

State of New Hampshire  
Supreme Court

NO. 05-\_\_\_\_\_

DAVID C. ROBERTSON

v.

LESLIE D. ROBERTSON

NOTICE OF MANDATORY APPEAL OF DAVID C. ROBERTSON  
Pursuant to Supreme Court Rule 7(1)(A)

By: Joshua L. Gordon, Esq.  
Law Office of Joshua Gordon  
26 S. Main St., #175  
Concord, N.H. 03301  
(603) 226-4225  
[www.AppealsLawyer.net](http://www.AppealsLawyer.net)

# State of New Hampshire Supreme Court

## NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court, district court, probate court or family division court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; or (6) a probation revocation proceeding.

1. COMPLETE CASE TITLE AND DOCKET NUMBERS IN TRIAL COURT

*David C. Robertson v. Leslie D. Robertson*

(also captioned: *In the Matter of David C. Robertson and Leslie D. Puntoni*)

Rock. Cnty. Super Ct. No. 92-M-1988

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

Rockingham County Superior Court

*Pamela D. Kelly, Master*

*Patricia C. Coffey, J.*

3A. NAME & ADDRESS OF APPEALING PARTY

David C. Robertson

27 Brockton Ave.

Haverhill, MA 01830

3B. NAME, FIRM, ADDRESS & TELEPHONE  
NUMBER OF APPELLANT'S COUNSEL

Joshua L. Gordon

Law Office of Joshua Gordon

26 S. Main St., #175

Concord, N.H. 03301

(603) 226-4225

[www.AppealsLawyer.net](http://www.AppealsLawyer.net)

4A. NAME & ADDRESS OF OPPOSING PARTY

Leslie Puntoni  
33 Pine Ridge Circle  
Sandown, N.H. 03873

4B. NAME, FIRM, ADDRESS, & TELEPHONE  
NUMBER OF OPPOSING COUNSEL

Keri J. Marshall  
Keri Marshall Law Office  
47 Depot Rd.  
E. Kingston, NH 03827  
(603) 642-5311

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

n/a

6. DATE OF CLERK'S NOTICE OF DECISION  
OR SENTENCING

Decree: Dec. 15, 2004.

DATE OF CLERK'S NOTICE OF DECISION  
ON POST-TRIAL MOTION

Decree on Motion to Reconsider:  
Jan. 28, 3005

7. CRIMINAL CASES: DEFENDANT'S  
SENTENCE AND BAIL STATUS

n/a

8. APPELLATE DEFENDER REQUESTED?

No.

9. IS ANY PART OF CASE CONFIDENTIAL? IDENTIFY WHICH PART AND CITE AUTHORITY

There no known basis for confidentiality.

10. IF ANY PARTY IS A CORPORATION, NAMES OF PARENTS, SUBSIDIARIES & AFFILIATES

n/a

11. DO YOU KNOW ANY REASON WHY ONE OR MORE SUPREME COURT JUSTICE WOULD BE DISQUALIFIED FROM THIS CASE?

There is no known basis for recusal.

IF YES, FILE MOTION FOR RECUSAL, SUPREME COURT RULE 21A

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY?

Yes.

IF YES, COMPLETE TRANSCRIPT ORDER FORM

A transcript order form is not attached because counsel does not yet have the information necessary to complete it. Counsel has written to the trial court seeking the information, and will soon forward a completed transcript order form to the court and parties.

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH.

- I. Did the court err in ordering Mr. Robertson to contribute one-half of his eldest daughter's college expenses when recent legislation precludes support orders from requiring parents to contribute to their adult children's educational expenses, the child could not have relied on the stipulation as her post-secondary educational plans are still in the planning stages, the stipulation is vague, the court failed to examine the parties respective abilities to contribute in accordance with their stipulations entered at the time of divorce, and Mr. Robertson does not have the means to contribute while Ms. Puntoni does?
- II. Did the court err in ordering Mr. Robertson to pay a portion of his children's medical bills when he made explicit provisions for the payment, but Ms. Puntoni failed at the time the care was provided to comply with the procedures required for reimbursement, and that failure has resulted in far higher bills and unreimbursable charges?
- III. Did the court err in finding that Mr. Robertson was properly apprized of his child's college plans and other matters?
- IV. Did the court err in not reducing Mr. Robertson's support amount when the evidence shows that Ms. Puntoni is the richer of the pair, she has significant resources some which she failed to list on her support affidavit including the income of her spouse, her affidavit was inaccurate as to several matters, and she is voluntarily underemployed?

14. CERTIFICATIONS

I hereby certify that, upon information and belief, every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

---

Joshua L. Gordon, Esq.

I hereby certify that on or before the date below copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

February 25, 2005

---

Joshua L. Gordon, Esq.

**ATTACHMENTS**

(1) Clerk’s NOTICE OF DECISION (Dec. 15, 2004) . . . . . 5

(2) DECREE and UNIFORM SUPPORT ORDER (Dec. 13, 2004) . . . . . 6

(3) Clerk’s NOTICE OF DECISION (on motion to reconsider) (Jan. 28, 2005) . . . . . 10

(4) DECREE ON PETITIONER’S MOTION TO RECONSIDER and  
AMENDED UNIFORM SUPPORT ORDER (Jan. 12, 2005) . . . . . 11