

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

J.W.,	:	
Plaintiff	:	
	:	
v.	:	No. 04-21,164
	:	
C.W.,	:	
Defendant	:	

OPINION and ORDER

This opinion addresses the Exceptions filed by Wife to the Master’s order of October 29, 2003, granting Wife alimony pendente lite. Her primary complaint is the Master’s decision to limit the APL award to twelve months, based upon the short-term marriage of two years and eight months.

Wife points to the opinion of the Hon. Dudley N. Anderson in the case of Opp v. Opp, Lyc. Co. #02-21,512, in which Judge Anderson affirmed the Master’s decision not to limit APL for a three-year marriage. Husband responds with the case of Harry v. Harry, Lyc. Co. #03-21,759, in which the Hon. William S. Kieser affirmed the Master’s decision to impose a one-year limit on APL in a marriage lasting two years and two months. The court has reviewed these two files and one distinction is that in the case before this court as well as in Harry, the parties were separated for a lengthy period of time before the APL award. In Harry, the time was fifteen years; here, it is almost two years.

Admittedly, the separation period cannot entirely account for the different treatment of the two cases. Moreover, Wife’s argument, that there is little difference between three years and two years two months, is well taken. However, as Judge Anderson stated in Opp, there is no “bright line where deviation becomes appropriate.” Certainly this case falls within the grey area; nonetheless, the court cannot find that the Master’s decision to limit the APL award to one year in this case is an error.

Wife's chief concern is that the equitable distribution matter will not proceed through the court system within the one year period. The court notes that the Master's hearing is scheduled for April 6, 2005, and that the APL award runs out on August 25, 2005. While it is true the limitation on the APL award could create an incentive for Husband to delay the proceedings, it is equally likely that imposing no limitation would create an incentive for Wife to do the same. In any event, the court is confident that should Husband be responsible for an unnecessary delay, the court could remedy the matter through a Motion for Special Relief to extend the APL award, just as we may entertain motions to terminate APL awards for delays created by the recipient.

Wife has also filed an exception in regard to Husband's income calculation. The court finds no error in the calculation.

ORDER

AND NOW, this _____ day of January, 2005, for the reasons stated in the foregoing opinion, the Exceptions filed by the plaintiff are dismissed.

BY THE COURT,

Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Richard A. Gray
Janice Yaw, Esq.
Randi Dincher, Esq.
Domestic Relations (SF)
Family Court
Gary Weber, Esq.