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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA22-954

Filed 16 January 2024

Wake County, No. 15 CVD 16510

SRINIVAS JONNA, Plaintiff,

v.

SUDHA YARAMADA, Defendant.

Appeal by plaintiff from order entered 14 May 2021 by Judge Lori G. Christian in Wake County District Court. Heard in the Court of Appeals 17 October 2023.

Plaintiff-appellant Srinivas Jonna, pro se.

Defendant-appellee Sudha Yaramada, pro se.

ZACHARY, Judge.

Plaintiff Srinivas Jonna (“Plaintiff-Father”) appeals from the trial court’s child support order entered on remand from this Court. After careful review, we vacate and remand for the entry of additional findings of fact.

I. Background

The full background of this matter can be found in this Court’s prior opinion in *Jonna v. Yaramada* (“*Jonna I*”), 273 N.C. App. 93, 96–100, 848 S.E.2d 33, 39–41

(2020). Pertinent to the case before us, in *Jonna I* we vacated the trial court’s 20 November 2017 child support order and remanded to the trial court “to make additional findings as to whether the number of overnights that the minor child has with Plaintiff-Father exceeds 122 overnights, and if so, whether that is the result of extended visitation or whether the custodial arrangement is a situation involving a true sharing of expenses” warranting the use of Worksheet B under the North Carolina Child Support Guidelines (“the Guidelines”). *Id.* at 123, 848 S.E.2d at 55 (cleaned up). We also “conclude[d] that the trial court erred in sanctioning Plaintiff-Father” and reversed that part of the trial court’s 8 December 2017 order that imposed Rule 11 sanctions. *Id.* at 108, 848 S.E.2d at 46.

On remand, the matter came on for hearing on 11 January 2021. On 14 May 2021, the trial court entered an order concluding that it was “proper . . . to use Worksheet A in calculating the prospective child support obligation because Plaintiff[-Father]’s international travel with the minor child constitutes extended vacation.” Accordingly, the trial court ordered:

1. The court orders Plaintiff[-Father] to make payment of child support arrearages of \$1000.00 per month toward the arrearages of \$15,169.34 until all are paid in full.
2. The arrearages payments shall begin on June 1, 2021 and continue until they are paid in full. The payments are due on the 1st of every month.

Further, in light of our reversal on the issue of Rule 11 sanctions in *Jonna I*, the trial

court ordered that “[t]he Rule 11 sanctions allowed against Plaintiff[-Father] pursuant to this Court’s December 8, 2017 Order are hereby dismissed.”

Plaintiff-Father filed timely notice of appeal.¹

II. Discussion

Plaintiff-Father contends that “the trial court erred as a matter of law in using Worksheet A without making any finding on the number of overnights the child spent with each parent” and by finding that his “trips to India with the minor child are not part of regular visitation” and instead were “extended visitation.” On this issue, we remand for the entry of additional findings of fact consistent with our mandate in *Jonna I*.

Plaintiff-Father also argues that the trial court erred by failing to “reimburse [him] for the amount he has already paid” to Defendant-Mother to satisfy the sanctions imposed by the trial court, which this Court reversed in *Jonna I. Id.* at 113, 848 S.E.2d at 49. However, as discussed below, this argument is dismissed.

A. Standard of Review

“A trial court’s child support order is accorded substantial deference by appellate courts and our review is limited to a determination of whether there was a clear abuse of discretion.” *Id.* at 122, 848 S.E.2d at 54 (cleaned up). This Court reviews

¹ During the pendency of this appeal, the parties also appealed several orders related to their equitable distribution. *Jonna v. Yaramada* (“*Jonna II*”), 284 N.C. App. 356, 873 S.E.2d 771, 2022 WL 2439781 (2022) (unpublished). This Court affirmed the trial court’s various orders, none of which have any bearing on the present case. *See id.*, at *13.

de novo “issues regarding the interpretation of its own mandate[.]” *Berens v. Berens*, 284 N.C. App. 595, 601, 876 S.E.2d 680, 685 (2022).

B. Child Support Guidelines

“The calculation of child support is governed by [the] Guidelines established by the Conference of Chief District Court Judges.” *Craven Cty. ex rel. Wooten v. Hageb*, 277 N.C. App. 586, 589, 861 S.E.2d 571, 574 (2021) (citation omitted). “The Guidelines apply as a rebuttable presumption in all legal proceedings involving the child support obligation of a parent.” *Jonna I*, 273 N.C. App. at 122, 848 S.E.2d at 54 (citation omitted).

“A parent’s presumptive child support obligation under the [G]uidelines must be determined using one of the attached child support worksheets.” N.C. Child Support Guidelines, at 5 (2019). As we explained in *Jonna I*, the issue in this case is whether the trial court should use Worksheet A or Worksheet B to determine child support under the Guidelines:

The Guidelines provide that Worksheet A is to be used when one parent has primary physical custody of all of the children for whom support is being determined. A parent (or third party) has primary physical custody of a child if the child lives with that parent (or custodian) for 243 nights or more during the year; the use of Worksheet B is appropriate when both parents share custody of a child if the child lives with each parent for at least 123 nights during the year and each parent assumes financial responsibility for the child’s expenses during the time the child lives with that parent.

