1 appearance with regard to the jurisdiction on other
2 issues.

3 THE COURT: And who is?

4 MS. SATTERTHWAITE: It's -- I'm Wanda
5 Satterthwaite the mother.

6 MS. FISHER: And no, I'm not representing.
7 No connection.

8 THE COURT: No, I understand. And who is?

9 MS. FISHER: I'm sorry. And this is my
10 Associate, Ms. Murphy, who has come to watch. She's
11 worked on the case, so she's watching.

12 THE COURT: All right. Yes. So, this case
13 is Lillie Coley versus Shawn Carter, Docket
14 FD-04-2874-12. All right. This matter is here by
15 virtue of a complaint filed by the plaintiff. The New
16 Jersey activity in this case started last year in
17 Atlantic County and eventually a venue change order was
18 signed.

19 In accordance with the Court Rules, the
20 transfer of venue here to Camden County, and, shortly
21 after the entry of an order in Pennsylvania, it's now
22 on appeal. June 14, 2012, the plaintiff filed this
23 application here in Camden County seeking to establish
24 paternity for the child, whose initials are R.S., born
25 July 13, 1993 in Philadelphia and seeking support as

1 well as support for college expenses, and also medical
2 coverage.

3 The plaintiff has custody of the child by
4 virtue of a order entered by the Atlantic County
5 Superior Court on July 26th of last year with consent
6 of the natural mother of the child, that custody is
7 with the plaintiff who is no relation, but I believe
8 Godmother. Is that correct?

9 MS. FISHER: Yes.

10 THE COURT: All right. Let me do this. I
11 don't expect to be taking testimony. But, in case I
12 do, I want to swear in the litigants who are here. So
13 I'd ask Ms. Coley and Ms. Satterthwaite, if you could
14 please each stand and raise your right hand. Your
15 other hand.

16 **LILLIE COLEY, PLAINTIFF, SWORN**

17 **WANDA SATTERTHWAITE, DEFENDANT, SWORN**

18 THE COURT: All right. Thank you. You each
19 may be seated. All right. The application is opposed
20 by the defendant through Counsel who has entered a
21 limited appearances for purposes of opposing the
22 application arguing: 1) that this Court lacks subject
23 matter jurisdiction under the Uniform Interstate Family
24 Support Act. Related to that -- it's listed as the
25 last argument, but the way it related to that is an

1 argument that this Court should as a matter of comity,
2 C-O-M-I-T-Y, stay a proceedings or dismiss them without
3 prejudice, because of the existence of litigation in
4 Pennsylvania involving these same parties on these same
5 issues with that case being on appeal.

6 Next is a contention that the Court lacks
7 personal jurisdiction over the defendant. And then
8 there are arguments made as to the sufficiency of the,
9 of the application itself, and the alleged lack of
10 sufficient factual basis to justify the entry of an
11 order requiring that there be genetic testing to
12 determine paternity in this case.

13 I have the read the submissions. What I have
14 is the, the complaint that was filed by the plaintiff
15 who was representing herself, I believe, at the time in
16 mid, mid June; then, a, a counterclaim by the defendant
17 that included an application through Counsel to dismiss
18 the plaintiff's complaint which had certain exhibits
19 attached to it, principally prior court orders, and
20 then also a Memorandum of Law in support, in support of
21 the application to dismiss the complaint.

22 And then, after that, a letter memorandum
23 from plaintiff's Counsel in support of the application
24 and a certification of the plaintiff with certain
25 exhibits attached to it which was received last week.

Colloquy/ Fisher - Argument

1 Does -- do each of you have each other's filings?

2 MS. FISHER: Oh. Your Honor, we do. And I,
3 I don't mean to interrupt. So, --

4 THE COURT: No, --

5 MS. FISHER: -- you can tell me where to
6 bring this up. But I do want to make a motion to
7 dismiss her responsive certification, or plaintiff's
8 responsive certification and letter brief for several
9 reasons. So, I don't know if you want to hear that now
10 or, -- I think we have to do it before --

11 THE COURT: Yes. I think we would have to do
12 it first. Un-huh.

13 MS. FISHER: -- we move forward. One reason
14 would be, I think in general, you know, the allegations
15 are inconsistent and aren't straightforward. For
16 instance, we did not file our pleading late. In fact,
17 we filed it on the date it was due, which was
18 August 3rd. She seems to certify it was August 4th. I
19 do have a Certification of Filing and Service as well
20 attached to that the documents from the person that
21 served it with Mr. Fay's signature.

22 I also note that in that certification,
23 there's nothing of personal knowledge. It's legal
24 argument, supposition, speculation, you know, and
25 nothing that wasn't available when the initial

1 complaint was filed. It's unsubstantiated, baseless
2 comments, inflammatory, irrelevant comments. The
3 exhibits should certainly be stricken as hearsay.
4 They're unreliable. And nothing's based on anyone's
5 personal knowledge in this case.

6 And they can't, or plaintiff can't -- she
7 filed a complaint. She can't now for oral argument,
8 because it was evidentiary stuff that she was supposed
9 to have attached and supposed to have alleged in that
10 complaint; you can fix that at the time of oral
11 argument. So for those reasons, and it is inconsistent
12 also with statements that have been made both in her
13 complaint and in previous orders, I would just ask that
14 the Court not consider it, that the Court dismiss it.

15 THE COURT: Where, where are the
16 inconsistencies?

17 MS. FISHER: There are several. One would be
18 the, the service of when they received it. She said
19 August 4th, and it was "late." It was not. It was
20 August 3rd.

21 Specifically, she says, all of a sudden,
22 that, you know, my client has, which he does not;
23 property in New Jersey, stuff that she got off the
24 Internet. But she knows -- and that he's a resident of
25 New Jersey. And she makes that argument both in the

1 certification and in the letter memo. But she knows
2 that he's not a resident of New Jersey. Because, one;
3 on her complaint, she said it was New York. And
4 secondly, if you look at the Atlantic County order,
5 which was based on the consent and pleadings which
6 plaintiff filed, it specifically says he's not a
7 resident of New Jersey. And those would be attached to
8 our, to our pleadings.

9 And those are pretty big inconsistencies.
10 But the biggest thing is anything that's alleged or
11 attached in there is, A) not based on personal
12 knowledge. She makes speculations and suppositions
13 about why things may or may have not been done. And
14 there's nothing that's there or attached thereto that
15 wasn't available when she filed her initial complaint.

16 She was just trying to fix the mistakes she
17 made at the first place, which at this point is oral
18 argument. I don't think that she can do that. So, I
19 would just ask that it would be dismissed.

20 THE COURT: Okay.

21 MS. FISHER: Thank you.

22 THE COURT: Mr. Fay?

23 MR. FAY: Your Honor, obviously, I would
24 oppose that motion to dismiss for two good reasons.
25 First of all, defendant's reply certifications, I

1 believe, were to be filed 14 days before today's
2 hearing. Obviously, being that today is, I believe,
3 August 13th, certainly that was not filed in a timely
4 fashion. I've asked the Court if it will relax the
5 rules to accept defendant's responsive pleading and he
6 also relaxed them to accept ours, which certainly, I
7 wish could have been filed sooner, but that was not a
8 possibility, given defendant's own late filings in this
9 matter.

10 Second, the inconsistencies which are
11 referred to here, I don't believe are as inconsistent
12 as might appear at first glance. Certainly, when this
13 action was pending in Atlantic County and custody was
14 placed with the Legal Guardian, Ms. Coley, Mr. Carter
15 was yet, and still is not established as an actual
16 parent of the minor in question. At the time, R.G.,
17 Mr. Graves, was the putative father, although that had
18 later been proven not to be true based on the DNA
19 testing which is attached as an exhibit.

20 Your Honor, in Family Court motion practice,
21 the Rules of Evidence are obviously not the same as
22 they might be in other forms. And for all those
23 reasons, I would ask that these, these filings be
24 considered by the Court in its analysis today.

25 THE COURT: Was there, was there an actual

1 order that we've ever issued regarding scheduling in
2 this matter, --

3 MS. FISHER: No.

4 THE COURT: -- or was it just informal?

5 UNIDENTIFIED SPEAKER: (inaudible).

6 THE COURT: Yeah, yeah. See part of the,
7 part of the difficulty here is in the nature of these
8 types of proceedings as they've evolved, and in some
9 respects as they were changed less than a year ago in
10 New Jersey, the FD, the non-matrimonial filings; here
11 we have a complaint. It's not a, it's not the
12 equivalent of motion in essence. This is a complaint.
13 This is just like if it was a civil suit. The
14 complaint says, you know, you rear-ended me and you owe
15 me money because I've been injured in an automobile
16 accident. And, so there's not -- unlike the motion
17 which the Court Rules provide for the sequencing; 24
18 days before the return date; 15 days for the
19 opposition; 8 days in advance, that's not really the
20 case here.

21 On the other hand, it's also a situation
22 where there's usually not a third submission. There's
23 a complaint and then a counterclaim, is what we have
24 here. Those are how they're styled under the Court
25 Rules and under the system that's setup. So in order

1 to, in order to oppose the complaint, the defendant had
2 to file some -- had to include, along with whatever
3 else he wanted to file, the form that says,
4 complaint/counterclaim, which was included. That's,
5 that is a document that is part of the submissions of
6 the defendant.

7 It doesn't say a whole lot, but that form has
8 to be, has to be submitted. It simply says, "other,"
9 dismissal of plaintiff's complaint. Because the
10 defendant's not asking for any affirmative relief at
11 all. He's just opposing for the reasons I've cited
12 here and are in the, in the papers as well.

13 So we're in this sort of strange procedural
14 setting, in essence. We're, we're at the initiation of
15 a, of a lawsuit under the Parentage Act, which has its
16 own separate procedures as well. It does not set forth
17 any kind of a pleading here. I will note, though, you
18 know, that, that while in custody matters, there's case
19 law suggesting that the Court ought to relax the Rules
20 of Evidence in certain occasions, it's not the case
21 that in the Family Part, the Rules of Evidence, you
22 know, do, you know, do not apply.

23 MR. FAY: Your Honor, I would also add that
24 when my clients had filed, I guess what can be styled
25 as a complaint, she did so with the guidance of the

1 judicial staff that was present here and advised her to
2 file it accordingly. At least that's what she has
3 informed me. And so she was told that that would be
4 sufficient for purposes of this hearing.

5 THE COURT: Uh-huh.

6 MS. FISHER: And, Your Honor, if I may
7 respond? First of all the documents that my client
8 received with regard to -- with the complaint, about
9 the filing and what you have to check, specifically
10 says any response has to be filed within 10 days of the
11 hearing. So we filed it on August 3rd. Today is
12 August 13th. So we were timely.

13 And, I agree with Your Honor, absolutely,
14 there's nothing that says that evidentiary rules don't
15 apply in Family Court. In fact, they apply here as
16 with regard to anything else.

17 And the fact that Ms. Coley wasn't
18 represented, there's nothing in the rules or common
19 sense or anything which says that because she filed
20 something pro se, she doesn't have to follow the
21 applicable Rules of Court, case law and statute. She
22 had an obligation to cite certain things whether
23 somebody helped her or not, and she didn't.

24 MR. FAY: Your Honor, I disagree with that,
25 respectfully, inasmuch that common sense would dictate

1 that if you weigh the equities in this case, we're
2 certainly here based on what was filed. Defendants
3 certainly knew what relief was being requested and
4 found an appropriate way to reply to each and every
5 point that was brought up in that initial filing.

6 So, defendant was certainly a fair indication
7 of what this hearing would be about today and was able
8 to reply accordingly. And if nothing else, I'd ask the
9 Court to consider the equities of that, because we are
10 here with the defendant represented by Counsel,
11 submitted lengthy legal argument, was fully aware of
12 the relief being requested today.

