

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2014-0269, In the Matter of David Martin and Stephanie Pelley, the court on March 13, 2015, issued the following order:

Having considered the parties' briefs and the record submitted on appeal, we conclude that oral argument is unnecessary in this case. See Sup. Ct. R. 18(1). The father, David Martin, appeals an order of the Circuit Court (Moore, J.) that, among other things, found him in contempt for having failed to pay child support, denied his motion to modify child support, and awarded attorney's fees to the mother, Stephanie Pelley. We vacate the trial court's order because it appears from the record submitted on appeal that: (1) the father's motion to modify was neither noticed for hearing nor argued at the hearing; and (2) the court's rulings with regard to that motion are intertwined with its rulings on the mother's contempt motion and its award of attorney's fees. We remand for further proceedings consistent with this order.

Vacated and remanded.

Dalianis, C.J., and Hicks, Conboy, Lynn, and Bassett, JJ., concurred.

**Eileen Fox,
Clerk**