



APPEALS COURT  
Single Justice  
Case Docket

ROSARIO ALVAREZ-O'NEIL vs. CHARLES O'NEIL  
THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID  
2013-J-0342

CASE HEADER

<b>Case Status</b>	Disposed: Case Closed	<b>Status Date</b>	08/14/2013
<b>Nature</b>	GLc 231, s 118, p 1	<b>Entry Date</b>	08/12/2013
<b>Pet Role Below</b>	Defendant	<b>Single Justice</b>	Vuono, J.
<b>Brief Status</b>		<b>Brief Due</b>	
<b>Case Type</b>	Civil	<b>Lower Ct Number</b>	
<b>Lower Court</b>	Worcester Probate & Fam	<b>Lower Court Judge</b>	Ronald W. King, J.

INVOLVED PARTY

**Rosario Alvarez-O'Neil**  
Plaintiff/Respondent

**Charles O'Neil**  
Defendant/Petitioner

ATTORNEY APPEARANCE

[Ann Baum, Esquire](#)

[William M. Driscoll, Esquire](#)

DOCKET ENTRIES

Entry Date	Paper	Entry Text
08/12/2013		***Financial Statements IMPOUNDED***
08/12/2013	#1	Petition pursuant to M.G.L. c. 231, § 118 with attachments, filed by Charles O'Neil. ^
08/12/2013	#2	Notice of appearance of William M. Driscoll for Charles O'Neil.
08/14/2013	#3	ORDER: The defendant has filed a petition pursuant to G.L. c. 231, § 118 (first para.) from the order dated 6/18/13 by the Worcester Probate and Family Court (King, J.) that requires the parties to sign a Domestic Relations Order which was drafted following the parties' divorce pursuant to their separation agreement. The defendant argues that the plaintiff's proposed DRO impermissibly modifies the terms of the separation agreement, and therefore, the judge erred by issuing the order. The defendant further argues that the absence of written findings constitutes an abuse of discretion.  On review of the papers before me, the petitioner has not demonstrated a clear error of law nor an abuse of discretion. The proposed DRO complies with the explicit requirements of the parties' separation agreement; therefore, its preliminary approval by the motion judge is not a clear error. Further, that the motion judge did not reduce his findings and rationale to writing is not an abuse of discretion. The authority cited by the defendant as requiring written findings does not pertain to an interlocutory order such as this one.  For these reasons, the defendant's petition is denied (Vuono, J.). Notice/attest/King, J.