

LINDA MARIE PERRY

Appellee

v.

WAYNE J. PERRY

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 363 EDA 2013

Appeal from the Order Entered December 28, 2012
In the Court of Common Pleas of Lehigh County
Domestic Relations at No(s): 2009-FC-1619

BEFORE: FORD ELLIOTT, P.J.E., OTT, J., and STRASSBURGER, J.*

DISSENTING MEMORANDUM BY STRASSBURGER, J.

I respectfully disagree with the Majority's conclusion that the trial court did not abuse its discretion in awarding Husband only \$2,000 in counsel fees. On remand, we asked the trial court to clarify/explain its rationale for awarding Husband \$2,000 of his requested \$16,000 in counsel fees. The new trial court opinion explains why she ordered any counsel fees, but does not explain why she ordered only \$2,000, when Husband presented evidence that he had paid \$16,000. Trial Court Opinion, 8/29/2014, at 2. Thus, I respectfully dissent, and would reverse the order of the trial court and remand for the entry of a proportionate amount of counsel fees.¹

* Retired Senior Judge assigned to the Superior Court.

¹ The trial court specifically recognized that Husband's earning capacity was only \$845 per month, while Wife was earning more than \$100,000 per year
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prior to her retirement. Thus, the math makes clear that the trial court's counsel fees award is disproportionate.