13 THE COURT: All right. Look, under, under
14 numerous Appellate Division decisions that have come
15 down over the course of time, the Trial Courts are
16 required to read everything, no matter what. I have --
17 the issue about whether it's to be considered or not is
18 a separate matter.

19 I am not going to dismiss this complaint on
20 the basis of alleged discrepancies between facts that
21 are asserted in the certification of the plaintiff that
22 was submitted here. I'm, I'm going to get to the
23 subjects that are being brought up here, and I think
24 things will come into to clearer focus, shortly. But
25 I'm not going to disregard the submissions. But as I

1 said, this -- just because this is a Family Court
2 matter, does not mean that the Rules of Evidence do not
3 apply.

4 So, to the extent that we're dealing with
5 dispositive factual issues here, relating to -- I don't
6 think relating to really the subject matter
7 jurisdiction. I think that's, the facts are what they
8 are about what the sequence of proceedings have been in
9 Pennsylvania and in New Jersey, but more with respect
10 to personal jurisdiction, and then with respect to the
11 proof issues in the case that are alleged here --

12 MS. FISHER: And what I --

13 THE COURT: -- as well.

14 MS. FISHER: I'm sorry. What I was asking
15 was that the responsive certification and letter memo
16 be dismissed on those grounds, --

17 THE COURT: Be -- not be considered. Okay.

18 MS. FISHER: -- not, not the complaint on
19 those grounds.

20 THE COURT: Okay. I'm going to deny that
21 application. I am going to consider what has been
22 submitted in the reply papers, if you will, that were
23 submitted by, by the plaintiff. Again, because there
24 is, there's not a very clear set of instructions that
25 govern these types of cases. Frankly, in the -- this

1 is the first time I've closed the court in a paternity
2 proceeding because any of them that I've had in the
3 past have not been contested. There have just on
4 emotions, et cetera. So, I'm going to not grant that
5 application that the Court dismiss and not consider the
6 plaintiff's subsequent submissions here.

7 MR. FAY: Thank you, Your Honor.

8 THE COURT: On --

9 MS. FISHER: Thank you, Your Honor.

10 THE COURT: On -- Mr. Fay, let me ask. Is
11 the, in Pennsylvania is there a, was there a stay in
12 the Pennsylvania case, or it's just, it's on appeal,
13 the order vacating the prior orders is on appeal now?

14 MR. FAY: Correct, correct, Your Honor. The,
15 the Lower Court's ruling by Judge Doris Pechkurow,
16 Philadelphia County, simply ruled that the State of
17 Pennsylvania no longer had an interest in this case and
18 was relinquishing jurisdiction in these types of
19 matters and had vacated prior orders on similar --

20 THE COURT: Right.

21 MR. FAY: -- topics, which were ruled to be
22 resident res judicata and barred because of that. It
23 vacated those orders.

24 But as far as like an existing stay at that
25 level, none appears necessary. Judge Pechkurow found

1 that there was, after acquired evidence which was
2 reliable and irrefutable. And on that basis, vacated
3 the prior orders and found that no Attorney action was
4 properly brought in Pennsylvania going forward. And so
5 the Court relinquished its jurisdiction.

6 THE COURT: And your argument about subject
7 matter jurisdiction is why doesn't Pennsylvania
8 continue to have exclusive continuing jurisdiction?

9 MR. FAY: Yes, Your Honor. Well, perhaps at
10 one time Pennsylvania may have had jurisdiction. And
11 what has happened in the course of this case is that
12 DNA testing proved that Mr. Graves, who was originally
13 held out to be the father, DNA testing proved that he
14 was not the father.

15 And so what we have is a Legal Guardian and a
16 child who both reside in the State of New Jersey. The
17 mother who no longer has rights to custody, resides in
18 Pennsylvania. But on, on that basis, for Pennsylvania
19 it has a mother with no custodial standing and a father
20 who has now been proven not to be the father and no
21 longer has standing in the case. The only state which
22 could have jurisdiction at this point would be New
23 Jersey, I believe, Your Honor.

24 THE COURT: Sticking with the subject matter
25 jurisdiction issue, because obviously, that needs to be

1 dealt with first as a, as a, as a legal principle, Ms.
2 Fisher, I'll hear from you why in light of the June 14
3 order from the Trial Court in Pennsylvania, why does
4 Pennsylvania still have jurisdiction?

5 MS. FISHER: Your Honor, first if I could
6 just respond to that, the mother's rights have not in
7 any way been terminated. So, it's not that she doesn't
8 have any custodial rights. It's that, apparently, or
9 the order provides, to the extent that it's effective,
10 that Ms. Coley has custody of the child.

11 I have an issue as to whether that order is
12 even still in effect, being that he's turned 18 and
13 received his diploma through GED. So, I don't know
14 that that order, or that there can even be a testing
15 order for a child that's over 18 and meets those
16 requirements. So, I just, I want that clear on the
17 facts, both our objection to whether there can be an
18 order and she even has standing to bring it; and also
19 that Ms. Satterthwaite doesn't have any custody
20 interest. She does. Nothing's been terminated.
21 There's absolutely been no termination. She's just
22 simply consented that the child at that point could
23 live with Ms. Coley.

24 With regard to the subject matter
25 jurisdiction, it's still pending in Pennsylvania. The

1 fact that Judge Pechkurow entered an order that said
2 that she's "relinquishing jurisdiction," was entered
3 for that purpose. But then that case was appealed.
4 It's on appeal to the Superior Court. And they have a
5 very good chance of succeeding. So right now it's
6 still here.

7 And plaintiff in this case has to exhaust all
8 the remedies in that jurisdiction before she can come,
9 or even if she could come to any other jurisdiction or
10 to the State of New Jersey. There is a good chance
11 it's going to get entered on appeal. Judge Pechkurow
12 based her decision on what she termed as after acquired
13 evidence, which would be the disestablishment order
14 that was entered in Dauphin County.

15 But if you look at, at the documents, the
16 disestablishment order was entered a month before Judge
17 Pechkurow did her initial, or her second res judicata
18 order. Initially here was one in 2010 which was when
19 all of this started I think.

20 THE COURT: Yeah, July 16, --

21 MS. FISHER: She --

22 THE COURT: -- 2010.

23 MS. FISHER: Right. So then she did another
24 order in May of 2000... -- May 18th or 28th?

25 THE COURT: 19th, May 19th.

1 MS. FISHER: Okay; May 19 of 2011, where she
2 said that it was res judicata because things were still
3 pending or there was still an order in Dawson County.
4 But the order in Dawson County had changed in
5 April, April 18 of 2011. So it was not after acquired
6 evidence.

7 And neither Ms. Coley nor the mother, Ms.
8 Satterthwaite, appealed or requested reconsideration of
9 that order within the 30 days within which they had to
10 do that. So that order was res judicata. And I don't
11 believe that Judge Pechkurow has the ability to come
12 back now and change that order.

13 THE COURT: It's the order that that Judge
14 entered on June the 14th of this year that's the
15 subject of the appeal.

16 MS. FISHER: Right.

17 THE COURT: Has that order been stayed?

18 MS. FISHER: To my --

19 MR. FAY: No, Your Honor. That has not been
20 stayed.

21 MS. FISHER: To my knowledge, it has not been
22 stayed. And I don't know whether a stay was requested
23 or not.

24 MR. FAY: Not only is it not stayed, but as a
25 order in effect, it should be given the op -- full

1 operation of all at this point. The, -- a couple of
2 things here --

3 MS. FISHER: Your Honor, can I --

4 THE COURT: Okay. Let me ask you about an
5 issue that's raised in the opinion of the Judge, which
6 is under Pennsylvania Law, an action to establish
7 paternity has to be commenced before the child turns
8 18. That's not true in New Jersey. New Jersey's --

9 MS. FISHER: Right.

10 THE COURT: -- Parentage Act is different.

11 MS. FISHER: Right.

12 THE COURT: It's age of 23.

13 MR. FAY: Yes, Your Honor.

14 MS. FISHER: Yes, Your Honor.

15 THE COURT: And on that basis, I believe the
16 Judge has concluded that, that right now a Pennsylvania
17 Court would not have jurisdiction in an action seeking
18 to establish paternity.

19 MS. FISHER: And that's why she relinquished
20 jurisdiction. I mean, that's why her order
21 relinquishes it, because, because the child is over 18,
22 and was over 18 at the time of that order on June 14th.
23 So she really wouldn't have had jurisdiction over that;
24 the Common Pleas Court, not Judge Pechkurow. The
25 Common Pleas Court at that point, had nobody appealed

1 it, would not have had jurisdiction over that issue.
2 But the fact is, that my client, through his
3 Pennsylvania Counsel did appeal that order, and it is
4 on appeal.

5 And, and the whole point of subject matter
6 jurisdiction and the comity, which I agree with Your
7 Honor, are related; is that you have to give full faith
8 and credit to those proceedings and that continuing
9 exclusive jurisdiction until that's done. The whole
10 purpose of UIFSA of subject matter jurisdiction cases,
11 of comity, is because you don't want to end up with a
12 case, or a decision where you're going to have two
13 completely different decisions.

14 If the Superior Court of Pennsylvania, which
15 is equivalent to our Appellate Division here,
16 determines that Judge Pechkurow was wrong; and again, I
17 think there is a good chance of that; then they could
18 reverse her order and say that she didn't have any
19 ability to do that. If, if they don't and it's
20 appealed to the Supreme Court of Pennsylvania, they
21 also could do that.

22 If you get an order that reverses Judge
23 Pechkurow's order, and at the same time there's pending
24 proceedings here in New Jersey which are different, the
25 result of which is different, i.e. that a paternity

1 test is allowed, then you're going to have two totally
2 different results. And that's exactly why it says
3 continuing exclusive jurisdiction stays in
4 Pennsylvania.

5 You can't just rely on the current order of
6 the Common Pleas if it's being, if it's being appealed.
7 You have to exhaust your remedy there until you get a
8 final. And I believe that's the word that the cases
9 use, a final determination in Pennsylvania before the
10 State of New Jersey can take jurisdiction of anything.
11 And, I mean, this is, this is exactly the reason why
12 that exists.

13 MR. FAY: If there --

14 THE COURT: Go ahead.

15 MR. FAY: Judge Pechkurow's orders of res
16 judicata issued in the past were solely based on the
17 fact that there was no evidence to indicate that
18 parentage didn't exist with Mr. Graves. But obviously,
19 based on that DNA test, there was zero percent chance
20 that Mr. Graves, referred to sometimes as R.G. in these
21 papers, can be the father.

22 And so based on that simple fact,
23 Pennsylvania can have no jurisdiction in this case.
24 Now, Ms. Coley is the legal custodian and guardian of
25 the child in question. And it's true that the child

1 resides with her in the State of New Jersey. And so if
2 Mr. Graves is not the father, and the mother, the
3 natural mother has given up her custodial rights to the
4 Legal Guardian, then you have two of the potential
5 three players in this act are all, all reside in New
6 Jersey. So New Jersey is certainly the most
7 appropriate of jurisdiction.

8 THE COURT: But isn't, I mean, isn't there a
9 risk of conflicting determinations here?

10 MS. FISHER: Yes. As --

11 THE COURT: I mean, if on the appeal that
12 Court determines, if the Superior Court of Pennsylvania
13 reverses --

14 MS. FISHER: Absolutely.

15 THE COURT: -- and directs -- and, you know,
16 reverses the order that vacated the May 19, 2011 order
17 as well as the 2010 order, and then you'd have a
18 situation where you'd have Pennsylvania court orders
19 making a determination on the very issue that's being
20 presented here in New Jersey right now; which is --

21 MS. FISHER: Right.

22 THE COURT: -- whether there is an impediment
23 of the plaintiff to proceed with genetic testing as to
24 the defendant as to this child?

