

SUPREME COURT OF RHODE ISLAND

Laureen A. DeAngelis v. Peter E. DeAngelis

923 A.2d 1274 (R.I. 2007) · No. No. 2005-338-Appeal · Decided June 1, 2007

SUMMARY

The Rhode Island Supreme Court affirmed a Family Court judgment awarding the plaintiff 80 percent of the marital assets. The court held that disability pension payments received before the plaintiff reached retirement eligibility were compensation for lost earning capacity and were not marital assets, while also upholding an oral agreement waiving the defendant's interest in the pension. The court further concluded that the unequal distribution of marital assets was supported by the parties' conduct, financial contributions, health circumstances, and the defendant's wasteful dissipation of assets.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Robinson, J.; Williams, C.J.; Goldberg, J.; Flaherty, J.; Suttell, J.
JURISDICTION	Rhode Island
DECIDED	June 1, 2007
DOCKET	No. 2005-338-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Peter E. DeAngelis appealed from a Family Court judgment awarding Laureen A. DeAngelis 80 percent of the marital assets and denying him any portion of Laureen's disability pension.
STANDARD OF REVIEW	The Supreme Court deferred to the Family Court's factual findings unless the trial justice misconceived the evidence or was clearly wrong, and it would not disturb credibility findings absent clear error or the overlooking or misconceiving of material evidence. The equitable distribution of marital assets was reviewed for abuse of discretion, subject to the requirement that the trial justice consider the statutory factors in R.I. Gen. Laws § 15-5-16.1(a).
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Peter E. DeAngelis v. Laureen A. DeAngelis

TOPICS

equitable distribution

dissolution of marriage

contracts

appellate procedure

standard of review

PRACTICE AREAS

family law

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QUESTIONS PRESENTED

1. Whether Laureen's disability pension was marital property subject to equitable distribution before she became eligible for ordinary retirement benefits.
2. Whether Peter and Laureen formed a valid oral contract under which Peter waived any interest in Laureen's pension.
3. Whether the Family Court abused its discretion by awarding Laureen 80 percent of the marital assets.
4. Whether the appeal was proper even though Peter filed his notice of appeal before entry of final judgment.
5. Whether Peter's Statute of Frauds argument could be considered for the first time on appeal.

HOLDINGS

1. Disability pension payments received before Laureen became eligible for her retirement pension at age sixty were compensation for lost earning capacity, not marital assets, and were not subject to equitable distribution. The trial justice correctly ruled that Peter was not entitled to any share of those payments.
2. The parties formed a valid and enforceable oral contract under which Peter waived any claim to Laureen's pension benefits. Laureen's promise to allow Peter to return to the marital home constituted sufficient consideration, and the agreement was supported by mutual assent and sufficiently definite terms.
3. The Family Court did not abuse its discretion by awarding Laureen 80 percent and Peter 20 percent of the marital assets. An equitable distribution need not be equal when the trial justice considers the statutory factors and bases the distribution on supported findings concerning conduct, health, contributions, homemaking, and wasteful dissipation.
4. The appeal was proper even though the notice of appeal was filed before final judgment was entered.
5. The Supreme Court declined to consider Peter's Statute of Frauds argument because he had not raised that defense in the Family Court proceedings.

KEY QUOTATIONS

"Consequently, the sums that she receives through her disability pension until July 28, 2010 are compensation for her lost earning capacity and are not subject to equitable distribution." (923 A.2d at 1278)

"Finally, we are of the opinion that Laureen's promise to allow Peter to return to the marital home was more than adequate consideration as a matter of contract law." (923 A.2d at 1279-80)

"It is well established that the distribution of the marital assets "need not be equal in order to be equitable."" (923 A.2d at 1281)

FACTUAL BACKGROUND

Laureen and Peter DeAngelis married in 1975 and had two adult children. Laureen, a longtime public school teacher, developed breast cancer in 2000 and later obtained a disability pension after twenty-six and one-half years of service. In 1996, when Peter sought to return to the marital home after a lengthy separation, Laureen testified that he agreed to continue alcohol counseling, contribute to family expenses, and waive any claim to her pension; the trial justice credited Laureen and the children's testimony. The Family Court found that Peter engaged in abusive and financially harmful conduct, including wasteful dissipation of assets and failure to contribute meaningfully to household expenses, and awarded Laureen 80 percent of the marital estate.

PROCEDURAL HISTORY

Laureen filed for divorce in November 2002, and Peter filed a counterclaim. After a seven-day Family Court trial in January and February 2005, the trial justice issued a bench decision, followed by a decision pending entry of final judgment on September 28, 2005. Peter filed his notice of appeal on October 12, 2005, before final judgment was entered on October 21, 2005. The Supreme Court treated the appeal as proper, affirmed the Family Court judgment, and remanded the record to that court.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record may be remanded to the Rhode Island Family Court.

CASES CITED

- Horton v. Horton, 891 A.2d 885, 888-89 (R.I. 2006)
- Koutroumanos v. Tzeremes, 865 A.2d 1091, 1096-98 (R.I. 2005)
- Stephenson v. Stephenson, 811 A.2d 1138, 1141-42 (R.I. 2002)
- Andreozzi v. Andreozzi, 813 A.2d 78, 82 (R.I. 2003)
- Opella v. Opella, 896 A.2d 714, 718 (R.I. 2006)
- Bogosian v. Bederman, 823 A.2d 1117, 1120 (R.I. 2003)
- Thompson v. Thompson, 642 A.2d 1160, 1162-63 (R.I. 1994)
- Allard v. Allard, 708 A.2d 554, 555-56, 558 (R.I. 1998)
- Rhode Island Five v. Medical Associates of Bristol County, Inc., 668 A.2d 1250, 1253 (R.I. 1995)
- Darcey v. Darcey, 29 R.I. 384, 388, 71 A. 595, 597 (1909)
- Filippi v. Filippi, 818 A.2d 608, 624 (R.I. 2003)
- Soar v. National Football League Players' Association, 550 F.2d 1287, 1289-90 (1st Cir. 1977)
- Gorman v. Gorman, 883 A.2d 732, 737 (R.I. 2005)
- Resare v. Resare, 908 A.2d 1006, 1009 (R.I. 2006)
- Warwick Housing Authority v. McLeod, 913 A.2d 1033, 1037 (R.I. 2007)

- Richard v. Richard, 900 A.2d 1170, 1178 (R.I. 2006)
- Narragansett Electric Co. v. Carbone, 898 A.2d 87, 101 (R.I. 2006)
- Estate of Dellefratte v. Dellefratte, 917 A.2d 407, 408 n.3 (R.I. 2007) (mem.)
- McAdam v. Grzelczyk, 911 A.2d 255, 258 n.4 (R.I. 2006)
- McBurney v. The GM Card, 869 A.2d 586, 589 n.3 (R.I. 2005)
- Wilkinson v. State Crime Laboratory Commission, 788 A.2d 1129, 1131 n.1 (R.I. 2001)
- James J. O'Rourke, Inc. v. Industrial National Bank, 478 A.2d 195, 198 n.4 (R.I. 1984)
- Mercurio v. Fascitelli, 116 R.I. 237, 243-44, 354 A.2d 736, 740 (1976)