Circuit Court for Prince George's County
Case No. CAD19-18636

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0515

September Term, 2021

NNEKA BAGWELL

v.

FLOYD EUGENE BAGWELL, III

Shaw,
Friedman,
Wilner,

JJ.

Opinion by Shaw, J.

Filed: March 25, 2022

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

This is an appeal from a judgment of Absolute Divorce entered by the Circuit Court for Prince George's County, granting a divorce to Husband Floyd Bagwell on the grounds of a one-year separation from his wife, Nneka Bagwell. Husband was ordered to pay child support in the amount of $1,750.00 per month; $1,580.00 per month in pre-school tuition; and a $20,000 monetary award to Wife. Following the court's ruling, Wife filed a Motion to Alter or Amend the Judgment, which the court denied. Wife timely appealed and presents three questions for our review:

1. Did the Trial Judge err in denying Wife's Motion to Strike Husband's initial counterclaim for absolute divorce that was filed less than two weeks before the date of the Final Merits Hearing?

2. Did the Trial Judge err in refusing to sanction Husband for his failure to respond to a properly served trial subpoena for business and financial records that he had failed to produce during discovery?

3. Did the Trial Judge abuse his discretion when he set Husband's child support obligation at $1,750.00 per month in an above-guidelines case when the extrapolated guidelines figure was significantly higher?

For reasons set forth below, we affirm.

BACKGROUND

Nneka Bagwell and Floyd Bagwell were married in a religious ceremony in Washington, D.C. on September 1, 2012 and are the biological parents of one minor child. Husband is a dentist and began operating a franchise dental practice, Affordable Dentures, in December 2013. At the time of the merits hearing, he was the managing dentist in the practice. Wife is a nurse practitioner and, at the time of the hearing, worked two jobs—one at MedStar Urgent Care and the other at Kaiser Permanente. In July 2017, the parties

purchased the marital home, which they titled in both parties' names and the mortgage was in husband's name only. The parties initially separated in early 2018, and then reconciled. In June 2019, wife moved out of the home.

On June 6, 2019, Wife filed a Complaint for Divorce in the Circuit Court for Prince George's County, where she requested an absolute divorce, or in the alternative, a limited divorce on the grounds of (1) a "one year separation," living separate and apart under the same roof or (2) constructive desertion. Husband filed a timely Answer to Wife's Complaint requesting that the court grant him an absolute divorce as relief, along with his Counter-Complaint on July 12, 2019. Following a *pendente lite* hearing concerning child support and access on November 20, 2019, the parties filed a Joint Line Requesting Voluntary Dismissal. The matter was subsequently removed from the court's docket. Wife initiated a new divorce proceeding on February 12, 2020, by reopening the previously closed case; she filed an Amended Complaint for Absolute Divorce, or in the Alternative, Limited Divorce, Alimony, Custody, Child Support, and Other Relief ("Amended Complaint").[1] Eleven days later, the court issued a writ of summons and Husband was served. Subsequently, Husband filed a Motion to Extend.[2] Wife did not oppose Husband's Motion.

[1] Wife sought an absolute divorce on the grounds of "1 year separation" or "constructive desertion." *See* Md. Code Ann., Fam. Law § 7-103(a)(2) and (a)(4).

[2] Husband filed a Motion to Extend by letter to the court, which the court viewed as a motion requesting additional time to obtain an attorney.

Husband filed an Answer on May 14, 2020 to Wife's amended complaint, requesting the court grant Wife's request for an absolute divorce and to deny Wife's requests for alimony, marital award, sale of the marital home, and attorney's fees. The parties then exchanged discovery. Wife requested an extension of the discovery deadline on June 26, 2020, which Husband granted. On July 28, 2020, Husband requested an extension of the discovery deadline, which was opposed by Wife. Eight days later, Wife filed a Motion to Compel Discovery and Request for Sanctions, which the court denied. Husband made discovery productions[3] and shortly after, filed a Motion to Compel Discovery on Wife, which the court denied. The final discovery deadline was September 29, 2020. Wife served a subpoena on Husband on October 22, 2020, requiring him to produce business and financial documents.

The parties attempted to resolve the outstanding issues at a settlement conference but were unable to reach an agreement. An Order for Domestic Relations Settlement Conference, dated October 29, 2020, stated there was no settlement, the "matter remain[s] set for trial on the same date and time," and "[d]ocuments are needed for an evaluation of [Husband's] dental practice as well as the valuation of the marital home."