25 MS. FISHER: And I would also point out that

1 even if the paternity testing, and, you know, I've
2 raised my issues that that's questionable. But even if
3 the paternity testing did show that Mr. Graves was not
4 the father and the testing was accurate, doesn't make
5 my client the father or involved in any way.

6 So to say that, to say that, okay, R.G. is no
7 longer the father, then that lets us get the paternity
8 testing here, doesn't -- it's like mixing apples and
9 oranges. You're, you're skipping a spot. The, the
10 spot is that issue still has to continue to be
11 litigated in Pennsylvania.

12 MR. FAY: Well, Your Honor, I think, you have
13 a couple of issues here. One, is that since 1975, the
14 law in the State of New Jersey is that it is
15 discretionary whether or not the stay is granted
16 pending appeal. And in my memo, I refer to my familiar
17 Crowe v. De Gioia case that has a three prong test --

18 THE COURT: Yes.

19 MR. FAY: -- for establishing whether a stay
20 should be granted or not pending appeal. Judicial
21 comity is nice, but we actually had case law on this
22 subject that directly tells us that there's a three
23 prong test that we have to go through to determine
24 whether or not a stay at this level is appropriate
25 pending the appeal.

1 THE COURT: Well, it's actually, --
2 MS. FISHER: Well, it's --
3 THE COURT: -- I mean, it's Pennsylvania
4 law --
5 MS. FISHER: Yes.
6 THE COURT: -- about whether there's -- I
7 just asked as a procedural matter. I just was curious
8 to know whether any --
9 MS. FISHER: Right.
10 THE COURT: -- what's going on in, in the
11 Pennsylvania courts right now. And all that's going on
12 is, I assume there's not even a briefing schedule yet.
13 MS. FISHER: There is not.
14 MR. FAY: No.
15 MS. FISHER: As of Friday, there was not a
16 briefing schedule. Although I think --
17 THE COURT: Right. That's not -- that's not
18 surprising. The case is relatively recent by an Appeal
19 Court Standard.
20 MS. FISHER: Right. I think my client filed,
21 his Attorney filed the Concise Statement of Matters
22 Complained of. I think the Judge has to now write her
23 opinion, to the extent it, as it differs from. And I
24 would also point out that the case law and the argument
25 about a stay pending appeal and Crowe v. De Gioia is

1 totally irrelevant. That's a case, or those deal with
2 the Standard if a Court, if an order were entered in
3 New Jersey and you're asking for stay before that order
4 be enforced because it's on appeal to New Jersey.
5 It has nothing to do with subject matter,
6 jurisdiction, or comity when there's an appeal in a
7 whole different state. Because this court doesn't --
8 that's the whole issue, that this Court, that New
9 Jersey does not have the jurisdiction to enter any
10 order while another State still has jurisdiction of the
11 case.
12 MR. FAY: Your Honor, respectfully, there is
13 no stay in Pennsylvania at this time. That order of
14 Judge Pechkurow, the most recent order is in full force
15 and effect. And so if Crowe v. De Gioia Standard
16 doesn't apply to an order in full force and effect, I
17 don't know what Standard right now might apply.
18 Certainly, if, if we're going to ask for
19 judicial comity, then we should consider that an order
20 from another State in full force and effect should be
21 treated by this Court as such, and that we should not
22 ignore that, that law because an appeal has been filed,
23 but no stay has been issued.
24 THE COURT: Let's move on to the personal
25 jurisdiction issue. And I'll hear -- I've read the

1 arguments here. And I think this gets into the issues
2 of what's being asserted in the plaintiff's reply
3 papers here as well. I'll hear first from Ms. Fisher
4 on that --

5 MS. FISHER: Thank you.

6 THE COURT: -- subject.

7 MS. FISHER: Thank you, Your Honor. With
8 regard to the personal jurisdiction. In this
9 particular case, under the Parentage Act and the
10 complaint that was filed, the nature of relief that's
11 sought and the remedy requested are personal in nature.
12 So in order to exercise jurisdiction, yes, there's the
13 New Jersey Statutes, the US Constitution, and the case
14 law.

15 And you have to, before you do that, you
16 can -- it can only be entered by a Court having
17 jurisdiction over the person of this defendant. The
18 existence of that personal jurisdiction and due process
19 requires -- turns on whether defendant has sufficient
20 minimum contact with the State of New Jersey. In this
21 case -- and the other part of that Standard, is that it
22 doesn't offend the traditional notions of fair play and
23 substantial justice.

24 Mere contact with New Jersey is not enough
25 for minimum contact. If you read the cases cited in

1 the brief, are also in my brief, Cocoa (phonetic) and
2 Katz. And most of the cases that I found, those two in
3 particular that were cited; when they found that
4 there's personal jurisdiction, there's some
5 relationship between the defendant and the essence of
6 what the case is, and what it has to do with. There is
7 no connection with this defendant and this child or
8 this State for any reason that would give New Jersey
9 the ability to confer personal jurisdiction over him.

10 He -- to the extent that there is any
11 business interest, they're minimum. And Cocoa is
12 exactly that, where the father had business interests,
13 I believe, in California or traveled there for
14 business, and the Supreme Court said you can't get
15 minimum contacts on that, because he never said that he
16 was -- the idea was that there was never any intent to
17 give himself to the jurisdiction for the domestic
18 relations issues. The business was --

19 THE COURT: Right.

20 MS. FISHER: -- the business.

21 My client in this case does not have those
22 contacts with New Jersey. He doesn't own residences.
23 He doesn't own anything in Alpine. He doesn't own
24 anything in Longport. I don't know why that
25 information is out there. It's on the Internet.

1 There's no personal knowledge by Ms. Coley or even Ms.
2 Satterthwaite, with regard to those issues. The stuff
3 that is attached to certification is totally hearsay
4 and not based on anyone's personal knowledge. It's
5 advertising. It's, you know, some article that was
6 picked up.

7 And, again, those are things that were
8 available and Ms. Coley may have known about before she
9 filed her responsive certification. She knows that
10 he's a resident of New Jersey. It was -- that's the
11 address -- or New York; I apologize. Because that's
12 the address that was on the verified complaint that she
13 filed. It's also on my client's response that he
14 certifies that that's where he is, is in New York.

15 The Court in New Jersey in Atlantic County,
16 also based upon Ms. Coley representations, found that
17 my client was not a resident of New Jersey. Nothing's
18 happened. There's no substantial contacts here. And
19 to do that, -- and the other issue, you have to
20 remember, it's not just "residency," it's his domicile,
21 which is where he has a true, fixed, permanent home,
22 the principal establishment that if he leaves, he comes
23 home; that there's an intention of returning. Intent
24 is one of the biggest factors.

25 He doesn't have that with anything in New

1 Jersey. There's not connection with this plaintiff,
2 with mother, with this child. There's nothing or
3 anything that my client has done that would subject him
4 to the jurisdiction in New Jersey for a domestic
5 relations case or a paternity case. There has to be
6 some kind of relationship. And that's set forth in --
7 I, I won't read that one; but that's set forth in the
8 memo.

9 Intermittent contact and the business
10 relationship; as I said, Cocoa and Katz both are clear
11 that that wouldn't be an issue here for my client. The
12 case that plaintiff refers to, Matsumoto (phonetic), I
13 believe, is totally inapposite. I mean, I think he
14 quotes the same language from Cocoa and Katz, which at
15 least we're both on the same page with the Standard.

16 But in that case, that was an intentional
17 tort that the defendant had committed. And she was
18 arguing that there shouldn't be personal jurisdiction.
19 But she committed the tort in New Jersey. I think
20 there's also a custody aspect of that, maybe a child
21 support. And the marital residence was also in New
22 Jersey. So she clearly had subjected herself to the
23 personal jurisdiction at that point. There's no
24 conduct of this defendant that causes an effect in New
25 Jersey.

1 It was Ms. Coley's decision to reside in New
2 Jersey. It was Ms. Coley and Mom conspiring to send
3 the kid, for whatever reason, to New Jersey, which had
4 nothing whatsoever to do with my client. And they
5 can't unilaterally say, hey, we're going to send him
6 over here because we don't like what's going on in
7 Pennsylvania, and so we're going to go and file an
8 action against Mr. Carter here.

9 MR. FAY: Your Honor, -- there was --

10 THE COURT: Yeah. There's no allegations,
11 there's nothing in the record with respect to --

12 MR. FAY: Respectfully, there's no conspiracy
13 at work here.

14 MS. FISHER: Well, --

15 MR. FAY: The natural mother and Legal
16 Guardian came into this arrangement for the best
17 interest of the child. So let's not cast dispersions
18 on how this has come about. They made a decision that
19 they felt was really going to benefit the child and was
20 in his best interest. And a Court in this State, you
21 know, approved of that transfer of Legal Guardianship.
22 And that's how we got to where we are today. Now, a
23 couple of points --

24 MS. FISHER: Your Honor, I would --

25 THE COURT: Hold on. We're going to have Ms.

1 Fisher --

2 MS. FISHER: Your Honor, --

3 THE COURT: -- finish on personal
4 jurisdiction.

5 MR. FAY: Thank you.

6 MS. FISHER: Thank you, Your Honor. With
7 regard to that order it was a consent order that Ms.
8 Satterthwaite and Ms. Coley entered.

9 THE COURT: Right.

10 MS. FISHER: The Court didn't make any
11 specific finding. There's been no statements, no
12 findings with regard to why that occurred. I think the
13 history, which Your Honor, I believe is familiar with;
14 so I'm not going to repeat it with regard to all of the
15 orders, --

16 THE COURT: No. In ess -- I mean, in, in
17 essence, the Court, in essence; given the context of
18 this case, under the law actually had to enter order.
19 If the, if the only uncontroverted natural parent
20 consents and there's never been any prior cus, custody
21 consents, and there's a dispute here about who the
22 natural father is; I mean, under those circumstances,
23 the Court was probably required under the Court
24 Rules and the Statute to --

25 MR. FAY: Thank you. Thank you, Your Honor.

1 And again, this is --

2 MS. FISHER: Well, and I apprec --

3 THE COURT: -- to, you know, to enter the
4 order that it entered regarding custody of the child to
5 the plaintiff. And, and for --

6 MS. FISHER: And I apprec --

7 THE COURT: And, and, and for legal
8 jurisdictional purposes, there's two separate statutes
9 anyway.

10 MS. FISHER: Right.

11 THE COURT: The custody determination is
12 governed by a separate uniformed statute. The
13 paternity proceeding is under the UIFSA Statute.

14 MS. FISHER: And the fact that the Court had
15 to enter that, or "had to enter that," because it was,
16 it was consented to between the two parties, and they
17 came and did that is exactly my point. It's not that
18 there was any kind, you know, of finding there. And we
19 keep referring to this, to R.S. the child, as a child.
20 He was 18 years old when that order was entered. And I
21 think that that and the history in this case; really,
22 and it goes more --

23 MR. FAY: That's not true.

24 MS. FISHER: -- to the later argument; really
25 does go to -- or he was turning 18. If he was 17,

1 maybe he was turning 8... -- it was entered in May --

2 MR. FAY: He was 17. He's a child.

3 MS. FISHER: He was -- it was entered in --

4 THE COURT: No. He was 18. He had just --

5 MR. FAY: No, July --

6 THE COURT: He had just turned 18.

7 MS. FISHER: 18 in July.

8 THE COURT: But the issue --

9 MS. FISHER: But, but that's my point. We
10 keep referring to him as a child, but he wasn't. He
11 was 18 years old. And that was the history; I'm not
12 just like making this, making this up in terms of, you
13 know, what the arguments are. The point is, that
14 that's -- you have to look at everything. So the
15 personal jurisdiction was the bottom -- and it does go
16 to the personal jurisdiction, because the bottom line
17 is for whatever reason, it was the initiation of
18 mother, perhaps, the child, and plaintiff that brought
19 this child, whatever the motivations were, that brought
20 this child to the State of New Jersey.

