MASSACHUSETTS SUPREME JUDICIAL COURT

Sahin v. Sahin

435 Mass. 396 (2001) · Decided November 21, 2001

SUMMARY

The Massachusetts Supreme Judicial Court affirmed dismissal of a former wife's complaint seeking relief from a divorce judgment based on alleged fraud concerning the valuation of the husband's business. The court held that the alleged misrepresentations and omissions did not support an independent equitable action, fraud on the court, or relief under Mass. R. Civ. P. 60(b)(6). The court concluded that the wife had not shown a manifestly unconscionable judgment or the extraordinary circumstances required to overcome finality.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Spina, J.
JURISDICTION	Massachusetts
DECIDED	November 21, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	The wife brought an independent equity action and sought relief under Mass. R. Civ. P. 60(b) from a prior divorce judgment, alleging that the husband's fraud produced an unconscionable division of marital property. The Probate and Family Court granted the husband's motion for summary judgment and dismissed the complaint. The Supreme Judicial Court granted direct appellate review and affirmed.
STANDARD OF REVIEW	Summary judgment is reviewed by viewing the facts in the light most favorable to the nonmoving party and determining whether there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The determination whether evidence warrants relief under Rule 60(b) is reviewed for abuse of discretion, while the determination whether claims are time barred as a matter of law is reviewed without deference.
PRECEDENTIAL VALUE	Published precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Selcuk T. Sahin v. Kenan E. Sahin

TOPICS

family law procedure · divorce · equitable distribution · summary judgment · appellate procedure

PRACTICE AREAS

family law · civil procedure · remedies · appellate procedure

QUESTIONS PRESENTED

1. Whether the wife could obtain relief from the final divorce judgment through an independent equity action under Mass. R. Civ. P. 60(b) based on alleged fraud and an assertedly unconscionable property division.
2. Whether the husband's alleged misrepresentations and nondisclosures constituted fraud upon the court under Rule 60(b).
3. Whether the wife could obtain relief under Rule 60(b)(6) when her asserted grounds were fraud and newly discovered evidence falling within Rule 60(b)(2) and (3).
4. Whether the later-executed licensing agreements were marital assets that should have been included in the valuation at the time of divorce.

HOLDINGS

1. An independent action seeking relief from a final judgment cannot be used to circumvent the specific time limitations applicable to Rule 60(b)(2) and (3). When the claim essentially falls within those time-limited grounds, the plaintiff must establish an additional equitable basis, such as circumstances demonstrating that enforcement of the judgment would be manifestly unconscionable or would result in a grave miscarriage of justice. The wife failed to make that showing.
2. Fraud upon the court requires clear and convincing proof of egregious conduct that corrupts the judicial process itself or improperly interferes with the court's ability to adjudicate impartially. Nondisclosure to the opposing party or the court, without more, does not constitute fraud upon the court.
3. Relief under Rule 60(b)(6) is available only in extraordinary circumstances, for a reason independent of the grounds listed in Rule 60(b)(1)-(5). A party may not invoke Rule 60(b)(6) when the asserted grounds are fraud or newly discovered evidence covered by Rule 60(b)(2) and (3).
4. A division of marital assets is based on property owned by the parties at the time of the divorce. Licensing agreements entered into after the divorce trial were not existing assets of KSC at the relevant valuation time and therefore were not required to be included in the property division absent evidence that negotiations had been manipulated to delay execution.

KEY QUOTATIONS

> *“a party should not be able to avoid the one-year or ‘reasonable time’ limits of Rule 60 (b) simply by commencing an independent action seeking the same relief.”* (401)

> *“She has failed to present any evidence demonstrating that enforcement of the judgment would be manifestly unconscionable.”* (405)

> *“Conduct such as nondisclosure to the adverse party or the court of facts pertinent to the matter before it, without more, does not constitute fraud on the court for purposes of setting aside a judgment under rule 60 (b).”* (406)

> *“Because the wife’s arguments are not requests for relief independent of subsections (b) (l)-(5), she may not seek relief under rule 60 (b) (6).”* (407)

FACTUAL BACKGROUND

The wife filed for divorce in 1994 after twenty-eight years of marriage. The principal marital asset at issue was the husband's interest in Kenan Systems Corporation, which the Probate and Family Court valued at approximately $4.9 million and divided by awarding the husband the company's shares while requiring him to pay the wife $1,473,815 over five years. In 1999, Lucent Technologies acquired KSC in a transaction valued at approximately $1.48 billion. The wife claimed that the disparity resulted from the husband's fraudulent misrepresentations and omissions concerning KSC's financial prospects, contracts, and potential value.

