

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

T.I. v. R.I.

2026 NY Slip Op 01344 · No. 2024-07370 · Decided March 11, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order denying the defendant's motion for summary judgment dismissing a divorce action and for sanctions. The court held that the parties had a valid marriage despite not obtaining a marriage license, questions concerning the rabbi's authorization, and a religious tribunal's later declaration that the ketubah was void. The court also held that the defendant was judicially estopped from denying the marriage's validity and had not established that the plaintiff's conduct was frivolous.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Cheryl E. Chambers, J.; Barry E. Warhit, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	March 11, 2026
DOCKET	2024-07370
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order denying portions of a cross-motion seeking summary judgment dismissing the divorce complaint for lack of subject matter jurisdiction and sanctions under 22 NYCRR 130-1.1.
STANDARD OF REVIEW	Summary judgment is appropriate only where the movant establishes entitlement to judgment as a matter of law; the court also reviewed the sanctions ruling under the sound-discretion standard. Preservation principles barred consideration of the recusal contention raised for the first time on appeal.
PRECEDENTIAL VALUE	published
PARTIES	R.I. v. T.I.

TOPICS

marriage divorce subject matter jurisdiction sanctions appellate procedure

PRACTICE AREAS

family law divorce appellate procedure sanctions constitutional law

QUESTIONS PRESENTED

1. Whether the absence of a marriage license rendered the parties' marriage void.
2. Whether the alleged lack of authority of the rabbi who solemnized the ceremony, or the beth din's later declaration that the ketubah was void, invalidated or dissolved the marriage.
3. Whether judicial estoppel barred the defendant from denying the validity of the marriage after previously litigating a divorce action against the plaintiff.
4. Whether the plaintiff's conduct was frivolous under 22 NYCRR 130-1.1(c), warranting sanctions.
5. Whether the defendant's recusal contention could be considered when raised for the first time on appeal.

HOLDINGS

1. Under New York law, failure to obtain a marriage license does not void a marriage if the marriage was otherwise solemnized in accordance with the Domestic Relations Law.
2. A religious tribunal's determination that the rabbi was unauthorized to serve as a rabbi did not, without more, invalidate the parties' civil marriage.
3. The dissolution of the parties' religious marriage and a beth din's declaration that the ketubah was void did not dissolve or invalidate the civil marriage.
4. The defendant was judicially estopped from claiming that the parties were not validly married after previously commencing and litigating an action for divorce and ancillary relief.
5. Sanctions were properly denied because the defendant failed to establish that the plaintiff's conduct was frivolous within the meaning of 22 NYCRR 130-1.1(c).
6. The recusal contention was not properly before the Appellate Division because it was raised for the first time on appeal.

KEY QUOTATIONS

*"Under New York law, a marriage is not void for the failure to obtain a marriage license if the marriage is solemnized" (*1)*

*"However, where such a dispute may be resolved using 'neutral principles of law,' a court may 'properly preside over a dispute invoking a religious body'" (*2)*

*"'[M]arriage is more than a mere contract; once the contract of marriage is executed by marriage, a relationship is created between the parties which is regulated by law'" (*2)*

*“Under the doctrine of judicial estoppel, 'a party may not take a position in a legal proceeding that is contrary to a position he or she took in a prior proceeding, simply because his or her interests have changed'” (*2)*

*“Conduct is frivolous if: (1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law; (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or (3) it asserts material factual statements that are false” (*2)*

FACTUAL BACKGROUND

The parties participated in a Jewish marriage ceremony on March 27, 2014, performed by a rabbi, and executed a ketubah, but they did not obtain a marriage license. A prior divorce action brought by the defendant proceeded for nearly three years, resulted in a decision determining that a divorce should be awarded, and was then voluntarily discontinued with prejudice before entry of judgment after the parties reconciled. In 2022, a beth din declared the ketubah void, and the defendant later argued that the religious marriage was invalid and that the plaintiff's current action and related consolidation motion were sanctionable.

PROCEDURAL HISTORY

The plaintiff commenced an action for divorce and ancillary relief in February 2023. The defendant cross-moved for summary judgment and sanctions, arguing that the parties were never validly married because they lacked a marriage license, the rabbi was unauthorized, and a religious tribunal had declared the ketubah void. Supreme Court, Kings County, denied the relevant branches of the cross-motion, and the Appellate Division affirmed. The defendant's recusal argument was not preserved because it was raised for the first time on appeal.

DISPOSITION

affirmed

CASES CITED

- Bernstein v. Benchemoun, 216 A.D.3d 893, 894
- Yusupov v. Baraev, 197 A.D.3d 538, 539
- Joseph v. Singh, 206 A.D.3d 982, 982
- Matter of Congregation Yetev Lev D'Satmar, Inc. v. Kahana, 9 N.Y.3d 282, 286
- First Presbyt. Church of Schenectady v. United Presbyt. Church in U.S. of Am., 62 N.Y.2d 110, 116
- New Hope Christian Church, Inc. v. Parks, 236 A.D.3d 669, 670
- Madireddy v. Madireddy, 66 A.D.3d 647, 648
- Oswald v. Oswald, 107 A.D.3d 45, 48
- Shamsee v. Shamsee, 51 A.D.2d 1028, 1028
- Spalter v. Spalter, 234 A.D.3d 508, 509
- Avitzur v. Avitzur, 58 N.Y.2d 108, 115

- R.I. v. T.I., 60 Misc. 3d 1226(A), 2018 NY Slip Op 51235(U), *2, *32
- Archer v. Beach Car Serv., Inc., 180 A.D.3d 857, 861
- Crespo v. Crespo, 309 A.D.2d 727, 728-729
- Suwei Chuang v. Ya Chen Hsieh, 92 A.D.3d 939, 940
- McEvoy v. McEvoy, 219 A.D.3d 1513, 1516
- GDG Realty, LLC v. 149 Glen St. Corp., 187 A.D.3d 994, 995
- Matter of South Beach Area-Stage 2, 236 A.D.3d 800, 801
- Matter of Edwin C. v. Fenny C., 227 A.D.3d 893, 893
- Brin v. Shady, 179 A.D.3d 760, 763
- Tamburello v. Tamburello, 165 A.D.3d 1006, 1008
- Lombardi v. Lombardi, 229 A.D.3d 537, 539
- Bruzzese v. Bruzzese, 203 A.D.3d 1007, 1011

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