21 It had nothing whatsoever to do with my
22 client. And, again, they knew, and continued to know
23 and verify that he was a resident and continues to be a
24 resident of New York. There are not sufficient minimum
25 contacts here to jurisdiction for exactly what they're

1 asking for, which; -- and I don't know if Your Honor
2 wants me to go into it or, or give Counsel the
3 opportunity. But that really goes into like the blood
4 test and the 4th and the 14th Amendment Rights. So, --

5 THE COURT: Yeah. I'm going to hold off on
6 that.

7 MS. FISHER: Okay.

8 MR. FAY: Your Honor, --

9 THE COURT: We're on personal jurisdiction.

10 MR. FAY: Jurisdiction obviously, has a
11 specific and a general branch. And the acts that
12 actually lead to a cause of action would be something
13 that conferred specific jurisdiction. In this case
14 what we have is something of a general nature that
15 confers, general jurisdiction --

16 THE COURT: Yeah, if there is, it's, it's got
17 to be general in this instance.

18 MR. FAY: And, and that's where --

19 THE COURT: Because based, based on the
20 allegations about how the child came to be, none of it
21 had anything to do with New Jersey.

22 MR. FAY: Not in the specific -- no. The --

23 THE COURT: Right. He was, he was born in
24 Philadelphia. The allegations are that things happened
25 in Philadelphia and in Brooklyn.

1 MR. FAY: Correct. And we, we don't dispute
2 that at all. All we say is that --

3 THE COURT: So the issue then is whether
4 there is enough contacts here for there to be --

5 MR. FAY: General contacts.

6 THE COURT: -- general personal jurisdiction;
7 meaning the contacts are unrelated to what the subject
8 matter of the lawsuit is. But if the contacts are
9 sufficient enough, than under the law and under the
10 Constitution, it can be a case; it just depends on the
11 facts, where a defendant can be required to answer in
12 court to something that's unrelated to those contacts.
13 And I think that's what we have here. That's your --

14 MR. FAY: I agree, Your Honor.

15 THE COURT: -- argument.

16 MR. FAY: And so what we have here is
17 defendant owns property or properties in the State of
18 New Jersey. The Exhibit C that I provided, id actu --
19 was actually taken from the Alpine, New Jersey
20 Municipal Court website, which I trust to be a reliable
21 source. And, clearly, no longer states this, but it
22 states this today.

23 MS. FISHER: Your Honor, I would just
24 object --

25 THE COURT: Hold on.

1 MS. FISHER: Okay.

2 MR. FAY: It states this today, or it stated
3 at the time, many noble actors and music artists reside
4 in Alpine, New Jersey, including... J.Z., the alias of
5 Mr. Carter.

6 So to argue that, you know, he doesn't have
7 contacts with the State is somehow contradictory to
8 what as recently as March, the Alpine, New Jersey
9 Municipal Court website was advertising. Not to
10 mention that it's widely known in the media, at -- the
11 other exhibit I have is an article taken from Forbes
12 Magazine.

13 So, I mean, this is not some secret. If it
14 is, it's the worse kept secret of residency name in the
15 history of (inaudible).

16 Now, the New Jersey Judicial Parent Locator
17 Service has informed my client that there's a residence
18 also in Longport, New Jersey. And through other
19 research, which I've just required, there appears to
20 be --

21 THE COURT: And where, is that information?

22 MS. FISHER: Objection.

23 THE COURT: Yeah. Where is the locator? We
24 saw a reference to it, but I haven't seen anything
25 else.

1 MR. FAY: I don't know where they came up
2 with that information, but that's apparently where they
3 believe he has another residence. And then on top of
4 that, there are --

5 MS. FISHER: Objection to anything he's going
6 to testified to --

7 MR. FAY: There are several --

8 MS. FISHER: -- that has --

9 THE COURT: Hold on a second.

10 MR. FAY: There are several residences in
11 Fort Lee, New Jersey.

12 THE COURT: Counsel, look, it's not --

13 MS. FISHER: Objection.

14 THE COURT: It's not in the record. I
15 can't -- I'm not going to have an Attorney at oral
16 argument make factual recitations that are not, not
17 already in the record by a certification from a party
18 or another witness --

19 MS. FISHER: Thank you.

20 THE COURT: -- in the case. So, so the, the
21 matter before the Court and the issues and the alleged
22 facts or allegations or whatever are what's been
23 submitted already; not anything that's been discovered
24 a couple of days ago or whatever. I can't, you know, I
25 can't make rulings based on that type of

1 representation. I'm not suggesting that somebody's not
2 telling the truth. I'm just saying, I can't do that.

3 MR. FAY: That's okay.

4 THE COURT: Procedurally, I don't believe I
5 can.

6 MR. FAY: I understand. Thank you, Your
7 Honor.

8 THE COURT: All right.

9 MR. FAY: But we're still left with this
10 issue about the Alpine, New Jersey residence. And,
11 apparently, what's been, you know, stated to be a
12 Longport residence.

13 So, you know, if this information is solely
14 in the possession of defendant, perhaps defendant
15 should have some responsibility here to show us where
16 he actually files tax returns, and, you know,
17 specifically property tax returns to get to the bottom
18 of this. There's, there's a way that we can get this
19 information. Either he does or he doesn't file
20 property taxes in New Jersey.

21 MS. FISHER: Your Honor, I think he used
22 exactly the right word in his argument when referring
23 to the documents which I will object to as hearsay that
24 were attached to the certification. It's advertising.
25 It's on the Internet. I mean, I could -- we could pull

1 up anything about anybody on the Internet. It doesn't
2 make it true, especially somebody in Mr. Carter's
3 position.

4 He states that he does not own the property,
5 and stated -- he does not own the, specifically the
6 Alpine and the Long Port --

7 THE COURT: Where --

8 MS. FISHER: -- residences. I -- we didn't
9 know -- I mean, he states that his address is New York.
10 That's in his certification.

11 THE COURT: That's -- yeah, in his --

12 MS. FISHER: But we didn't know that that was
13 an issue.

14 THE COURT: -- his verified counterclaim,
15 right?

16 MS. FISHER: Right. In his verified
17 counterclaim, he says New York was consistent with what
18 her verified complaint was, and with what the Atlantic
19 County order said when it was specifically stated that
20 the putative father, which, since he was the defendant,
21 I'm assuming refers to him; doesn't reside in the State
22 of New Jersey. So, I think she's already admitted
23 that.

24 To contest it now because we raise an issue
25 based on that, I, I think shouldn't be permitted. And,

1 we don't also -- and the other thing, real quick, to
2 just go back; that it's a domicile. It's not
3 residences. Theoretically, he could own property, or
4 somebody could own property for other reasons.

5 If he's not domiciled there and didn't
6 subject himself to the jurisdiction of the Court for
7 that specific reason; and here we've, we've been very
8 clear that it's not specific jurisdiction, he doesn't
9 have the requisite minimum contacts. He doesn't own
10 those properties in Alpine and Long Port. And, and to,
11 to base any sort of decision -- she has the burden of
12 proof. He doesn't have to come in and show his tax
13 returns. She hasn't proved it.

14 If anything, she's alleged, verified, and
15 proven in two different ways at least, that he lives in
16 New York. And I just think it's ridiculous to come in
17 now and say that, oh, I didn't realize that you were
18 going to contest jurisdiction on that basis, so let me
19 go see what else I can find. And what he found is
20 totally not credible.

21 MR. FAY: Your Honor, respectfully, there's
22 every indication that he owns a personal residence in
23 the State of New Jersey. And she's provided enough
24 information to create at least an initial finding, I
25 believe, that that was the case. The judicial website

1 doesn't advertise these types of things without having
2 some basis to do so.

3 I'm pretty sure that Camden, New Jersey
4 doesn't -- if you go to their judicial website, doesn't
5 have a roster of, of athletes and entertainers from
6 Camden, New Jersey. But when you went to Alpine, New
7 Jersey's website this spring, you were able to see that
8 this was the list of residents who did, in fact, have
9 property in that area.

10 And I think based on that, the Court has
11 enough at least to open some sort of limited discovery,
12 and perhaps five years' tax returns would be sufficient
13 to get to the bottom of whether or not there is any
14 type of actual residence at that, at that residential
15 address. So, some, some sort of discovery, I think, is
16 warranted based on, on this initial showing of the
17 residence in Alpine, New Jersey.

18 Obviously, Your Honor, the Caufield
19 (phonetic) case, the Supreme Court case is limited to
20 commercial situations; we're not, we're not disputing
21 that. But what we are saying is that in Alpine, New
22 Jersey, there was a personal residence. And there
23 could be others in this State.

24 And I'd ask that at least some discovery be
25 granted so we can get to the bottom of this. Because

1 if that's not true, then jurisdiction might actually
 2 lie in another State. And the Legal Guardian has the
 3 right to bring an action under the UIFSA in some place
 4 for support for this child, as long as the laws of
 5 whatever appropriate State, for instance, in New Jersey
 6 up till age 23 would permit her to do so.

7 MS. FISHER: Your Honor, I would just argue
 8 that there's been no additional showing to accept for
 9 the extent that he lives in the State of New York.

10 THE COURT: Look, at this point, I know
 11 there's other arguments having to do with the
 12 sufficiency of the proofs. And I think the response on
 13 that argument is that there is an affidavit from the
 14 natural mother that was part of the prior proceedings
 15 that was not included as attached to the complaint.

16 MS. FISHER: It's not.

17 THE COURT: It's in this additional --

18 MS. FISHER: That's right.

19 THE COURT: -- these additional submissions.
 20 But, at this point, I don't need to go over that, those
 21 issues, any further because I am prepared to rule at
 22 this point on a couple of the threshold issues. The
 23 first, as to subject matter jurisdiction. This case is
 24 covered by the Uniform Interstate Family Support Act.
 25 Both New Jersey and Pennsylvania have adopted that Act.

1 And in the New Jersey Statute, New Jersey is obligated
 2 to recognize the continuing exclusive jurisdiction of a
 3 tribunal of another State which has issued a Child
 4 Support Order pursuant to this Act or a law
 5 substantially similar to this Act.

6 That is the case here. A Pennsylvania Court
 7 under that Statute has issued an order involving
 8 paternity, which is a subset of the type of cases that
 9 are covered by the Uniform Statute. The Terms of that
 10 order state that the Court has no jurisdiction in
 11 Pennsylvania any longer because of the age of the
 12 child, although the Statute that's involved with that
 13 is a Statute that talks about the time for the filing
 14 of an application regarding paternity.

15 And here in this case, the initial
 16 application regarding paternity as to this defendant in
 17 Pennsylvania was well before the child was 18. The
 18 initial filing was in the spring of 2010.

19 So there's a question in my mind about
 20 whether it is the case that if the judgment over in
 21 Pennsylvania is reversed on appeal, that the case is
 22 automatically over. I, I don't think it necessarily
 23 is.

24 But my, my bigger problem is, I believe, that
 25 the entire nature of the Uniform Statute is designed to

1 prevent conflicting determinations in support actions.
2 We do not have any determination from the Court in
3 Pennsylvania regarding the residence of any of the
4 parties in the case.

5 And, given the fact that the case is, is on
6 appeal at this point in time, I believe that New Jersey
7 does not have subject matter jurisdiction under the
8 Uniform Statute in this case at this time because of
9 the existence of pending litigation involving these
10 same issues and these same parties, and where there
11 could very easily conflicting determinations here with
12 ultimately one State determining that there's no basis
13 under law, for whatever reason, for the case to proceed
14 to genetic testing, whereas another State meanwhile has
15 gone ahead and done the same thing, has done that.

