

FAMILY COURT OF THE STATE ON NEW YORK
COUNTY OF ONONDAGA

In the Matter of a Proceeding under
Article 4 of the Family Court Act

Angela C Gasparini,

Petitioner,

- against -

Michael J Rotondo,

Respondent.

RESPONDENT
MICHAEL ROTONDO'S
MOTION FOR SUMMARY JUDGMENT
TO DISMISS

SUMMARY

Throughout these included documents is my summary of this matter.

Page 1:

Outline of included documents.

Page 2:

Motion for summary judgment to dismiss.

Page 3:

Notary.

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2017 MAR 30 AM 10:31

M Rotondo

Michael Rotondo

408 Weatheridge Dr.

Camillus, New York 13031



Dear Susan Hamlin Nasci, Support Magistrate,

The Respondent has recently become unemployed because his former job was seasonal as a ski instructor. It is impossible to consider that this unemployment was purposeful, to avoid obligation for child support.

The Respondent is forthcoming with voluntary support for his son. It would be thoroughly unreasonable to think that he now, or has ever, tried to manipulate his support obligation through his income.

At no point throughout the Respondent's history as a father, has his child support obligation had any relation to his income. It would be unreasonable to consider that the Respondent has now, or has ever, reduced his income in order to reduce or avoid his parental obligation for child support.

The Family Court Act § 413(1)(b)(5)(v) outlines the powers of the court to establish an imputed income, which reads:

"an amount imputed as income based upon the parent's former resources or income, if the court determines that a parent has reduced resources or income in order to reduce or avoid the parent's obligation for child support;"

The tax returns of the Respondent's, relevant to this matter of support, effectively show no employment; therefore, there can be no argument made for an impute income because there is no other, more substantial income, that can be used to so much as allege that the Respondent has purposefully reduced his income from.

The Respondent is current on his child support payments.

The Respondent is not presently employed.

It is not possible for relevant findings to result from the Order for the Respondent to enroll in the Parent Support Program.

The Respondent objects to the order to participate in the Parent Support Program.

There is no legal basis supporting that the Respondent must be enrolled in the Parent Support Program.

When the Respondent was asked by yourself, Susan Hamlin Nasci, Support Magistrate, on March 29th 2017 as to why it was that Angela could not petition for support, the Respondent perceived that he was being asked if his motion for dismissal was a motion for dismissal with prejudice.

The Respondent moves for dismissal of this matter of support, and for the order for the Respondent to Participate in the Parent Support Program ordered on March 29th 2017 to be canceled.

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I (Michael J Rotondo) have not now, nor have I ever, reduced resources or income in order to reduce or avoid my parental obligation for child support.

W RM

Signature

NYS DL [REDACTED] 479

Sworn to before me this

30th day of March, 2017

Kathleen M. Guthrie

KATHLEEN M. GUTHRIE
Commissioner of Deeds
City of Syracuse

My Commission Expires December 31, 2017