[3] Wife states that she sent Interrogatories and Requests for Production of Documents to Husband on June 2, 2020, to which she received a deficient response, only after filing a Motion to Compel and for Sanctions. She asserts that Husband provided almost none of the financial or business documents that she requested and produced only 165 pages of discovery documents, of which more than half were either blank pages or duplicates. In total, Wife states that she received only 36 pages of financial information from Husband that she had requested.

Approximately two weeks before the scheduled merits hearing, Husband filed an Amended Counter-Complaint for Absolute Divorce, Custody, and Support ("Amended Counter-Complaint"). Thereafter, Husband filed a Counter-Complaint for Absolute Divorce, Custody, and Support ("Counter-Complaint"), dropping "Amended" from the title of the pleading, but making no substantive changes. The same day, Wife mailed for filing a Motion to Strike Husband's Amended Counter-Complaint and Counter-Complaint arguing that the motions were untimely and that she was unprepared to proceed on the issue of absolute divorce. The Motion to Strike was docketed on November 30, 2020, the day before the merits hearing.

The merits hearing was held remotely on December 1-2, 2020. The judge, as a preliminary matter, heard from counsel on Wife's Motion to Strike Husband's Counter-Complaint and Amended Counter-Complaint. Wife argued that she was not prepared to go forward with the amended complaint for an absolute divorce due to Husband's failure to respond to discovery. She argued that she did not "have enough evidence for a business evaluation . . . that's a significant prejudice." Husband countered that in Wife's initial claim, she sought, alternatively, an absolute divorce and she never changed her filing. He asserted that if the motion to strike was granted, he would be prejudiced.

The merits judge ultimately denied the Motion to Strike, finding "no genuine prejudice" to Wife, noting that there was "no pending motion . . . that the discovery [was] incomplete." He stated, "I'm going to deny the motion to strike the amended countercomplaint. I find there is no genuine prejudice. Although they may be late, the plaintiff is not prejudiced by filing it. The issue of an absolute divorce has been on the

table since this case was filed." Upon counsel's statement that her "client should be allowed to file an answer," the court responded that the answer could be filed after the lunch break and that the court would "consider it."

The case proceeded with witnesses and the next day, the judge issued his ruling from the bench. He first addressed the preliminary issues raised by the wife and stated that "it would be an injustice to hold either side to the various technicalities of pleading," noting, for example, that Wife's complaint did not have an explicit claim for child support. The judge found that there was "no prejudice to either side" in considering "all the issues that are raised in [the] various pleadings." He then granted an absolute divorce to Husband on the ground of a one-year separation; ordered him to pay $1,750.00 in child support per month; $1,580.00 in pre-school tuition per month and ordered him to pay a $20,000.00 monetary award to Wife.

The Judgment of Absolute Divorce was entered on February 26, 2021, and Wife filed a Motion to Alter or Amend the Judgment on March 4, 2021. Husband filed an opposition and in May 2021, the court denied Wife's Motion. Wife timely filed this appeal.

STANDARD OF REVIEW

"We review a decision of a trial court to grant or deny . . . [a motion] under an abuse of discretion standard." *Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 417–18 (2007). A trial court abuses its discretion when its actions are "manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons." *Jenkins v. City of College Park*, 379 Md. 142, 165 (2003). To constitute an abuse of discretion, "[t]he decision under consideration has to be well removed from any center mark imagined by the reviewing

court and beyond the fringe of what the court deems minimally acceptable." *North v. North*, 102 Md. App. 1, 14 (1994). "[A]buse may be found when the court acts without reference to any guiding rules or principles or where the ruling under consideration is 'clearly against the logic and effect of facts and inferences before the court,' or when the ruling is 'violative of fact and logic.'" *Wilson-X v. Department of Human Resources*, 403 Md. 667, 675 (2008) (citing *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006)) (internal quotations omitted). "[A] ruling reviewed under an abuse of discretion standard will not be reversed simply because the appellate court would not have made the same ruling." *North*, 102 Md. App. at 14.