16 So with -- so I'm, I am going to dismiss the
17 complaint for lack of subject matter jurisdiction.

18 MR. FAY: Your Honor. --

19 THE COURT: Yes.

20 MR. FAY: May I interject? We'd asked simply
21 that you hold this case and stay it pending appeal, not
22 dismiss the entire complaint so that if, depending on
23 the outcome of the appeal or other litigation, no
24 actual refilling is necessary; the Court could simply
25 schedule this matter on its Docket. Your Honor,

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1 there's, there's two ways this could happen. And
2 obviously, the date of the --

3 THE COURT: Well, I --

4 MR. FAY: The date of this filing would
5 directly impact my client's ability to recover any
6 amounts of support that might be owed to her in the
7 ultimate determination. And so I'd ask that you stay
8 this pending the appeal, Your Honor and not dismiss.

9 THE COURT: You mean stay this pending the
10 outcome of the Pennsylvania --

11 MR. FAY: State of New Jersey --

12 THE COURT: -- appeal?

13 MR. FAY: Correct, Your Honor.

14 MS. FISHER: Judge, if you don't have subject
15 matter jurisdiction, you can't enter -- you don't have
16 jurisdiction over, the Court in New Jersey doesn't have
17 jurisdiction over the case and cannot enter a stay
18 because you would be staying something over which you
19 don't have the jurisdiction.

20 THE COURT: Yeah. Yeah; other than the
21 circumstance of an emergency. And that's not in front
22 of the Court at this point. Actually, I don't know
23 actually if UIFSA has an emergency provision in it. It
24 has temporary ex parte provisions, I suppose. But, I'm
25 going to deny that application, because I don't think

1 the Court's got jurisdiction --

2 MS. FISHER: Right.

3 THE COURT: -- to do so. And, based on that,
4 there is -- I guess that's to a matter of completeness.
5 Assuming there was subject matter jurisdiction in New
6 Jersey, the plaintiff has the burden under the law to
7 establish personal jurisdiction of the defendant. In
8 this case, it's governed by a statute, 2A:4-30.68,
9 which provides -- and based on the allegations of the
10 complaint, the residence of the parties as alleged in
11 the complaint, is that the defendant lives in New York.

12 Personal jurisdiction over nonresidents, the
13 possibilities are, the individual is personally served
14 with a summons or notice within the State. That's not
15 true here. The individual submits to the jurisdiction
16 of the State by consent, by entering a general
17 appearance or by filing a responsive document having
18 the effect of waiving any contest of personal
19 jurisdiction. That's not applicable here.

20 C) the individual resided with the child in
21 the state. That's not applicable here.

22 D) the individual resided in this state and
23 provided prenatal expense or support for the child.
24 That's not applicable here.

25 E) The child resides in the state as the

1 result of the acts or directives of the individual.
2 That's not true here.

3 F) The individual engaged in sexual
4 intercourse in this state and the child may have been
5 conceived by that act of intercourse; that's not
6 alleged in this case.

7 Finally is G) There is any other basis
8 consistent with the Constitutions of this State and the
9 United States for the exercise of personal
10 jurisdiction.

11 Here, the only possible ap -- only possibly
12 applicable provision under that Statute is
13 subsection G. And the Court does not have in front of
14 it any competent evidence to establish that the
15 personal jurisdiction as to this defendant in this case
16 exists.

17 The plaintiff has the burden of proving that
18 there are sufficient contacts to sustain the exercise
19 of personal jurisdiction. The plaintiffs provided
20 statements alleging the defendant lives in New Jersey
21 or at least has one or two residents here. But those
22 are hearsay statements; the statement from the Alpine
23 Municipal Court. It's, it's not an official Record.
24 It's not a, a Court Order. It's not a Court Rule; not
25 any other thing that a Court could take judicial notice

1 of. It's essentially advertisement. And, it --
2 therefore, it's got no inherent reliability
3 necessarily.

4 It's not a public record, for instance, that
5 assuming the different foundational elements are there,
6 is accepted from the hearsay rules. And, as I
7 mentioned at the outset, I do believe that those
8 Evidence Rules do apply in this circumstance. And
9 without adequate allegations under the cases, it's --
10 among them is from the Jacobs (phonetic) case, "The
11 plaintiffs must establish defendant's contacts with the
12 jurisdiction through the use of sworn affidavit,
13 certifications, or testimony when facts are in dispute
14 more than a mere facial (inaudible) is required. Those
15 jurisdictional obligations cannot be accepted on their
16 face if they are disputed."

17 In this instance, I find that there is not in
18 that sufficient initial showing by the plaintiff, of
19 personal jurisdiction in New Jersey as to this case as
20 to this defendant. So, I'm likewise dismissing the
21 complaint without prejudice on that basis.

22 I mean, both of them are without prejudice in
23 essence, because things could change. A Court in
24 Pennsylvania could enter an order that would
25 potentially change things with respect to New Jersey's

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1 subject matter jurisdiction in this case. So both of
2 them are without, without prejudice.

3 MS. FISHER: Okay. I would just ask that it
4 be with prejudice. But --

5 THE COURT: No. They're both without,
6 without prejudice.

7 MS. FISHER: Okay.

8 MR. FAY: So it's has to dependent on the
9 outcome of the Pennsylvania case.

10 THE COURT: Correct, yes. Because they --
11 usually subject matter jurisdiction wouldn't
12 necessarily be, but in this circumstance it is, because
13 the basis of it is, is activity, what's happening in
14 another jurisdiction; that if that, if something
15 changes with regard to that, than that would change,
16 potentially change the outcome of a, an issue about
17 whether New Jersey's got subject matter jurisdiction
18 or not.

19 MR. FAY: Your Honor, I also had asked that
20 in order for discovery to be granted in this case such
21 that residency in New Jersey could be established.
22 Obviously if the outcome in Pennsylvania, is that
23 Pennsylvania does not have jurisdiction, my client, the
24 Legal Guardian, would have to pursue another legal
25 avenue, if such exists for her. And that might very

1 well be in New Jersey. And I'd ask for a limited
2 discovery to get to that point, filing tax returns,
3 utility bills, and anything else that might establish
4 residency, and probably a domicile in the State of New
5 Jersey.

6 MS. FISHER: And, and Judge, the Court in New
7 Jersey does not have subject matter jurisdiction --

8 THE COURT: Yeah.

9 MS. FISHER: -- because it's in
10 Pennsylvania, --

11 THE COURT: Yeah.

12 MS. FISHER: -- the Court in New Jersey can't
13 issue any orders.

14 THE COURT: I'm going to deny that
15 application. Even -- because right now, we're dealing
16 with assuming that this Court does have subject matter
17 jurisdiction. I'm concluding also that there's lack of
18 personal -- there is not sufficient proof.

19 And, in order to get into the world of having
20 limited discovery, there needs to be an initial hurdle
21 that's met of pleadings and certifications that estab,
22 that, that meet an initial threshold showing that there
23 is an appropriate basis to exercise personal
24 jurisdiction.

25 If it's it then contested, then the Court is

1 directed under the case law to permit limited discovery
2 and to hold a preliminary proceeding, evidentiary
3 proceeding to determine whether there is personal
4 jurisdiction. And then if there is, then the case goes
5 on the way it would, if none -- if everybody lived in
6 New Jersey, and none of these other issues were ever
7 brought to bear.

8 But under the, under my reading of the law,
9 there needs to be at least this initial hurdle that is
10 met before the party is entitled to, to conduct
11 discovery to meet the fact, to meet conflicting facts
12 from the other side. And right now we don't have, I
13 don't have any competent facts at all, and there's
14 no -- wasn't required to do it, but there's no
15 certification from the defendant, other than his
16 verified complaint that says I live in New York.
17 There's not separate certification. I think it was
18 just legal memorandum and an application to dismiss the
19 complaint. I didn't --

20 MS. FISHER: Right. I mean, there wasn't no
21 separate certification. But the way I did it was
22 because of his verified complaint, we said see
23 application and write a memo.

24 THE COURT: Yes, in his verified --

25 MS. FISHER: We had him verify some

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statements made in that as well by doing it that way as opposed to just attaching it. So, --

THE COURT: All right. But -- okay. So I'm dismissing both the lack of subject matter jurisdiction and lack of personal jurisdiction without prejudice. I'm not going to address the other issues that go beyond that at this point.

MS. FISHER: Okay. Thank you, Your Honor.

THE COURT: All right. If you could please quickly draft the, the order and review. And I'll sign it and copy it and you can be on your way. You can do it right now.

MS. FISHER: Do you want me to draft it right now?

THE COURT: I think it's pretty simple, --

MS. FISHER: Okay.

THE COURT: -- just two paragraphs.

MS. FISHER: Okay.

* * *

(Whereupon, proceedings of 8/13/2012 were concluded)

* * *

C E R T I F I C A T I O N

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I, Darcel D. Hart, the assigned transcriber, do hereby certify that the foregoing transcript of proceedings before the Camden County Superior Court on August 13, 2012 Digitally Recorded, from Index Number 3:32 p.m. to 4:30 p.m., is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded.

AUTOMATED TRANSCRIPTION SERVICES

BY: Darcel D. Hart
Darcel D. Hart

A.O.C. #538

Dated: August 29, 2012

1 Company's NAME Vanan Transcription

2
3 Transcript of Audio Recording

4 On December 14, 2012

5
6 Judge Edward Mc Bride

7 Lise Fisher Defendant Attorney – Shawn Carter

8 Lisa Shapson Plaintiff Attorney – Lillie Coley

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15 CERTIFICATE

16 I hereby certify that the foregoing is a true and accurate transcription, to the
17 best of my skill and ability, from a digital recording.

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22 Transcriber NAME Adam Smith

Judge: In the matter of Lillie Coley versus Sean Carter [inaudible 00:00:07] South lake [inaudible 00:00:10]. 04.28745212 [phonetic 00:00:13] Counsel, your appearances, please.

Lisa Shapson Good morning, Your Honor. Lisa Shapson from the Law Firm of Berner, Klaw and Watson on behalf of Plaintiff Lillie Coley.

Lise Fisher Good morning, Your Honor. Lise Fisher on behalf of Defendant Sean Carter.

Judge: Ms. Fisher have you filed [inaudible 00:00:35]?

Lise Fisher [inaudible 00:00:36] I have not filed any applications. I have reviewed the ones that Ms. Coley has submitted pro se.

Judge: This is Ms. Coley to your right?

Lise Fisher Yes, and next to her is Ms. Rhonda Saterite [phonetic 00:00:46] who is one of the co-defendants who is not represented by either counsel in this matter. My law clerk Casey Rose Shevin is behind me.

Judge: Okay. Everybody can be seated for the moment and produce the ... now the hearing today is a Motion for Reconsideration that was filed initially by Ms. Coley on her own behalf without counsel. We were here to hear that Motion for Reconsideration just to reconsider an Order I entered in August which dismissed her Complaint that sought child support and college contribution. [inaudible 00:01:29] determined initially, and then child support and college contribution potentially. That August Order dismissed the Complaint on the basis of lack of subject matter jurisdiction, and also lack of personal jurisdiction.

The Motion for Reconsideration was filed, was scheduled to be heard. Ms. Coley retained counsel who accompanied her to that proceeding, and announced to the Court that the Motion for Reconsideration was being withdrawn. I believe the following day an application was made by Ms. Coley to un-do that, for lack of a better legal terminology. That request was opposed by the defense. The Court granted on the papers Ms. Coley's application to basically reinstate the Motion for Reconsideration then.

