IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

IN AND FOR DADE COUNTY, FLORIDA

MARY SMITH,

Plaintiff,

v. DOCKET NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JOHN SMITH,

Defendant. *Civil Action*

**MEMORANDUM**

TO: The Honorable Court,

Please accept this memorandum in lieu of a more formal submission in anticipation of the Court’s settlement conference to address the issue of alimony. As the Court is aware, the parties have resolved virtually all outstanding issues, but the parties are at an impasse on the issue of alimony. The parties have asked for this conference for the Court’s input on this issue in hopes of furthering settlement negotiations.

Plaintiff, Mary Smith, is seeking a judgement in divorce against, defendant, John Smith after 14 years of marriage. Both parties have the same education, i.e. they both graduated from college with business degrees, they are the same age, 51 years old, and both are in excellent health. The parties have two (2) children that have graduated from high school, moved away, and are emancipated. All of the marital assets have been distributed and the sole issue is alimony. It is plaintiff’s position, based on the sacrifices she made in her career by raising the children, that she is entitled to alimony. Defendant, pointing out that plaintiff makes above the average income for all households in the United States and well above the average income in Florida ($46,036.00), argues that alimony is unnecessary. Defendant adds however, if a Court were to award alimony, it should be calculated based on the parties’ average income over the life of the marriage, since he was making a lot less early in his career as opposed to his current income.

As can be seen from the graph of the parties income in Figure 1 above, it is a clear that alimony is appropriate in this case. Moreover, because the average income of defendant fails to capture the continuing growth of defendant’s income, it would be an inappropriate benchmark to use for alimony. It is respectfully submitted that defendant’s projected income, which is reflected in the solid black line in Figure 1, is the appropriate benchmark for setting alimony.

Plaintiff looks forward to the opportunity to conference this matter with the Court.

Respectfully Submitted,

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John Q. Lawyer, Esquire