

SUPREME JUDICIAL COURT OF MAINE

Adriana M. Berntsen v. David L. Berntsen

2017 ME 111 (2017) · No. Cum-16-300 · Decided June 6, 2017

SUMMARY

The Maine Supreme Judicial Court affirmed a divorce judgment involving limitations on third-party financial discovery, valuation and distribution of marital property, economic misconduct, spousal support, and attorney fees. The court concluded that the trial court acted within its discretion in limiting discovery, awarding support and property, declining to find additional economic misconduct, and denying attorney fees. The opinion also held that any error in valuing the 401(k) account benefited the appellant because she received the account's entire remaining balance.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Saufley, C.J.; Alexander, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	June 6, 2017
DOCKET	Cum-16-300
DISPOSITION	affirmed
PROCEDURAL POSTURE	Adriana Berntsen appealed from a judgment of divorce entered by the Maine District Court, challenging limitations on third-party financial discovery, marital-property valuation, findings concerning economic misconduct, spousal-support awards, and denial of attorney fees.
STANDARD OF REVIEW	Discovery orders and decisions on motions to quash are reviewed for abuse of discretion. Valuation of marital property and findings concerning economic misconduct are reviewed for clear error. Spousal-support awards and decisions concerning attorney fees are reviewed for abuse of discretion. When a party moves for additional findings and the motion is denied, the appellate court cannot infer findings from the record; the decision must contain sufficient findings to support the result or the order must be vacated.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Adriana M. Berntsen v. David L. Berntsen

TOPICS

divorce

spousal support

equitable distribution

discovery dispute

attorney fees

PRACTICE AREAS

family law

appellate procedure

civil procedure

military law

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by limiting Adriana's financial discovery from David's nonparty partner.
2. Whether the District Court clearly erred in valuing and dividing the parties' marital property, including their bank accounts and David's 401(k) account.
3. Whether the District Court clearly erred by declining to find additional economic misconduct based on David's unsigned financial statement, alleged gift letter, and payments from his partner.
4. Whether the District Court made sufficient findings and abused its discretion in awarding general and reimbursement spousal support.
5. Whether the District Court abused its discretion by denying Adriana attorney fees.

HOLDINGS

1. The District Court acted within its discretion in quashing or limiting subpoenas seeking David's partner's deposition and personal financial documents because the partner was not a party and the existing evidence concerning David's finances was sufficient to address spousal support and marital-property distribution.
2. The District Court did not clearly err in finding that the parties' bank-account balances were effectively equal for purposes of marital-property division, and any error in valuing the 401(k) account benefited Adriana because she received the entire remaining balance less the loan.
3. The District Court did not clearly err by declining to find that David's failure to sign his financial statement, failure to produce the alleged gift letter earlier, or receipt of disputed payments from his partner constituted additional economic misconduct.
4. The District Court made sufficient findings to support its general and reimbursement spousal-support awards and did not abuse its discretion in setting the amounts.
5. The District Court did not abuse its discretion in denying attorney fees to Adriana because it considered the parties' relative ability to absorb litigation costs, their litigation conduct, and the other provisions of the divorce judgment.

KEY QUOTATIONS

“In an order awarding spousal support, the court must make “sufficient findings to inform the parties of the reasons for its conclusions, and to allow for effective appellate review.”” (¶ 21)

“where a party has moved for specific findings of fact the divorce court is obliged to do more than recite the relevant criteria and state a conclusion.” (¶ 24)

FACTUAL BACKGROUND

Adriana and David were married in 1982, and Adriana primarily served as homemaker and caregiver while David served in the U.S. Army. During the breakdown of the marriage, David liquidated an IRA worth approximately \$61,000 and borrowed approximately \$11,000 against his 401(k), using the funds in connection with a condominium purchased and renovated in his partner's name. The District Court found economic misconduct, awarded Adriana general and reimbursement spousal support, gave her the remaining 401(k) balance and a substantial share of David's marital military pension, and denied attorney fees to both parties.

PROCEDURAL HISTORY

Adriana filed a complaint for judicial separation in 2014, and David counterclaimed for divorce. After a contested hearing, the District Court entered a divorce judgment awarding general and reimbursement spousal support, distributing marital assets and a military pension, and denying attorney fees to both parties. The court denied Adriana's motion for amended or additional findings under Maine Rule of Civil Procedure 52(b), and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Hutt v. Hanson, 2016 ME 128, ¶ 2, 147 A.3d 352
- State v. Marroquin-Aldana, 2014 ME 47, ¶ 33, 89 A.3d 519
- State v. Watson, 1999 ME 41, ¶ 5, 726 A.2d 214
- Corey v. Norman, Hanson & DeTroy, 1999 ME 196, ¶ 17, 742 A.2d 933
- Burrow v. Burrow, 2014 ME 111, ¶ 20, 100 A.3d 1104
- Cole v. Cole, 561 A.2d 1018, 1020 (Me. 1989)
- Peters v. Peters, 1997 ME 134, ¶ 14, 697 A.2d 1254
- Catlett v. Catlett, 2009 ME 49, ¶ 31, 970 A.2d 287
- Dube v. Dube, 2016 ME 15, ¶ 10, 131 A.3d 381
- Douglas v. Douglas, 2012 ME 67, ¶ 27, 43 A.3d 965
- Finucan v. Williams, 2013 ME 75, ¶ 15, 73 A.3d 1056
- Miele v. Miele, 2003 ME 113, ¶ 11, 832 A.2d 760
- Bayley v. Bayley, 602 A.2d 1152, 1154 (Me. 1992)
- Jandreau v. LaChance, 2015 ME 66, ¶ 29, 116 A.3d 1273