DISCUSSION

Motion to Strike

Wife argues the merits hearing judge abused his discretion and "made a clear error of law" when he "incorrectly applied the rule governing amendments, rather than the rule governing counterclaims in denying [her] Motion to Strike." She asserts he "improperly placed the burden of showing prejudice on" her. She contends the judge committed "prejudicial error," and she was "punished" by the trial judge "for reasonably adopting a trial strategy [in pursuing a claim for a limited divorce] . . . based on a valid claim that existed in the case . . . two weeks before the final hearing," while the Husband was "rewarded for his untimely response to discovery requests and extreme delay in filing his counter-complaint."

Husband concedes that the court erred in applying Md. Rule 2-341 instead of Md. Rule 2-331, in denying Wife's Motion to Strike. However, he contends the error was harmless.

Husband, alternatively, argues that the judge did not err in permitting his untimely counter complaint over Wife's objection because his countercomplaint was "sufficiently plead so as to put Mrs. Bagwell on notice of the matters in dispute."

Maryland Rule 2-331(d) governs late counterclaims and the general provisions of Maryland Rule 2-341 relating to amendments do not apply. *Mattvidi Associates Ltd. Partnership v. NationsBank of Virginia, N.A.*, 100 Md. App. 71, 80 (1994). Md. Rule 2-331(d) provides:

> [i]f a party filed a counterclaim or crossclaim more than 30 days after the time for filing that party's answer, any other party may object to the late filing by a motion to strike filed within 15 days of service of the counterclaim or crossclaim. . . . The court shall grant the motion to strike unless there is a showing that the delay does not prejudice other parties to the action.

It is uncontested, here, that Husband's counterclaim was filed beyond the 30-day time limitation provided under Rule 2-331(d). Accordingly, it was Husband's burden to show there was no prejudice and the court erred in placing the burden on Wife.

This determination, however, is not fully dispositive of the issue. Rather, we must next evaluate whether the error was harmless. In reviewing a case for "harmless error, the court should conduct an independent review [of the] record," and decide "whether the complainant has shown that prejudice was probable . . . ." *Shealer v. Straka*, 459 Md. 68, 80 (2018). "Prejudice can be demonstrated by showing that the error was likely to have affected the verdict below, and an error that does not affect the outcome of the case is harmless error." *Flanagan v. Flanagan*, 181 Md. App. 492, 516 (2008). A reviewing court looks at "whether the complaining party is entitled to any presumption of prejudice." *Id.*

at 658.

Wife cites *Mattvidi Associates Ltd. Partnership* to support her argument that the plain language of 2-331(d) presumes that a late-filed counterclaim is prejudicial to the party moving to strike, and that the court shall grant a motion to strike, unless the "counterclaiming party …make[s] an affirmative showing to the contrary." 100 Md. App. at 81. She argues that Husband did not overcome this presumption and she was prejudiced by the court's ruling. We do not agree.

While the hearing judge incorrectly applied the Rule, the delay in filing the countercomplaint did not prejudice the Wife as she had included in her initial and amended complaint the same request for relief, an absolute divorce. We note that as of the day of the hearing, the parties had been separated for more than one year and Wife did not amend her complaint or otherwise indicate to Husband or the court that she intended to solely pursue her request for a limited divorce until she filed an opposition to Husband's motion, shortly before the hearing. As stated by Husband's counsel, "the only thing that changed between [his] counterclaim and amended countercomplaint was the title of the document. Every argument made in his countercomplaint was substantively identical."

Moreover, Husband's timely answer dated May 14, 2020, also placed the issue of an absolute divorce before the court. *See* Md. Rule 2-323 (stating "a claim for relief is brought to issue by filing an answer"). Husband cites *Lasko v. Lasko* to support this contention. In *Lasko*, the appellant filed a complaint for limited divorce, custody, child support, and other relief. 245 Md. App. 70, 72 (2020). The appellee filed an answer as well as a counter-complaint for limited divorce, alimony, and custody. *Id*. Appellant later filed an amended

