
In the Matter of a **Violation** Proceeding

2018 AUG -6 PM 3: 16

Angela C Gasparini,

File # 24816
Docket # F-00090-11/17C

Petitioner,
- against -

**MICHAEL ROTONDO'S
AFFIRMATION IN RESPONSE TO
PETITIONER'S REQUEST FOR
ATTORNEY FEES**

Michael J Rotondo,

Respondent.

The Respondent, Michael J Rotondo, provides the following in support of his request for the court to deny the Petitioner's request for attorney fees:

The Respondent, Michael J Rotondo, asserts under the penalties of perjury, the following:

OBJECTIONS

1. The Respondent objects to the Petitioner's motion for attorney fees as it is improper and should be dismissed, as it does not include a notice of motion describing a hearing date, as described as required in New York Civil Practice Law and Rules § 2211 and New York Civil Practice Law and Rules Article 22 Rule 2241.

Notwithstanding this (these) objection(s) above, the Respondent provided the following as his response to the Petitioner's request for attorney fees.

SUMMARY

2. The Petitioner has never provided any evidence, on any record of any matter, supporting that the Respondent "has reduced resources or income in order to reduce or avoid the parent's obligation for child support", thereby making the underlying support order that this violation matter is taken from unlawful.

3. The Respondent requests for judicial notice of the Respondent's Motion to dismiss filed April 30, 2018, which itself shows that the Respondent never, had in his possession the resources or income that this same support order demands payment from.

4. The Respondent's failure to comply with the support order which this violation matter is taken from cannot be considered willful, as described as necessary in New York Family Court Act § 454 in order for the court to have the power to award attorney fees because, the Respondent does not now nor has he ever had the resources or income that this same support order demands payment from.

WHEREFORE, deponent requests that the Petitioner's request for attorney fees be denied for failure to state cause of action.

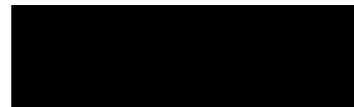
DATED: August 6, 2018



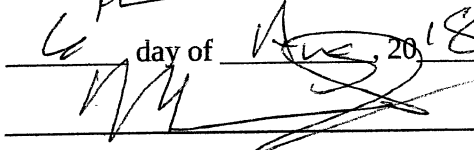
Signature

MICHAEL J. ROTONDO

Respondent



Sworn to before me this

6 day of Aug, 2018


MAURICE ROSS
Notary Public, State of New York
No. 01RO6276894
Qualified in Onondaga County
Commission Expires 02/25/2021