The Court determining that it's under the case law and the court rules of New Jersey, the object is ultimately to reach the [inaudible 00:02:32] on the merits. So that's what we're here for today, to determine whether

Ms. Coley has demonstrated a basis for reconsideration of the August decision from this case. So we'll hear first from her counsel.

Lise Fisher Your Honor, if I may, before we do that. Ms. Shapson has not formally entered her appearance. I don't have an objection on those circumstances. But I don't want to have the same circumstances that we had last time, when counsel entered his appearance two days before, and then Ms. Coley said, I didn't know what was going on. I didn't know. I didn't give him any authority, and the next day comes in and changes her mind. So I would like to [inaudible 00:03:12] either by myself or by the Court, that Ms. Coley has retained Ms. Shapson, was advised, understands what's going on today, and that Ms. Shapson has the authority to speak for her.

Judge: Ms. Shapson is that correct? Were you retained?

Lisa Shapson Yeah. I was retained on November 21 to represent her. We actually appeared on Friday, November 30. Ms. Coley received a phone call from your clerk saying that, you were going to decide the Motion for Reconsideration on the papers, and if you decided to reopen it, you were going to issue an Order and schedule oral argument. She thought that we had to actually appear for oral argument, to argue the reopening. So actually we were here on the 30th, and your clerk said you were still making your decision, you would be mailing us an Order to that effect.

So I have represented Ms. Coley since November 21. We were prepared to go forward on Friday, November 30. We are prepared to go forward today. I believe she now understands a little bit more about the process than she did on November 2, the day she withdrew her initial Motion for Reconsideration. I believe we are prepared to go forward. If you need me to [inaudible 00:04:27] her myself, I can.

Judge: No. I'm satisfied at this point based on the [inaudible 00:04:30] presentations about how long you've had interactions with Ms. Coley, that were we to have a repeat, the outcome would be the same.

Shapson: Okay.

Lise Fisher And that's fine with me. Thank you, Your Honor.

Lisa Shapson Your Honor, I've reviewed the August 13, 2012 transcript in this matter, and I'd like you to reconsider your Dismissal of Ms. Coley's initial Complaint for DNA testing and child support based on lack of personal

jurisdiction, because I believe the evidence that was before the Court on August 13 indicated that Lise ...

Lise Fisher: Your Honor, I object to getting to the personal jurisdiction, unless we can get past the subject matter jurisdiction. The subject matter jurisdiction was the reason for the dismissal. I think Your Honor just opined, or supported that again with the personal jurisdiction argument. If we can't get through, past this, which she can't, past the subject matter jurisdiction, there's no reason to get into personal jurisdiction.

Judge: In terms of the sequences of things, that's correct. Even if I were to reconsider the personal jurisdiction and conclude that there is personal jurisdiction, that's irrelevant unless there's subject matter jurisdiction. So let's address that first. I'll hear on the other issue, as well. But again, the focus on the Motion for Reconsideration is not what evidence has been gathered since August the 13th. It's, did the Court make an error and overlook information that was available, and either was presented, or wasn't presented and was there a legitimate reason why it wasn't presented.

Lisa Shapson: I think it might be helpful if the Court explains why the deed of the real properties that show that Mr. Carter owns property in New Jersey were not considered at the August 13 hearing.

Lise Fisher: Your Honor, I don't think the Court has to explain why something was considered, and I think the Court did explain that at the August 13 hearing. It wasn't properly submitted. We still come back to the subject matter jurisdiction issue has to be addressed and overcome before we can even discuss the personal jurisdiction, because without the subject matter jurisdiction, Your Honor, the Court doesn't have the jurisdiction to determine anything on the personal jurisdiction.

Judge: Yeah, look at this point, I'm not going to issue ... assuming that I do not change my view on subject matter jurisdiction, I'm not going to give an advisory opinion about whether what's been submitted since August 13 establishes personal jurisdiction or not. That's not the ... I don't think the ... it's not that something [inaudible 00:07:09].

Lise Fisher: You requested that I make a statement on behalf of my client. So if I could just make that statement, I think it would be helpful to everybody.

Judge: What's the basis for the reconsideration on the subject matter jurisdiction ruling, which was based on the existing [inaudible 00:07:25]

pending appeal in Pennsylvania, where the outcome of that case could wind up being completely contrary to what New Jersey court might decide in this case. Has anything changed since that?

Lise Fisher The appeal in Pennsylvania is still pending, actually. Briefs have been submitted by one side, and I believe [inaudible 00:07:44] on the other side. I am not involved in the Pennsylvania appeal case. But that is my understanding of the scheduling of the appellate case.

Judge: Is that correct, Ms. Fisher?

Lise Fisher Yeah, it's correct. Briefs were submitted by Mr. Carter's Pennsylvania counsel I believe last week, around the sixth or seventh. And there's a briefing schedule, and the other side's response will be due in about 30 days.

Lisa Shapson The reason why the Motion for Reconsideration was filed is, because Ms. Coley believed, regardless of the subject matter jurisdiction, that there were certain statements by defendant Carter that misled the Court, and the Court concluding and putting out its Order that it was dismissing for lack of personal jurisdiction. Ms. Coley had, at the time of oral argument, but not as part of her initial submission, deeds indicating that Mr. Carter owned residences in New Jersey.

Lise Fisher Objection. That was never in evidence.

Lisa Shapson I stated it wasn't in evidence. I said, it's not part of her submission. She had them available at the time of oral argument.

Judge: Counsel, let her finish her presentation.

Lise Fisher Okay.

Lisa Shapson Ms. Coley made as part of her Motion for Reconsideration some public statements that have been made about Mr. Carter living in New Jersey, namely, Alpine, New Jersey. There will be at least some evidence of the fact that Mr. Carter has at least [inaudible 00:09:24] contacts with the State of New Jersey to the point where maybe the Order should be revised to include dismiss the lack of subject matter jurisdiction, rather than the lack of both.

The two clarifications to the record that were addressed in Ms. Coley's Motion for Reconsideration. One, it doesn't matter for purposes of the

ultimate rule of determination. She did not serve Mr. Carter's home. She does not know where he lives. She believes he lives in New York. She served him at his place of business, which is also in New York. But I believe Ms. Fisher misspoke in the oral argument on August 13, that she served him at his house. She actually served him at his place of business.

Ms. Coley also wanted the record to be clarified to indicate that Ms. Fisher stated that he doesn't own a residence may not be entirely accurate, and had the deeds that she had at the time of oral argument been considered, the Court would have been aware of that fact that was misleading.

I don't know if Your Honor wanted to hear from my client before ...

Judge: No. This is a motion. I don't need to take any testimony.

Lisa Shapson Okay.

Lise Fisher Your Honor, [inaudible 00:11:11] as in my Motion for Consideration that Ms. Coley knew that my client resides in New York. I submitted as an exhibit to my client's cross-motion an introductory statement, and verified the introductory statement, signed by her that specifically gives Mr. Carter's residence in New Jersey. I did misspeak ...

Judge: In New York?

Lise Fisher In New York, I'm sorry. I did misspeak at the last hearing, because I really did think that, that was his home address. I didn't realize that was his business address. So I do apologize for that. I didn't [inaudible 00:11:45]. But he does live in New York. And she submitted that address in a prior pleading. Then he comes in here and says, well, here's all these other houses, or I want to try to prove that he has all these other houses.

First of all, I still renew my objection that nothing about personal jurisdiction is relevant today, because we still haven't gotten past the subject matter jurisdiction. That having been said, he has a domicile in New York. That's what counts. That's where he lives. That's where he resides. And there's nothing that changes that. There's nothing that was misstated at the last hearing. There's nothing that's ever been proven that doesn't confirm that that's where he has his domicile. That's her burden of proof to me.

When you're [inaudible 00:12:28] the Motion for Reconsideration, which there are no grounds for that here, it's not just that she doesn't like what the Court did. You have to show that the Court ruled the standards as a probably [phonetic 00:12:42] incorrect or irrational basis on which it made its decision, or you didn't consider or failed to appreciate the significance of procreative competent [phonetic 00:12:51] advance. I believe that the Court made the correct decision for the reasons that the Court stated on the record with the appropriate statutes, and considered the evidence that was given to the Court. Any other evidence that she has alleged, first of all, was not appropriately submitted; secondly, doesn't prove what she thinks she's trying to prove; and just because she thinks that the media says [inaudible 00:13:16], and the media says a lot of things. That doesn't make it true.

But the bottom line is, she never presented that evidence, and there isn't personal jurisdiction. He doesn't have any more contacts in New Jersey for jurisdiction of this. And she knows that. And I have a big problem with Lillie Coley certifying in a Pennsylvania action, because it did her good in Pennsylvania or New [inaudible 00:13:38] that my client lives in New York, which is true. But then coming back here and completely ignoring that, and then saying, oh, I wasn't even a party to that action. The legal counsel prepared it, or whatever the other reasons were. I think that significance which the Court sees. I think that's one issue.

I think the second issue is, she also states, I think it was in her initial brief, and then the response for this motion, that the appeal was never accepted in Pennsylvania. I attached the dockets [inaudible 00:14:12] to my initial responsive pleading. It was clear that it was accepted, and she knows that. And she makes statements both in her last certifications in there that are clearly not true, and I think that, that also has to be consideration for this Court when considering any statements that she's making about where my client may or may not live. I don't think that she stated or initially demonstrated what she needed to, to the Court that this should reopen.

The Court didn't act in an arbitrary, capricious or unreasonable manner. What you did was absolutely correct. She failed to meet her burden of- well, she failed to meet the burden about subject matter jurisdiction first. And she also failed to meet her burden of personal jurisdiction of the defendant. She may not like the result, but that's what it is. That's what the law says. Everything that's been filed and everything that's in evidence the Court's have, and I don't think that Your Honor made a

mistake with regard to that. And what it does, is it starts to highlight her lack of credibility and her motivations here.

Lisa Shapson Your Honor, it seems to me we are blending the term, residences, and ownership of real property, here. Your Honor, she's never said he lived, resided in New Jersey. She said he owned property here to the point where this subject matter jurisdiction existed. There might even have been a minimum [inaudible 00:15:25] of personal jurisdiction. I think the credibility issue here lies in Mr. Carter, who [crosstalk 00:15:32]

Judge: Hold on a second.

Lisa Shapson The credibility ...

Judge: No one has ever testified in this case. So I don't want to talk about credibility when it comes to ... [inaudible 00:15:40] because no one's ever testified.

Lisa Shapson [crosstalk 00:15:44]

Lise Fisher With regard to the newly discovered evidence, there's nothing that she's submitted, or tried to submit since August 18 that was newly discovered, that wasn't discoverable or in fact in her possession prior to that date. There's certainly nothing competent that is of her own personal knowledge that has been even attempted to be submitted to this Court, or that has been submitted and accepted by this Court. She had sufficient time to investigate before filing her Complaint. She's been involved in the cases in the Pennsylvania action for several years. She was involved in the Atlantic County action in 2011. So there certainly isn't an issue [inaudible 00:16:24] newly discovered evidence.

We've lodged [phonetic 00:16:27] a request for discovery in a hold, quote unquote, of the New Jersey Complaint. This Court doesn't have subject matter jurisdiction. You can't issue discovery or put a hold on anything, because there's no authority to do so. I think Your Honor recognized that, in fact you did recognize that at the last hearing. I could go on with regard to this actual subject matter jurisdiction and personal jurisdiction just on the merits. I don't know if Your Honor needs to hear that, since I think the real thing is whether Ms. Coley has met any burden of proof with regard to anything that the Court did that was incorrect in order to open it. I also do, and I won't argue [inaudible 00:17:06] Your Honor. Pursuant to the Order of November 30 Your Honor left my cross-motion open for counsel fees depending on the result of this.

Judge: Which is arguably the cross-motion as to the Motion to Reopen.

