SE,	VS.	Plaintiff	: NO. 09 – 21,296 : : CIVIL ACTION - LAW : IN DIVORCE :
JE,		Defendant	: : Exceptions
SLE,	Ve	Petitioner	: NO. 08 – 21,355 : PACSES NO. 545110385 : : DOMESTIC RELATIONS SECTION
JJE,	VS.		: Exceptions

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

OPINION AND ORDER

Before the Court are Plaintiff's exceptions to the Family Court Order of October 24, 2012. Argument on the exceptions was heard January 22, 2013.

By petition filed October 1, 2012, Plaintiff sought *alimony pendente lite*. A hearing was held in Family Court on October 22, 2012, at which time it was determined that the parties had married in 2003 and separated in 2008. Although Plaintiff had filed a divorce complaint in 2009, she had done nothing further to obtain a decree. Both parties testified that there are no economic issues to be litigated as part of the divorce and Plaintiff indicated that she had filed the petition in order to force Defendant to sign an affidavit of consent. The hearing officer provided the necessary forms to the parties after the hearing, and in the order of October 24, 2012, after emphasizing that the purpose of *apl* is to enable a dependent spouse to maintain a divorce action and meet expenses in connection with the litigation so as not to be put at a financial disadvantage, denied Plaintiff's request for *apl*. In her exceptions, Plaintiff contends the hearing officer erred in doing so.

Simultaneous with the filing of exceptions, Plaintiff also filed a praecipe for an alimony hearing.¹ At argument, however, Plaintiff's counsel stated that there is no need for a Master's Hearing. She argued that *alimony pendente lite* should be awarded from the date of the petition through today's date. It is noted that Defendant filed his affidavit of consent, as well as a waiver of notice, on December 3, 2012. Plaintiff has not yet filed her consent. She has not engaged in any litigation nor does she plan to. The hearing officer was correct in finding no need for *apl*. The court believes that to award *apl* as requested by Plaintiff's counsel would be to simply reward her for her dilatory tactics. This the court will not do.

<u>ORDER</u>

AND NOW, this 22nd day of January 2013, for the foregoing reasons, Plaintiff's exceptions are hereby denied. The Order of October 24, 2012, is hereby affirmed.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Family Court Domestic Relations Section Patricia Bowman, Esq. Meghan Young, Esq. Gary Weber, Esq. Hon. Dudley Anderson

¹ According to the family court scheduling clerk, at the instruction of the hearing officer, that hearing has not yet been scheduled pending decision on the instant exceptions. In light of counsel's statement that there is no need for a Master's Hearing, Family Court is hereby instructed to **not** schedule the hearing.