



## ALL IN THE FAMILY

Legal blog on all aspects of Family Law and Divorce in Massachusetts and Rhode Island

### Love and Personal Property – Who Keeps the Ring?

BY CATHERINE E. SPANU • OCTOBER 3, 2024

Who keeps the engagement ring when the knot is *never tied*? A new answer to this age-old question may be coming to Massachusetts as the Supreme Judicial Court considers the case of *Johnson v. Settino*. The engagement ring at issue in the case is serious hardware – a \$70,000 Tiffany ring. The Supreme Judicial Court is considering whether the law should change, where current law may be rooted in outdated gender norms and “sexist tropes” as Caroline Settino’s lawyers have argued.

Usually, once a person gives a gift to another, the giver cannot sue the recipient for the gift to be returned. An exception to this rule for engagement rings is rooted in the 1959 case of *DeCicco v. Barker*, where the Court said an engagement ring is a “conditional gift” and the donor can ask for it back: “It is generally held that an engagement ring is in the nature of a pledge, given on the implied condition that the marriage shall take place. If the contract to marry is terminated without fault on the part of the donor he may recover the ring.” In considering the \$70,000 ring at issue here, the Appeals Court wrestled with the meaning of “without fault” in this context.

The Appeals Court decision reflects the following factual record: Bruce Johnson and Caroline Settino met and started dating. They traveled together frequently, with Johnson paying for their trips. Johnson often bought Settino expensive gifts including jewelry, clothing, shoes, handbags, and artwork, for which he gave her receipts. They started to talk about getting married and went shopping for engagement rings. Johnson proposed at a romantic dinner and presented Settino with the engagement ring. She said yes and put the ring on her finger. They had a champagne toast. Then, the couple started to plan the wedding – Johnson bought wedding rings for them both and gave them to her, too. He also gave her receipts for all the rings.

Eventually, the relationship started to sour. The parties argued, and Johnson felt that he was “routinely subject to verbal abuse.” Settino would allegedly berate him over a spilled drink, how he ate oysters, and the time it took him to access messages on his cell phone. She would call him a “moron” and “treat him like a child.” If something went wrong, he was to blame. If Johnson stood up for himself, Settino would yell at him and storm away. Johnson also reportedly felt that Settino did not appreciate any of his accomplishments, and that she did not support him following a cancer

diagnosis.

But despite all of that, Johnson apparently thought that he and Settino would make the relationship work. More trouble came, however, following an argument in which Settino said she could “get a man” whenever she wanted. After the argument, Johnson looked through Settino’s cell phone and came across text messages with a man whose name he didn’t know, in which Settino said: “My Bruce is going to be in Connecticut for three days. I need some playtime.” Following another argument in which Settino denied having an affair, Johnson called Settino and ended the engagement by leaving her a voicemail.

The trial judge sided with Settino and determined that there was no affair and Johnson was at fault for breaking off the engagement. Settino would get to keep the ring. On appeal, however, the Appeals Court held, “it cannot be that the person at fault for a relationship break-up is simply the one who decides to end it; common sense dictates that a party who ends an engagement is not necessarily the one to blame for that result.” The Appeals Court opined that the trial judge failed to consider whether the circumstances were such that Johnson might have been justified or had adequate cause to break off the engagement even if Settino was not having an affair. The Appeals Court ordered Settino to return the engagement ring to Johnson.

Settino sought further appellate review, and the Supreme Judicial Court heard oral argument on the case last month. There, Johnson’s attorney argued that Massachusetts should change its law and remove the “fault” requirement with respect to the return of engagement rings to the donor, following the majority view in the United States. Then, the giver of any engagement ring would always get it back if the couple never married – but other engagement gifts given between spouses would not be conditional. Settino’s attorney argued that the “conditional gift” doctrine, which the Supreme Judicial Court essentially created in the *DeCicco* case, should be overturned – meaning that engagement rings, like any other gifts, should not be conditional, following Montana, where there are “no take backs” with respect to engagement rings.

What will the Supreme Judicial Court do? It seems likely that it will remove the fault requirement and move to something more modern, following the majority of states that do not have a fault requirement in determining who should keep an engagement ring. One Justice even commented that the rule in *DeCicco* seemed “old-fashioned and kind of silly.” But will the donor get the ring back without any consideration of fault if the marriage never occurs, or will the recipient keep the ring no matter what? We’ll be waiting with bated breath to see what the Court decides.