

SUPREME COURT OF RHODE ISLAND

Kellie Sullivan v. Timothy Sullivan

Supreme Court No. 2019-394-Appeal (P 16-5381) · No. SU-2019-0394-Appeal; Supreme Court No. 2019-394-Appeal (P 16-5381) · Decided May 11, 2021

SUMMARY

The Rhode Island Supreme Court affirmed a Providence County Family Court decision pending entry of final judgment dissolving Kellie and Timothy Sullivan’s marriage. The Court upheld the trial justice’s findings and rulings concerning marital contributions, equitable distribution of assets, assignment of debts, earning capacity, and responsibility for attorneys’ fees and mortgage-related title issues. The appeal was decided summarily after the parties failed to show cause why it should not be resolved without further briefing or argument.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Paul A. Suttell; Chief Justice Frank Williams Suttell; Justice Maureen McKenna Goldberg; Justice William P. Robinson III; Justice Francis X. Flaherty Lynch Prata; Justice Long
JURISDICTION	Rhode Island
DECIDED	May 11, 2021
DOCKET	SU-2019-0394-Appeal; Supreme Court No. 2019-394-Appeal (P 16-5381)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a Family Court decision pending entry of final judgment terminating the parties' marriage and resolving custody, support, equitable-distribution, and debt issues. The Supreme Court summarily decided the appeal after directing the parties to show cause why further briefing or argument was necessary.
STANDARD OF REVIEW	The Supreme Court will not disturb factual findings in a divorce action unless the trial justice misconceived the relevant evidence or was otherwise clearly wrong. Findings involving equitable distribution and marital debt are reviewed for abuse of discretion or improper exercise of discretion. Family Court justices have broad discretion in fairly dividing marital property.

PRECEDENTIAL VALUE	published opinion
PARTIES	Timothy Sullivan v. Kellie Sullivan

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QUESTIONS PRESENTED

1. Whether the Family Court clearly erred or misconceived the evidence in finding the parties' respective marital contributions.
2. Whether the Family Court erred in finding that Kellie contributed to Timothy's acquisition of an MBA.
3. Whether the Family Court abused its discretion by assigning Timothy's \$39,000 credit-card debt to him rather than treating it as marital debt.
4. Whether the Family Court clearly erred in determining Timothy's annual earning capacity to be \$85,000.
5. Whether the Family Court erred in rejecting Timothy's claim that an undocumented loan from his parents was a marital debt.
6. Whether the Family Court properly assigned to Timothy the attorney's fees incurred by Kellie in defending the Massachusetts collection action and required him to obtain a mortgage discharge or pay the costs of clearing title.
7. Whether the Family Court erred by declining to award Timothy any appreciation in Kellie's premarital pension and bank accounts.
8. Whether the Family Court improperly prevented Timothy from exploring Kellie's alleged dissipation of marital assets.

HOLDINGS

1. The Family Court did not misconceive the evidence, act outside its discretion, or clearly err in finding that Kellie was the primary breadwinner and homemaker, contributed to Timothy's MBA, assigning Timothy's \$39,000 credit-card debt to him, and determining that Timothy had an annual earning capacity of \$85,000.
2. The Family Court did not err in rejecting Timothy's claim that an undocumented loan from his parents had been transmuted into a marital debt.
3. The Family Court properly assigned to Timothy the reasonable attorney's fees Kellie incurred defending the Massachusetts collection action.
4. The Family Court did not improperly compel a nonparty to act when it ordered Timothy to obtain a discharge from his mother or, alternatively, to bear the reasonable costs of clearing title.

5. The Family Court acted within its discretion in awarding Kellie the appreciation in value of her premarital pension assets and premarital bank accounts that were not converted into joint accounts.
6. The Supreme Court would not disturb the Family Court's finding that Kellie did not dissipate marital assets because Timothy identified no specific Family Court ruling preserved by objection or any question he was prevented from asking.

KEY QUOTATIONS

“This Court ‘will not disturb findings of fact made by a trial justice or magistrate in a divorce action unless he or she has misconceived the relevant evidence or was otherwise clearly wrong.’” (-5-)

“The justices of the Family Court are vested with broad discretion as they seek to fairly divide marital property between the parties in divorce proceedings.” (-5-)

“As evinced by the use of the word “may[,]” § 15-5-16.1(b) is discretionary in nature” (-13-)

FACTUAL BACKGROUND

The parties married in 2004 and have two children. The trial justice found that Kellie was both the primary breadwinner and primary homemaker, contributed to Timothy's acquisition of an MBA, and contributed substantial premarital assets to the marital estate. The Family Court divided marital assets, assigned Timothy's credit-card debt and liabilities associated with his parents' purported loan and mortgage, and declined to award Timothy any appreciation in Kellie's premarital accounts. Timothy also claimed that Kellie had dissipated marital assets, but he identified no specific preserved objection or excluded question supporting that claim.

PROCEDURAL HISTORY

Kellie Sullivan filed for divorce in Providence County Family Court in October 2016, and Timothy Sullivan filed a counterclaim in April 2017. After a multi-day trial in 2018, the trial justice issued a written decision on July 3, 2019, followed by a decision pending entry of final judgment on August 19, 2019. Timothy timely appealed on August 29, 2019. The Supreme Court concluded that cause had not been shown for further briefing or argument and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Boschetto v. Boschetto*, 224 A.3d 824, 828 (R.I. 2020)
- *Vieira v. Hussein-Vieira*, 150 A.3d 611, 615, 618-19 (R.I. 2016)
- *Palin v. Palin*, 41 A.3d 248, 256 (R.I. 2012)
- *Curry v. Curry*, 987 A.2d 233, 238-40 (R.I. 2010)
- *Koutroumanos v. Tzeremes*, 865 A.2d 1091, 1098-99 (R.I. 2005)

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