and supplemental complaint for absolute divorce, but appellee did not file an answer to the amended complaint or her own supplemental counter-complaint for absolute divorce. *Id.* At trial, appellant withdrew his request for a monetary award and marital property distribution. *Id.* at 83. The circuit court, deciding that appellee's answer properly requested relief, awarded appellee a monetary award. *Id.* Appellant appealed and this Court noted "the importance of the pleadings in framing the issues such that parties are on notice of the matters in dispute." *Id.* at 82. We examined not only the requests prayed by appellee in her answer, but also the requests prayed by appellant in his complaint. *Id.* at 83. Appellee requested the court to determine marital property and that she "be granted all relief to which she may be entitled . . . ." *Id*. at 82. Despite her not specifically requesting a monetary award, we held that her request for the court to determine and value marital property as well as grant "all relief to which she may be entitled" was sufficient to set forth a claim for a monetary award and to place appellant on notice. *Id.* at 82-83. This Court reasoned that Rule 2-323(g) allows "a claim for relief placed in . . . [an] answer" to be "adjudicate[d] as if [that claim] had been properly designated as a counterclaim, 'if justice so requires.'" *Id.* at 78.

Similarly, here, Husband in his original answer requested that the court "grant to him… [a]bsolute [d]ivorce . . .and . . . such other and further relief as this [h]onorable [c]ourt may deem just and proper." Further, in his answer to Wife's amended complaint, he requested that the court "grant . . . [Wife's] request for an absolute divorce . . . ." This request was

sufficient to put Wife on notice of the issue of absolute divorce.[4]

Wife argues that Husband's answer "fails to meet the basic requirement of pleading[s]" under Rule 2-305 by "offer[ing] no independent factual allegations at all" to constitute a cause of action. Wife argues that her "amended complaint did not contain a claim for absolute divorce," and therefore, this case is not analogous to *Lasko*. We disagree.

This Court explained in *Lasko* that the appellee's answer was read in conjunction with the appellant's complaint that contained the necessary factual allegations. *Lasko,* 245 Md. App. at 83. Here, Husband's answer can be read in conjunction with Wife's amended complaint to meet the requirements of Rule 2-305. Wife's amended complaint filed in February 2020 is captioned "Amended Complaint for Absolute Divorce, or in the Alternative Limited Divorce . . ." and requests that the court "pass an order granting an absolute divorce." Md. Rule 2-341(a) provides that "when a pleading is amended and 'no new or additional answer is filed within the time allowed, the answer previously filed shall be treated as an answer to the amendment.'" *See Lasko,* 245 Md. App. at 78-79. Thus, Husband's answer placed the issue of an absolute divorce in the purview of the court.

We hold, ultimately, the trial court's error, if any, was harmless because it did not affect the outcome of the case. As the trial judge stated, "the issue of an absolute divorce [had] been on the table since this case was filed."

Wife also contends that permitting the untimely countercomplaint over her

[4] Wife presents an additional dismissal argument in response to Husband's contention that Wife "revived" all pleadings previously filed in the parties' prior divorce case. We need not address this argument because Husband filed a timely answer in response to Wife's amended complaint.

objection violated the restrictions of Md. Family Law ("FL") § 7-103(g). She argues the judge disregarded the statutory limitation placed upon his discretion and interfered with her rights as the sole moving party. Husband counters that Wife "was not the sole moving party in this case" and, any oral amendment was not necessary because the grounds for an absolute divorce were before the court by virtue of the Wife's initial pleading and the Husband's answer, requesting relief.

"[D]ivorce is a creature of statute, and only the grounds enumerated in the statute will support a divorce decree." *Flanagan*, 181 Md. App. at 509. An absolute divorce is allowable on the grounds of a twelve-month separation. Section 7-103 of the Family Law Article provides:

> For purposes of subsection (a)(4) of this section, the 'filing of the application for divorce includes an oral amendment made by a party with the consent of the other party at a hearing on the merits in open court to a previously filed application for limited or absolute divorce.

FL §7-103(g); see 2018 Maryland Laws Ch. 782.

In February 2020, Wife filed an amended complaint for an absolute divorce and alternatively, for a limited divorce. The amended complaint stated that she left the home in May 2019, but that "for over two years the parties' relationship has been more akin to that of roommates living separate lives rather than that of husband and wife . . . there is no hope or expectation of reconciliation between the parties." As previously stated, she did not withdraw this complaint or otherwise seek to limit it. Husband filed an answer on May 14, 2020 and requested the court grant a judgment of absolute divorce. In our view, Wife sufficiently detailed that a 12-month separation had occurred prior to the filing of her

complaint for an absolute divorce. As a result, no oral amendment or consent was required in order to proceed. Further, the record reflects that Wife failed to make this argument to the court below.