Lise Fisher Yes.

Judge: Right.

Lise Fisher Yes. I didn't ask for counsel fees for this, but that's exactly why I asked for them in that case. So I ... if you want me to address that, I will.

Judge: No. [inaudible 00:17:32] whatever, if [inaudible 00:17:34] wants to make a reconsideration.

Lisa Shapson I guess, regarding the underlying motion, if in order to get to whether or not you have personal jurisdiction, you need to first [inaudible 00:17:50] subject matter jurisdiction. I think it would vindicate the efforts that Ms. Coley has made to try to establish minimum contacts is the order of August 13, 2012 order were revised to say, dismissed for lack of subject matter jurisdiction only. With respect to the counsel fee request, I am representing Ms. Coley pro bono. I am not representing her in the Pennsylvania matter, because she does not have the money to pay, or to do that, and I believe there is a conflict in the sense that I'm representing here in a case here against Sean Carter, and Warner [phonetic 00:18:26] Satellite, and the [inaudible 00:18:29] case would be on behalf of Warner [phonetic 00:18:33] Satellite. But regardless, there wouldn't be sufficient money to do anything other than a pro bono representation in that regard.

And if I can just, to this, to the point, that if Sean Carter is who everyone thinks he is, I believe that counsel fees are not [inaudible 00:18:53].

Judge: I ruled that there's no need. The earning capacity and the earning potentials of these two individuals is quite disparate to the point where he can pay for his own attorney's fees.

Lise Fisher And just with regard to those two points, I don't think that Ms. Coley has met her burden of proof in the Reconsideration Motion that Your Honor should change at all, anything in the prior action, or in the prior Order of August 13 of 2012. I don't think you should revise. I don't think there's any evidence, reason, law, statutes, rules that gives her the support to reopen that, or for Your Honor to reconsider that, and to change that ruling. Because there's been nothing that supports that.

With regard to the counsel fees. As I said, we didn't initially ask for counsel fees because of my client's ... You know, he certainly has enough money to pay his counsel fees, and we didn't ask for that in the Motion for Reconsideration. The reason we asked for it in the Motion to Open, was because that was yet another frivolous proceeding. This thing should have been ... First of all, it should have never been filed in New Jersey, because there was the action in Pennsylvania. But it should have been over on August 13, and she keeps making allegations and saying things that aren't true, and we know that she did that in the last pleading. And that's when we asked for the counsel fees.

They are not because my client couldn't afford it, and we admitted that in that certification. But because there have to be some sanctions, and there has to be some end to this, so that Ms. Coley ... What she did was, she was repetitive, she was insulting to Your Honor, to me, to the attorneys in Pennsylvania, which have no relevance to anything like that. She made statements that absolutely were not true about what she had absolutely no personal knowledge, and I can state that as a fact. And I think Your Honor noticed the comments that I'm speaking about, and I think that needs to stop. That's why we asked for those counsel fees.

The fact that she has pro bono counsel that I believe Mr. Rocco [phonetic 00:20:45] may also have been, I think she said in her statement, representing her pro bono. I think this supports my position, because that's exactly the reason that she's able to keep coming back and doing this.

Judge:

This [inaudible 00:20:56] is prepared to rule on what's been presented here to the Court. Because [inaudible 00:21:01] the focus is very narrow in the developments of the court rules and case law that a Motion for Reconsideration focuses on whether the Court overlooked controlling matters of law, or material facts that were presented to the Court at the time. If they were not presented to the Court at the time, the issue is whether there was a legitimate, excusable reason for why they were not presented to the Court at that time.

The purpose of a Reconsideration Motion is not to clarify the record, or to address or opine about whether what a litigant has done post-judgment is appropriate or it reflects due diligence, or anything of that sort. It's simply at the time you were to present your [inaudible 00:21:50] the things that were overlooked either on the record that was before the Court at the time, or if there are facts that were not presented

to the Court at the time that there was a legitimate reason why they were not available and not presented at that time.

I find that the Plaintiff has not met the burden of proving grounds for reconsideration of the August Order. As to the Court's decision on lack of subject matter jurisdiction, nothing has ... the legal basis for that I don't believe has been challenged. There were no cases brought to the Court on the Motion for Reconsideration that warranted different conclusion than what was reached. The facts haven't changed at all. The factual information that the Court relied on at the time was accurate, that there was in fact a pending appeal in Pennsylvania, and litigation had been commenced initially many, many- long, long ago initially, and then subsequent paternity proceedings in Pennsylvania. So there's an active, on-appeal paternity proceeding in Pennsylvania. So nothing's changed since the order with respect to that issue, and nothing's been shown that there was legal error in the subject matter jurisdiction issue.

As to the personal jurisdiction, the question at this point is to amend the order because of allegations of truths that have been marshalled since that time. But again, that's not the purpose of a Motion for Reconsideration. If there comes a point in time in the future that there's a determination that subject matter jurisdiction exists in New Jersey, then obviously personal jurisdiction would have to be addressed again at that time, and the parties are free to present to the Court whatever factual information they have at that time.

The submission of additional allegations and materials from the Plaintiff since August on the subject of personal jurisdiction do not mean that the Court was incorrect in ruling that as of August, that there was insufficient record evidence to support and to have the Plaintiff meet the initial burden of establishing in the pleadings and in the supporting materials personal jurisdiction, such that you would then get to the next stage where you actually have an evidentiary hearing on a Motion to Dismiss on the basis of personal jurisdiction.

So again, the focus of reconsideration is, what was in front of the Court on August the 13th, I guess it was- 13th of 2012. The Court concluded at that time that the Plaintiff had not presented sufficient material to get over that initial hurdle of establishing a prima facie case of general personal jurisdiction over Mr. Carter in New Jersey. It's not a basis for the Court to reconsider that. As I said, it's a fluid concept. Things happen over the course of time, and what the situation is both from pleadings

and from the factual reality at one point in time could change at another point in time.

Again, the focus of reconsideration is very narrow, and there's not a basis for a change in the August 13 Order. So I'm going to deny the Motion for Reconsideration.

As to the Defendant's request for counsel fees on the Motion to Reopen, basically, the Application to Reopen. I'm denying that. I do not believe that Ms. Coley's acted unreasonably, and I in part addressed in the order that granted her Request to Reopen [inaudible 00:25:38] because you heard them on the merits of the reconsideration issue. I do not find that she acted in bad faith in changing her mind, in representing what she represented.

I was troubled by some of the statements that have been made, but those statements didn't serve to prolong these proceedings, or add in any way to the burden on Mr. Carter of paying counsel to defend. Once I decided I was going to reopen it, then we were going to be here to argue it, and it's not as if those things have generated some kind of separate proceeding which turned out to be unnecessary.

And also given the financial- what little I know of the financial situation here, it's not ... [inaudible 00:26:19] the case information statements, obviously from anybody, or any other kind of detailed information you often have in family law matters about people's finances. But given what's been represented here, I have reason to think that Ms. Coley is not somebody of significant wealth, and given the public notoriety of Mr. Carter that he is somebody of significant wealth. But the fact that the most important consideration in my mind is that, I don't think that Ms. Coley acted unreasonably in asking that her Motion for Reconsideration, even though unsuccessful, that it be heard on the merits.

So I'm going to enter an Order. We'll provide a copy to you momentarily. [inaudible 00:27:02]

Lise Fisher

Thank you, Your Honor.

Judge:

[inaudible 00:27:09]

**SUPERIOR COURT OF NEW JERSEY:
CHANCERY DIVISION, FAMILY PART**

Exhibit A



Website:

Fax:

Little Coley
Plaintiff Obligee Obligor

Docket No: _____
Case ID: _____

Shawn Cole vs.
Defendant Obligee Obligor

**CIVIL ACTION
CERTIFICATION ON NON-MILITARY SERVICE AND COMPETENCY**

I, Little Coley hereby certify that:

1. I am the Plaintiff / Defendant in the above-entitled civil action.
2. I am personally acquainted with the other party and know that he or she resides at
3. The other party is not a minor and is not a mentally incapacitated person.
4. The other party is not in the Military Service of the United States.
5. I am supplying the Court with the following information as to how I know the other party is not in the military
(Please check the statements below that apply to your case and describe in detail):

I have recently seen the other party (if so, when and where):

My child(ren) last had parenting time with him or her on (specify date and time):
at

I have recently had telephone contact with the other party. (Provide any information from telephone contact showing other party is not in the military.)

I know where the other party works (indicate employer name and address):

1411 Broadway 3rd Floor
New York, NY 10014



EXHIBIT
A Exhibit

103 - DEED BARGAIN AND SALE (Government as to Grantor's Acts)
IND TO IND OR CORP - Plain Language

O G VST-1

Copyright © 1982 By ALL STATE LEGAL SUPPLY CO
One Commerce Drive, Cranford, NJ 07016

DEED

Prepared by: (Print preparer's name below signature)
Edward S. Nagorsky
EDWARD S. NAGORSKY, ESA.

This Deed is made on June 23, 19 99

BETWEEN

JEFFREY R. NANFELDT and ELIZABETH ANN NANFELDT, husband and wife,

whose address is about to be 37 Highland Avenue, Short Hills, New Jersey 07080
referred to as the Grantor.

AND SHAWN CARTER, Single

whose post office address is about to be 502 North Ridgewood Road, South Orange,
New Jersey 07079 referred to as the Grantee.
The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of Three Hundred and Eighty-Nine Thousand, Five Hundred (\$389,500.00) DOLLARS.

The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of South Orange
Block No. 401 Lot No. 1 Account No.
 No property tax identification number is available on the date of this deed. (Check box if applicable.)

Property. The property consists of the land and all the buildings and structures on the land in the Village of South Orange
County of Essex and State of New Jersey. The legal description is:

See Schedule "A" attached hereto.

SUBJECT to easements, restrictions and zoning ordinances, if any, and such state of facts as an accurate survey may disclose.

BEING the same lands and premises conveyed to Grantors herein by Deed from Claudio Hickel and Patricia Hickel, husband and wife, dated 9/25/87 and recorded 12/3/87 in Deed Book 5003, page 239 in the Essex County Clerk's Office.

Said premises are subject to the Terms of Right-Of-Way Deed for the strip of land immediately adjoining the premises on the southeast as set forth in Deed Book X64, Page 371 in the Essex County Register's Office.

I HEREBY CERTIFY THE FOREGOING
TO BE A TRUE COPY

PHILIP THIGPEN
ESSEX COUNTY REGISTER

Philip Thigpen
Philip Thigpen, Register

August 29, 2012
Date



Received & Recorded
Register's Office
Essex County, NJ
07/07/1999 13:55:00
Carole A. Graves
401 165783
Cons: \$389,500.00
RTT: \$17,225.50

BK 5624 PG 0658

40/165782

Exhibit C

RECORDING INFORMATION SHEET

ESSEX COUNTY REGISTER'S OFFICE
HALL OF RECORDS, ROOM 130
465 MARTIN LUTHER KING Jr. Blvd
NEWARK NJ 07102

INSTRUMENT NUMBER: 7150247	DOCUMENT TYPE DEED
--------------------------------------	------------------------------

Official Use Only

CAROLE A. GRAVES, REGISTER
ESSEX COUNTY, NJ

INSTRUMENT NUMBER
7150247
RECORDED ON
December 26, 2007 12:52 pm
BOOK:12108 PAGE:4595

RG

Return Address (for recorded documents)

ALLAN PORWICH
ATTORNEY AT LAW
721 NEWARK AVENUE
JERSEY CITY NJ 07306

No. Of Pages (excluding Summary Sheet)	4
Recording Fee (excluding Transfer Tax)	\$70.00
Realty Transfer Tax	\$9,401.00
Amount Charged (Check # 175)	\$9,471.00

Municipality WEST ORANGE

Parcel Information

Block	160.01
Lot	30.05

First Party Name SYED HASSAN

Second Party Name SHAWN CARTER

Additional Information (Official Use Only)

CONSIDERATION (R) ~~\$985,000.00~~

MAIL COPY _____

NO COPY _____

ENVELOPE _____

ADDITIONAL STAMPINGS _____

I HEREBY CERTIFY THE FOREGOING
TO BE A TRUE COPY

PHILIP THIGPEN
ESSEX COUNTY REGISTER

Philip Thigpen
Philip Thigpen
Register

August 29, 2012
Date



***** DO NOT REMOVE THIS PAGE. *****
COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF ESSEX COUNTY FILING RECORD
***** RETAIN THIS PAGE FOR FUTURE REFERENCE. *****

Prepared by:

Lawrence Cooper, Esq.

