

SUPREME COURT OF CONNECTICUT

Beth Keller v. Richard Keller, 323 Conn. 398

147 A.3d 146 (2016) · No. SC 19537 · Decided October 25, 2016

SUMMARY

The Connecticut Supreme Court dismissed an appeal from a contempt order in a marital dissolution action because certification had been improvidently granted. The contempt order concerned the plaintiff's failure to provide notice of her new address under Practice Book § 25-5 (a) (2) and a court order incorporating the parties' parenting agreement.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Per Curiam; Palmer; Zarella; Eveleigh; McDonald; Espinosa; Robinson; Vertefeuille
JURISDICTION	Connecticut
DECIDED	October 25, 2016
DOCKET	SC 19537
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff appealed a contempt order entered in a marital dissolution action to the Appellate Court, which affirmed. The Supreme Court granted certification, then dismissed the appeal as improvidently granted.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; precedential as to the disposition of an appeal after certification is determined to have been improvidently granted.
PARTIES	Beth Keller v. Richard Keller

TOPICS

[family law procedure](#) [dissolution of marriage](#) [contempt](#) [appellate procedure](#)

PRACTICE AREAS

[family law](#) [appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the Supreme Court should reach the plaintiff's challenges to the contempt order after granting certification to review the Appellate Court's decision.

HOLDINGS

1. The appeal was dismissed because certification had been improvidently granted.

KEY QUOTATIONS

“we have determined that the appeal in this case should be dismissed on the ground that certification was improvidently granted.”

“The appeal is dismissed.”

FACTUAL BACKGROUND

During a protracted marital dissolution proceeding, Beth Keller moved to another residence with the parties' three minor children. The trial court found that she violated the automatic orders under Practice Book § 25-5 (a) (2) and a court order incorporating the parties' parenting agreement by failing to provide Richard Keller with her new address. The Appellate Court affirmed the resulting contempt order.

PROCEDURAL HISTORY

The trial court held Beth Keller in contempt for failing to provide Richard Keller with her new address after moving with the parties' three minor children. The Appellate Court affirmed the contempt order. After granting certification, the Supreme Court dismissed the appeal because certification had been improvidently granted.

DISPOSITION

dismissed

CASES CITED

- Keller v. Keller, 158 Conn. App. 538, 546-548, 119 A.3d 1213 (2015)
- Keller v. Keller, 319 Conn. 906, 122 A.3d 638 (2015)

OPINION

PER CURIAM.

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***** BETH KELLER v.
RICHARD KELLER (SC 19537) Palmer, Zarella, Eveleigh, McDonald, Espinosa, Robinson and Vertefeuille, Js.* Argued September 22—officially released October 25, 2016
Brendon P. Levesque, with whom was Karen L. Dowd, for the appellant (plaintiff).

Steven R. Dembo, with whom were Caitlin E. Kozloski and, on the brief, P. Jo Anne Burgh, for the appellee (defendant). Opinion PER CURIAM. In the course of this protracted marital dissolution action between the plaintiff, Beth Keller, and the defendant, Richard Keller, the trial court entered an order of contempt against the plaintiff on the ground that she had failed to provide the defendant with her new address after she moved to another residence with the parties’ three minor children, in violation of the automatic orders under Practice Book § 25-5 (a) (2)1 and a court order containing the parties’ parenting agreement.

The plaintiff appealed from the contempt order to the Appellate Court, claiming that neither authority literally applied to the facts of the present case. *Keller v. Keller*, 158 Conn. App. 538, 547, 119 A.3d 1213 (2015). Specifically, the plaintiff contended that: (1) § 25-5 (a) (2) was inapplicable because its notice requirement is limited to a move from the marital home, not subsequent changes of residence; and (2) the defendant’s actual knowledge of the location of her current residence satisfied the notice requirements of the court order.

Id., 546–47. Following the Appellate Court’s judgment affirming the contempt order; *id.*, 548; the plaintiff appealed to this court upon our grant of certification. *Keller v. Keller*, 319 Conn. 906, 122 A.3d 638 (2015).

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeal in this case should be dismissed on the ground that certification was improvidently granted.

The appeal is dismissed. * This case originally was scheduled to be argued before a panel of this court consisting of Justices Palmer, Zarella, Eveleigh, McDonald, Espinosa, Robinson and Vertefeuille. Although Justices Espinosa and Robinson were not present at oral argument, they have read the briefs and appendices, and have listened to a recording of oral argument prior to participating in this decision.

1 Practice Book § 25-5 (a) provides in relevant part: “In all cases involving a child or children, whether or not the parties are married or in a civil union... (2) A party vacating the family residence shall notify the other party or the other party’s attorney, in writing, within forty-eight hours of such move, of an address where the relocated party can receive communication.

This provision shall not apply if and to the extent there is a prior, contradictory order of a judicial authority....”