Following the denial of her motion to strike Husband's counterclaim, and during opening statements, her counsel stated:

> [Counsel for Wife]: Okay. All right. The parties to this case are married. They do have one minor child. They have been living separate and apart since approximately 2018 when they separated. Ms. Bagwell is seeking an *absolute divorce*.

(emphasis added).

Wife then testified:

> [Counsel]: Are you asking the court to grant an absolute divorce?
> [Wife]: I'm asking the court to grant an *absolute divorce* with everything, all the loose ties in regard[] to the business, the house, and everything else that we've had since we have been married.

(emphasis added).

On this record, we find no abuse of discretion or error of law.

Sanctions

Wife asserts the judge erred in refusing to sanction Husband for failing to respond to a subpoena for financial documents relating to his dental practice and retirement account. She contends her counsel advised the judge on three separate occasions about Husband's failure to provide financial documents and instead of "impos[ing] a penalty or sanction on Husband," the judge "ignored the Husband's noncompliance." Husband argues the judge

did not err or abuse his discretion in refusing to sanction him because the documents requested by Wife were not in his possession, and it was Wife's obligation to pursue the matter pretrial. Additionally, Husband argues Wife had the opportunity to remedy any alleged deficient production by filing a motion to compel or motion for sanctions, which she failed to do.

The use of subpoenas is governed by Md. Rule 2-510. "A subpoena is required to compel the person to whom it is directed to . . . produce designated documents, electronically stored information, or tangible things at a court proceeding, including proceedings before a magistrate, auditor, or examiner. . . ." Md. Rule 2-510. "A person responding to a subpoena to produce documents . . . shall produce the documents or information as they are kept in the usual course of business or shall organize and label documents or information to correspond with the categories in the subpoena." *Id*. Where a party fails to comply with a subpoena, Md. Rule 2-432(b) permits a party to "move for an order compelling discovery" and that motion to compel discovery shall be "filed with reasonable promptness." Md. Rule 2-432(d). Sanctions may be imposed after "a person fails to obey an order compelling discovery." Md. Rule 2-433(c). In the case of a party directed to produce documents, Md. Rule 2-432(b) requires an order of court for the production of documents before sanctions for failure by a party to make discovery may be imposed. A "judge is vested with great discretion in determining the appropriate remedy for failure to comply with discovery rules." *Mattvidi*, 100 Md. App. at 94.

Wife issued a subpoena to Husband on October 22, 2020, requesting documents reflecting his interest in checking accounts, businesses, retirement accounts, etc. Husband

provided some financial documentation; however, Wife contends that Husband "fail[ed] to comply with the subpoena [and] deprived Wife of the opportunity to provide the trial court with values for certain items of marital property, which ultimately removed those items from the purview of the trial court's consideration for equitable distribution." Wife argues that Husband's noncompliance was the reason she lacked evidence to support her claims and his failure to comply was "akin to an intentional dissipation of marital assets."

At the merits hearing, when asked by the judge whether there was a "pending motion complaining that the discovery is incomplete," Wife's counsel responded there was no motion pending. In responding to the court about Wife's objection to proceeding with an absolute divorce based on incomplete discovery, Husband's counsel stated:

> Opposing counsel has had the opportunity to subpoena records from my client's CPA. She has had the opportunity to subpoena records from my client's franchise. She didn't do that. My client explained that he did not have those documents and he still does not have those documents. We sent discovery responses. When they were said to be deficient[,] we sent supplemental responses. We have not received any notification that those [supplemental] documents are deficient prior to today.

Later Husband testified in response to a question about paystubs and other financial documentation:

> [Counsel]: Is there a reason you did not provide them in discovery?
>
> [Husband]: I thought that I had. To the best of my knowledge I provided everything that was requested.
>
> ***
>
> [Husband]: I believe that I had, that I provided everything. Again, I thought . . . I provided [whatever financial

> information,] everything that was requested to the best of my knowledge.

During her testimony, Wife continually referenced the dental practice, as Husband's business or Husband's dental practice, and she provided no evidence that the property was marital. In his ruling on the issue of marital property, the merits judge acknowledged that the party seeking an interest "ha[d] the burden of showing both that . . . [the dental practice and the retirement account assets were] marital property and what the value of th[ose] [assets are]." He ruled that she had failed to do so. The judge concluded that "there [was no] evidence [presented] that th[e] business is owned or was acquired by either of the parties during the course of the marriage." With regards to the retirement account, the court found that Wife did not "show[] that there was any dissipation of assets to which she had an interest."