PROCEDURAL HISTORY

The parties divorced after a trial at which the husband's interest in Kenan Systems Corporation was valued at $4,912,717 and divided through a cash payment to the wife. After the company was acquired by Lucent Technologies for approximately $1.48 billion, the wife filed a complaint alleging that the husband had misrepresented or withheld material information during the divorce proceedings. Following discovery, the Probate and Family Court entered summary judgment for the husband, concluding that the evidence did not establish fraud and that the wife's claims could not overcome Rule 60(b)'s time limitations. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Barry v. Barry, 409 Mass. 727, 732-733 (1991)
- Bankers Mtge. Co. v. United States, 423 F.2d 73, 77 (5th Cir.), cert. denied, 399 U.S. 927 (1970)
- Aronson v. Brookline Rent Control Bd., 19 Mass. App. Ct. 700, 708 n.21 (1985)
- United States v. Beggerly, 524 U.S. 38, 45-48 (1998)
- Geo. P. Reintjes Co. v. Riley Stoker Corp., 71 F.3d 44, 46-49 (1st Cir. 1995)
- Wheeler v. Springfield Sugar & Prods. Co., 15 Mass. App. Ct. 979, 979-980 (1983)
- Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244-245 (1944)
- Aetna Cas. & Sur. Co. v. Abbott, 130 F.2d 40, 43-44 (4th Cir. 1942)
- Chicago, R.I. & P. Ry. v. Callicotte, 267 F. 799, 809-810 (8th Cir. 1920), cert. denied, 255 U.S. 570 (1921)
- Coughlin v. Coughlin, 312 Mass. 452, 454 (1942)
- Rodowicz v. Massachusetts Mut. Life Ins. Co., 192 F.3d 162, 175-176 (1st Cir. 1999)

- Heins v. Ledis, 422 Mass. 477, 483-484 (1996)
- Baccanti v. Morton, 434 Mass. 787, 794-796 (2001)
- Moriarty v. Stone, 41 Mass. App. Ct. 151, 154-155 (1996)
- Paternity of Cheryl, 434 Mass. 23, 35-36 (2001)
- Rockdale Mgt. Co. v. Shawmut Bank, N.A., 418 Mass. 596, 598 (1994)
- Pina v. McGill Dev. Corp., 388 Mass. 159, 165 (1983)
- Lockwood v. Bowles, 46 F.R.D. 625, 631 (D. D.C. 1969)
- MacDonald v. MacDonald, 407 Mass. 196, 202 & n.10 (1990)
- Winthrop Corp. v. Lowenthal, 29 Mass. App. Ct. 180, 187 (1990)
- Parrell v. Keenan, 389 Mass. 809, 814-815 (1983)
- Klapprott v. United States, 335 U.S. 601, 615 (1949)
- Bromfield v. Commonwealth, 400 Mass. 254, 256-257 (1987)
- Murphy v. Administrator of the Div. of Personnel Admin., 377 Mass. 217, 228 n.13 (1979)
- Anderson v. Anderson, 407 Mass. 251, 257 (1990)
- Theos & Sons v. Mack Trucks, Inc., 431 Mass. 736, 737 (2000)
- Cullen Enters., Inc. v. Massachusetts Prop. Ins. Underwriting Ass'n, 399 Mass. 886, 894 (1987)
- Kendall v. Selvaggio, 413 Mass. 619, 621 (1992)
- Chavoor v. Lewis, 383 Mass. 801, 806 n.5 (1981)
- Slaney v. Westwood Auto, Inc., 366 Mass. 688, 703 (1975)
- Barrett Assocs., Inc. v. Aronson, 346 Mass. 150, 152 (1963)
- Roadmaster Indus., Inc. v. Columbia Mfg. Co., 893 F. Supp. 1162, 1179 (D. Mass. 1995)
- Drapek v. Drapek, 399 Mass. 240, 244 (1987)
- Brash v. Brash, 407 Mass. 101, 102-105 (1990)
- Boston Herald, Inc. v. Sharpe, 432 Mass. 593, 601-602 (2000)