273 N.C. App. at 122, 848 S.E.2d at 54 (cleaned up).

In *Jonna I*, the trial court determined that it was appropriate to use Worksheet B in light of the parties' child custody order, which "permits each parent to have physical custody of the child for five weeks of uninterrupted international travel per year" in order to "accommodate the parties' commitment to regularly travel to India with the minor child[.]" *Id.* at 123, 848 S.E.2d at 55. However, this Court observed on appeal that "the parties' extensive travel plans do not necessarily justify the use of Worksheet B." *Id.* We explained:

It is not appropriate to use Worksheet B in cases involving extended visitation. The explicit instructions set forth on Worksheet B address the issue of extended visitation: "Worksheet B should be used only if both parents have custody of the child(ren) for at least one-third of the year *and the situation involves a true sharing of expenses, rather than extended visitation* with one parent that exceeds 122 overnights." If the trips to India are extended visitation, rather than a "situation involv[ing] a true sharing of expenses" as contemplated by the instructions for Worksheet B, that travel time should not be included in determining the number of overnights the child would stay with each parent.

Id. (cleaned up).

As a result, we vacated the child support order and remanded to the trial court with instructions:

Accordingly, we vacate the child support order, and remand for the trial court to make additional findings *as to whether the number of overnights that the minor child has with Plaintiff-Father exceeds 122 overnights, and if so, whether that is the result of extended visitation or whether the custodial arrangement is a "situation involv[ing] a true sharing of expenses."* Whether additional evidence or a

hearing is necessary, or whether the case may be decided based on the existing record, is in the discretion of the trial court.

Id. at 123–24, 848 S.E.2d at 55.

“On the remand of a case after appeal, the mandate of the reviewing court is binding on the lower court, and must be strictly followed, without variation and departure from the mandate of the appellate court.” *Collins v. Simms*, 257 N.C. 1, 11, 125 S.E.2d 298, 306 (1962) (Parker, J., concurring). On remand in the present case, the trial court did not make any finding of fact “as to whether the number of overnights that the minor child has with Plaintiff-Father exceeds 122 overnights,” as required by our mandate. *Jonna I*, 273 N.C. App. at 123, 848 S.E.2d at 55. We are cognizant of the heavy demands of the trial court’s docket; however, this oversight requires that we vacate the trial court’s order and remand for the entry of additional findings of fact consistent with our mandate in *Jonna I*. See *Sullivan v. Woody*, 287 N.C. App. 199, 206, 882 S.E.2d 707, 712 (2022) (vacating and remanding order where “[t]he trial court failed to strictly follow this Court’s prior mandate”).

We express no opinion on the merits of the parties’ arguments. We merely reiterate that “[i]f the trips to India are extended visitation, rather than a situation involving a true sharing of expenses as contemplated by the instructions for Worksheet B, that travel time should not be included in determining the number of overnights the child would stay with each parent.” *Jonna I*, 273 N.C. App. at 123, 848 S.E.2d at 55 (cleaned up).

C. Sanctions Reimbursement

Lastly, Plaintiff-Father argues that the trial court erred by failing to “reimburse [him] for the amount he has already paid” to Defendant-Mother to satisfy the sanctions imposed by the trial court, which this Court reversed in *Jonna I*. See *id.* at 113, 848 S.E.2d at 49 (reversing “that part of the trial court’s 8 December 2017 order imposing sanctions”). However, Plaintiff-Father has abandoned this issue by failing to cite any supporting legal authority for his argument in his appellate briefs. See N.C.R. App. P. 28(b)(6) (“Issues not presented in a party’s brief, or in support of which no reason or argument is stated, will be taken as abandoned.”). “[I]f an argument contains no citation of authority in support of an issue, the issue will be deemed abandoned.” *Thompson v. Bass*, 261 N.C. App. 285, 292, 819 S.E.2d 621, 627 (2018), *disc. review denied*, 372 N.C. 58, 822 S.E.2d 617 (2019).

Even assuming, *arguendo*, that Plaintiff-Father did not abandon this issue, there is no order or judgment in the record with a ruling by the trial court on the issue of reimbursement of the monetary sanctions. The order from which Plaintiff-Father appeals merely finds as fact that this Court in *Jonna I* concluded that the trial court “improperly entered an order imposing Rule 11 sanctions against Plaintiff[-Father] on December 8, 2017, and the sanctions will be dismissed.” Consequently, the trial court ordered that “[t]he Rule 11 sanctions allowed against Plaintiff[-Father] pursuant to this Court’s December 8, 2017 Order are hereby dismissed.”

The absence of any written order reflecting a decision of the trial court on the issue of reimbursement leaves this Court with nothing to review on appeal. *See Griffith v. N.C. Dep't of Corr.*, 210 N.C. App. 544, 550, 709 S.E.2d 412, 417, *appeal dismissed and disc. review denied*, 365 N.C. 332, 717 S.E.2d 559 (2011). Plaintiff-Father's argument concerning reimbursement is dismissed without prejudice to his filing a motion for reimbursement in the trial court.

III. Conclusion

For the foregoing reasons, the trial court's order is vacated and remanded for the entry of additional findings of fact consistent with our mandate in *Jonna I*.

VACATED AND REMANDED FOR ADDITIONAL FINDINGS OF FACT.

Judges WOOD and STADING concur.

Report per Rule 30(e).