In our view, Wife had the opportunity to remedy any alleged deficient production by filing a motion to compel or motion for sanctions. She failed to do so and as a result, limited the presentation of her case. She failed to establish that the practice and retirement account were marital assets and thus, a determination of valuation was of little or no relevance. The court did not abuse its discretion.

Child Support Award

Husband was ordered to pay $1,750.00 in child support and $1,580.00 in pre-school tuition per month. Wife argues the judge, when setting Husband's child support obligation, failed to address several crucial factors. He "did not make any findings concerning the best interest of the parties' son, nor did he expressly evaluate the financial circumstances

of the parties, their station in life, or their age and physical condition." She asserts "the child support award of $1,750.00 per month is seemingly arbitrary and is well below the extrapolated guidelines, which suggests an award of $2,519.00 per month."

Husband argues he is paying an amount above the extrapolated guidelines, since being ordered to pay for the minor child's private school tuition. When the amount of child support and the tuition is combined, Husband calculates his "monthly payment for the minor child's welfare, not including what he spends when the minor child is in his custody, is $3,330.00 per month." Husband cites, *Walker v. Grow*, 170 Md. App. 255 (2006) and *Malin v. Mininberg*, 153 Md. App. 358 (2003) to support his position that the judge's extrapolation method took into account his payments for the minor child's tuition against the guidelines figure.

Child support awards are issued pursuant to Md. Code Ann., Fam. Law § 12-204(d) which specifies "[i]f the combined adjusted [monthly] income [of the parties] exceeds the highest level specified," $15,000.00 a month, in "subsection (e) of" the Child Support Guidelines Schedule, "the [trial] court may use its discretion in setting the amount of child support." In *Walker*, Mother appealed the modification of her child support obligation. *Walker*, 170 Md. App. at 263. She requested this Court "recalculate child support on the basis of an 'above guidelines' analysis of the joint income of the parties due to father, Grow's income increase." *Id*. at 264. Finding that the parties' incomes "exceed[ed] the highest figure available in the statutory schedule for child support cases," this Court held that trial courts have "discretion in setting the amount of child support obligations." *Id*. at

265; *see also Frankel v. Frankel*, 165 Md. App. 553, 587 (2005) (holding that in such cases, "the statute confers discretion on the trial court to set the amount of child support").

Further, this Court held that in "above [g]uidelines cases, the rationale of the [g]uidelines still appl[y]." *Malin,* 153 Md. App. at 410–11. The trial judge is not required to use the "amount of child support stated at the highest income level as a presumptive minimum, and then extrapolate" from there. *Walker*, 170 Md. App. at 275. "[T]he Court [is] entitled to use any rational method that promote[s] the general objectives of the guidelines." *Id.* Thus, certain factors are still relevant in setting child support including "the parties' financial circumstances, the 'reasonable expenses of the child,' and the parties' 'station in life, their age and physical condition, and expenses in educating the child.'" *Walker*, 170 Md. App. at 266; *see also Freeman,* 149 Md. App. at 20 (quoting *Voishan v. Palma,* 327 Md. 318, 329, 332 (1992)). "Awards made under FL 12-204[] will only be disturbed if there is a clear abuse of discretion." *Walker*, 170 Md. App. at 275.

Here, the trial judge neither erred nor abused his discretion in establishing the amount of Husband's child support obligation. Evidence at the merits hearing established that Wife's income was approximately $13,260.00 a month and Husband's income was approximately $22,637.00 a month, thus the parties had a combined adjusted income of approximately $35,897.00 per month. At the conclusion of the hearing, the judge detailed his findings and specified that they were based on "the extrapolation guidelines done by the parties, the income, payments, . . . the number of overnights . . .for the father, . . . health insurance, and school tuition." The judge had expressly made factual determinations earlier in his ruling regarding the parties' financial circumstances and best interests of the

child as a part of his custody determination. He did not need to delve into the same factors to elucidate his findings about the parties and what was in the best interest of their child for purposes of determining the parties' child support obligation. We hold the trial judge properly exercised his discretion in setting the amount and his decision took into account the best interests and needs of the child, including private school history and the parties' financial ability to meet those needs.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED; COSTS TO BE PAID BY THE APPELLANT.