

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA**

GZ,	Plaintiff	:	NO. 07-20,108
		:	
		:	
	vs.	:	
		:	
DZ,	Defendant	:	IN DIVORCE

ORDER

AND NOW, this 14th day of **December, 2010**, after a hearing held on December 8, 2010, regarding the Motion for Reconsideration of Order dated May 7, 2010, Entering Bifurcated Divorce Decree (hereinafter referred to as “Motion for Reconsideration”), filed by Wife on May 24, 2010. The Motion filed by Wife is hereby DENIED. The Order of May 7, 2010 divorcing the parties from the bonds of matrimony is hereby affirmed.

By way of background, on June 15, 2009, the Honorable Senior Judge William S. Keiser entered an order regarding the Petition for Bifurcation filed by Husband on February 27, 2009 which granted the petition subject to a list of conditions that Husband had to fulfill prior to moving for the entry of a divorce decree. On March 22, 2010 Husband filed a Praecipe to Transmit Record for the entry of a divorce decree. On March 26, 2010, Wife filed Defendant’s Objections to Plaintiff’s Praecipe to Transmit Record arguing that because one of the conditions set forth in Judge Kieser’s order was not fulfilled, the case was not yet bifurcated and a Divorce Decree could not be entered. Specifically, that Husband had not secured replacement insurance for Wife. On March 30, 2010, Wife’s objections were scheduled to be heard April 19, 2010.

At the time of the hearing on April 19, 2010, the parties stipulated to the facts in the case. The Court, thereafter, ordered Wife to immediately obtain health insurance for herself and required Husband to be responsible for payment of up to \$300.00 per month towards the health insurance premium. The Court further indicated it would defer entering a final Divorce Decree until May 7, 2010, indicating that a Divorce Decree would be signed on that date. The Court deferred the entry of the final Divorce Decree to allow Wife several weeks to obtain the health insurance coverage. The Court, thereafter, issued a Divorce Decree on May 7, 2010.

Wife's Motion for Reconsideration, which requested that the Court grant her motion within thirty days of the date of the divorce was entered on May 7, 2010, states that Wife's "interest in obtaining and maintaining adequate health care outweighs [Husband's] right to the entry of a bifurcated decree on May 7, 2010." At the hearing on Wife's Motion for Reconsideration, Wife explained that because it took her until June 1, 2010 to obtain health insurance in accordance with the stipulation and because the divorce was entered on May 7, 2010 she will not be covered by any health insurance between May 7, 2010 and June 1, 2010 during which time she did obtain health care by undergoing a MRI.

The Court finds that Wife has not presented any evidence to the Court that would justify the Court's reconsideration of the Order entering the Divorce Decree on May 7, 2010. The Divorce Decree entered on May 7, 2010, was as a direct result of the Order issued on April 19, 2010, in regard to Wife's objections to the Praecipe to Transmit the Record. If Wife was unable to obtain health insurance by the date designated in the Order of April 19, 2010, the proper remedy for Wife would have been to file a petition for special relief with the Court prior to May 7, 2010. Unfortunately, Wife did not do so. Although there were letters sent to the

Court from Wife's counsel, the letters were immediately returned by the Court as communication directly with the Court even when opposing counsel is copied is ex parte communications which the Court will not review. As the final Divorce Decree entered on May 7, 2010, was consistent with what was outlined in the Order of April 19, 2010, and nothing further was filed with the Court during the interim time between the two Orders, the Court will not modify the Order as originally entered as there is no justified basis to do so of record.

By the Court,

Joy Reynolds McCoy, Judge

JRM/jrr