

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

BRIAN I. DAVIS v. MERYL R. DAVIS
(Record Number 180040)

From

The Court of Appeals of Virginia.

Counsel

Deborah L. McIntyre-Yurkovich (McIntyre DeFede Law PLLC) for appellant.

David M. Zangrilli (Odin, Feldman & Pittleman, P.C.) for appellee.

Assignments of Error

1. The Court of Appeals erred in applying an improper legal standard when affirming the trial court's decision that the Husband will be required to deplete his assets to satisfy the spousal support award.
2. The Court of Appeals erred in holding that the Husband's depletion of assets to satisfy the spousal support award is not in the reasonable foreseeable future.
3. The Court of Appeals erred in finding that Husband had a continuing obligation to support Wife when the parties are now similarly situated.
4. The Court of Appeals erred in incorrectly balancing the Husband's ability to pay with the Wife's financial needs.

Assignments of Cross-Error

1. The Court of Appeals erred in affirming the trial court's granting of the Appellant's Motion and modifying spousal support, in light of the facts that: the evidence showed that Appellant had the ability to continue to pay the previously ordered spousal support, Appellant's financial circumstances have improved since the last support order, Appellant's standard of living has increased since the last support order, and Appellant's living expenses are excessive.
2. The Court of Appeals erred in affirming the trial court's granting of the Appellant's Motion and modifying spousal support, in light of the fact that the evidence proved that Appellee's

receipt of social security income has not reduced her need for support, and her current standard of living is lower than during the marriage.