

THE STATE OF NEW HAMPSHIRE

Rockingham Superior Court

PO Box 1258

Kingston, NH 03848 1258

603 642-5256

NOTICE OF DECISION

PAULA J WERME ESQ
83 N MAIN STREET
BOSCAWEN NH 03303

07-E-0148 In the Matter of Jennifer Johnson and David Johnson

Please be advised that on 3/19/2007 Judge McHugh made the following order relative to:

Motion to Waive Fees ; Granted

03/19/2007

Raymond Taylor
Clerk of Court

cc: L. Jonathan Ross

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Enclosed please find a copy of the Court's Order dated 3/19/2007
relative to:

Order - Pet for Ex Parte Relief

03/19/2007

Raymond Taylor
Clerk of Court

cc: L. Jonathan Ross

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THE STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY

SUPERIOR COURT

In the Matter of Jennifer Johnson and David Johnson

Docket No: 07-E-0148

ORDER

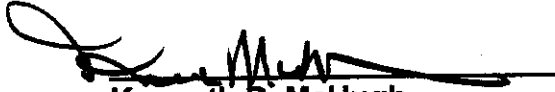
At approximately 4:00 p.m. on Friday March 16, 2007 the plaintiff filed the within action. It is a Petition for Writ of Certiorari and a Notice of Appeal. Accompanying the Petition was Emergency Ex Parte Motion to Stay Order of the Derry Family Division. This Court had its first opportunity to review the pleadings on March 19, 2007.

After reviewing all of the pleadings filed, the Court not only denies the petitioner's Emergency Ex Parte Motion to Stay Order but also denies the petitioner's Petition for Writ of Certiorari. The pleadings filed almost exclusively deal with the issue of whether or not the child support order against David Johnson was reasonable or whether David Johnson has the present ability to pay said Order. However a review of the decision of the Derry Family Division suggests that that is not the reason behind the Order which is objectionable to the respondent. The issue is not the respondent's present ability to pay child support; rather the issue is the respondent's blatant failure to pay an outstanding child support arrearage with the net proceeds that he received from the sale of the parties' home. Given the contempt of the Derry Family Division Order, which in no way is explained in the petitioner's pleadings filed with this Court, the Court finds that there is no merit to the petitioner's Petition for Writ Certiorari and therefore said petition is denied. The Court reaffirms the Order of the Derry Family Division in that the respondent must pay

\$[REDACTED]00 today or a capias shall issue for this arrest with bail set in the amount of
\$[REDACTED]00, cash only.

So Ordered.

DATED: March 19, 2002


Kenneth R. McHugh
Presiding Justice