ORIGINAL

DEED

This Deed is made on December 17, 2007

BETWEEN Syed Hassan and Hadiqa S. Hassan, married, whose address is 408 Millburn Ave., Millburn New Jersey 07041 referred to as the Grantor.

AND Shawn Carter whose address is about to be 318 Walker Road, West Orange, New Jersey, 07052 referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

TRANSFER OF OWNERSHIP. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of Nine Hundred Eighty- Five Thousand (\$985,000.00) Dollars. The Grantor acknowledges receipt of this money.

TAX MAP REFERENCE. (N.J.S.A. 46:15-2.1) Municipality of West Orange is Block No. 160.01 Lot No. 30.05 Account No.

[] No property tax identification number is available on the date of this Deed.

PROPERTY. The property consists of the land and all the buildings and structures on the land in the Township of West Orange, County of Essex and State of New Jersey. The legal description is:

See Schedule A Attached.

BEING the same premises conveyed to Hadiqa S. Hassan, married, by Deed from Ralph E. Mitschele, Jr. and Bonnie Mitschele, dated February 1, 2000, recorded in the Essex County Register's Office on February 22, 2000 in Deed Book 5675 at Page 0800.

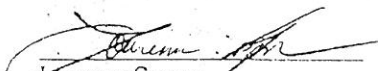
Commonly known as 318 Walker Road, West Orange, New Jersey 07052.


This conveyance is made subject to all easements and restrictions of record, the rights of the public and public utilities in and to the public road abutting the subject property and such state of facts as an accurate survey may disclose.

PROMISES BY GRANTOR. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to Grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

SIGNATURES. The Grantor signs this Deed as of the date at the top of the first page.

WITNESSED BY:


Lawrence Cooper
Attorney at Law of N.J.


Syed Hassan (L.S.)

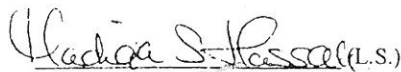

Hadiqa S. Hassan (L.S.)

Exhibit D



State of New Jersey
Department of the Treasury
Division of Taxation

**RECORD DETAILS
AS OF JANUARY 10, 2012:**

OWNER INFORMATION

Owner Name: CARTER, SHAWN
Owner Address: POB 310066
MIAMI, FL 33231



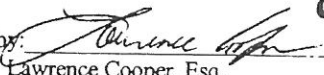
PROPERTY INFORMATION

Property Location 502 RIDGEWOOD ROAD NORTH
County 07 - Essex
District 19 - South Orange Village Tw
Block Number 401
Lot Number 1
Qualifier
Property Class 2 - Residential
Land Description .287 AC
Building Description 2SF2UG
Acreage 0.287

Land Value 243,100
Building Value 377,000
Net Value 620,100
Prior Year's Taxes \$21,607.10



Prepared by:


Lawrence Cooper, Esq.

ORIGINAL

DEED

This Deed is made on December 17, 2007

BETWEEN Syed Hassan and Hadiqa S. Hassan, married, whose address is 408 Millburn Ave., Millburn New Jersey 07041 referred to as the Grantor.

AND Shawn Carter whose address is about to be 318 Walker Road, West Orange, New Jersey, 07052 referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

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[] No property tax identification number is available on the date of this Deed.

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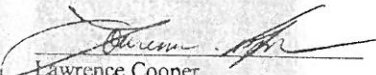
Commonly known as 318 Walker Road, West Orange, New Jersey 07052.


This conveyance is made subject to all easements and restrictions of record, the rights of the public and public utilities in and to the public road abutting the subject property and such state of facts as an accurate survey may disclose.

PROMISES BY GRANTOR. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to Grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

SIGNATURES. The Grantor signs this Deed as of the date at the top of the first page.

WITNESSED BY:


Lawrence Cooper
Attorney at Law of N.J.


Syed Hassan (L.S.)



Hadiqa S. Hassan

Exhibit D, E, F

DEED

Prepared by: (Print preparer's name below signature)
Edward S. Nagorsky
EDWARD S. NAGORSKY, ESA.

This Deed is made on June 23, 19 99

BETWEEN

JEFFREY R. NANFELDT and ELIZABETH ANN NANFELDT, husband and wife,

whose address is about to be 37 Highland Avenue, Short Hills, New Jersey 07080
referred to as the Grantor,

AND SHAWN CARTER, Single

whose post office address is about to be 502 North Ridgewood Road, South Orange,
New Jersey 07079 referred to as the Grantee.
The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of Three Hundred and Eighty-Nine Thousand, Five Hundred (\$389,500.00) DOLLARS.
The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of South Orange
Block No. 401 Lot No. 1 Account No.
 No property tax identification number is available on the date of this deed. (Check box if applicable.)

Property. The property consists of the land and all the buildings and structures on the land in the Village of South Orange
County of Essex and State of New Jersey. The legal description is:

See Schedule "A" attached hereto.

SUBJECT to easements, restrictions and zoning ordinances, if any, and such state of facts as an accurate survey may disclose.

BEING the same lands and premises conveyed to Grantors herein by Deed from Claudio Hickel and Patricia Hickel, husband and wife, dated 9/25/87 and recorded 12/3/87 in Deed Book 5003, page 239 in the Essex County Clerk's Office.

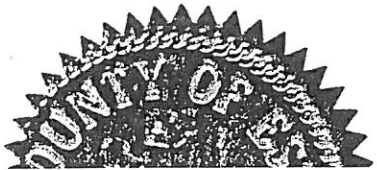
Said premises are subject to the Terms of Right-Of-Way Deed for the strip of land immediately adjoining the premises on the southeast as set forth in Deed Book X64, Page 371 in the Essex County Register's Office.

I HEREBY CERTIFY THE FOREGOING
TO BE A TRUE COPY

PHILIP THIGPEN
ESSEX COUNTY REGISTER

Philip Thigpen
Philip Thigpen, Register

August 29, 2012
Date



Received & Registered
Essex County
07/07/1998
Carole A.
40 1 10576
Cons: \$3
RTT: \$3

40/165782

BR5624PG0658

LILLIE COLEY
PLAINTIFF

VS

WANDA SATTERTHWAITE
Defendant

SHAWN CARTER
DEFENDANT

~~COPY~~
~~CIVIL ACTION~~
~~Edward J. McFride, Jr., J.S.C.~~

ORDER

THIS MATTER having come before the Court on August 13, 2012,
the Honorable Edward J. McFride presiding on the ^{Complaint} Motion of the Plaintiff ^{and Application of} Defendant, and Defendant
the Plaintiff ^{through counsel for limited appearance} being present; and the Court having considered the moving papers, the
findings of facts and the conclusions of law and after hearing the oral arguments:

IT IS ON THIS 13th DAY OF August, _____, ORDERED AND

ADJUDGED AS FOLLOWS:

Plaintiff's Complaint for genetic / paternity testing
and for support is dismissed for lack of Subject
Matter jurisdiction and for lack of personal
jurisdiction over Defendant, Shawn Carter,
Without prejudice.

Ch. F. Fery, Limited Appearance for Defendant, Shawn Carter
Ch. F. Fery, on behalf of Plaintiff, Lillie Coley

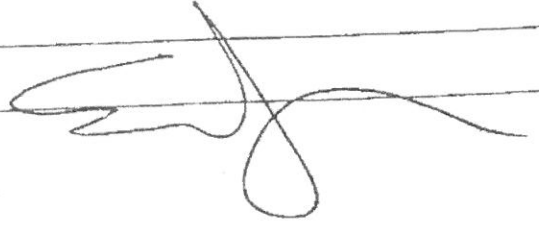


Exhibit D, E, F

103 --DCED BARGAIN AND SALE (Covenant as to Grantor's Acts)
IND TO IND. OR CORP -- Plain Language DG VST-1

Copyright © 1982 By ALL-STATE LEGAL SUPPLY CO
One Commerce Drive, Cranford, N.J. 07016

DEED

Prepared by: (Print preparer's name below signature)
Edward S. Nagorsky
EDWARD S. NAGORSKY, ESQ.

This Deed is made on June 23, 19 99

40/165782

BR 5624 PG 0658

BETWEEN

JEFFREY R. NANFELDT and ELIZABETH ANN NANFELDT, husband and wife,

whose address is about to be 37 Highland Avenue, Short Hills, New Jersey 07080
referred to as the Grantor,

AND SHAWN CARTER, Single

whose post office address is about to be 502 North Ridgewood Road, South Orange,
New Jersey 07079 referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **Three Hundred and Eighty-Nine Thousand, Five Hundred (\$389,500.00) DOLLARS.**
The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of **South Orange**
Block No. **401** Lot No. **1** Account No.
 No property tax identification number is available on the date of this deed. (Check box if applicable.)

Property. The property consists of the land and all the buildings and structures on the land in the **Village** of **South Orange** County of **Essex** and State of New Jersey. The legal description is:

See Schedule "A" attached hereto.

SUBJECT to easements, restrictions and zoning ordinances, if any, and such state of facts as an accurate survey may disclose.

BEING the same lands and premises conveyed to Grantors herein by Deed from Claudio Hickel and Patricia Hickel, husband and wife, dated 9/25/87 and recorded 12/3/87 in Deed Book 5003, page 239 in the Essex County Clerk's Office.

Said premises are subject to the Terms of Right-Of-Way Deed for the strip of land immediately adjoining the premises on the southeast as set forth in Deed Book X64, Page 371 in the Essex County Register's Office.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY

PHILIP THIGPEN
ESSEX COUNTY REGISTER
Philip Thigpen
Philip Thigpen, Register

August 29, 2012
Date



Received
Register
Essex Cou
07/199
Carole A.
40 1 1657
Cons:
RTT:

Exhibit #

9/4

OT Thomas
318 Walker Rd

Register / Sign In

Search USPS.com for Packages

Send Mail

Manage My Mail

Shop

Business Solutions

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE	
Postage	\$ 40.45
Certified Fee	42.05
Return Receipt Fee (Endorsement Required)	40.00
Restricted Delivery Fee (Endorsement Required)	40.00
Total Postage & Fees	\$ 43.40

Sent To: Sharon Carter
 Street, Apt. No., or PO Box No.: 318 Walker Rd
 City, State, ZIP+4: West Orange NJ 07052
 See Reverse for Instructions

PS Form 3800, August 2006

Processed at USPS Origin Sort Facility
 Dispatched to Sort Facility
 Acceptance

September 04, 2012, 11:47 am WEST ORANGE NJ 07052
 September 03, 2012, 12:19 am KEARNY, NJ 07099
 September 01, 2012, 5:07 pm BLACKWOOD, NJ 08012
 September 01, 2012, 10:15 am BLACKWOOD, NJ 08012

Expected Delivery By:
 September 4, 2012
 Certified Mail™

Check on Another Item

What's your label (or receipt) number?

LEGAL

Product liability
 Restricted return
 Return
 Signature required

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 International Mail
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227-0622

ELEC. REG. #115