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To Prank or Not To Prank?

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When Isa Prevost looked out her window on Monday, August 15, 2011—her birthday—she found a “gift” sitting in her driveway, placed there by her ex-spouse Dany Lariviere. Dany had taken it upon himself to deliver a 20-ton boulder on her driveway blocking access. Spray-painted in fluorescent orange was the following message: “Happy Birthday, Isa” and atop the rock was a pretty pink bow.

Pranks between ex-spouses who are in the process of obtaining a divorce are not a rare occurrence.

Family lawyers within the Greater Toronto Area identify this as a recurring problem and have shared many stories based on their own experiences with clients. For example, taking screwdrivers to a spouse’s car that is parked outside of a mistress’s house or taking chainsaws to inanimate objects in a fit of fury.

The Purpose

Generally, litigation in family law is lengthy.

First, an Application must be served, following which comes an Answer and in some cases, there may even be a Reply. Once pleadings have been exchanged, court appearances begin. A Case Conference is held, after which a Motion may be brought, a Settlement Conference follows and if the issues stemming from the spouses’ separation have not yet been finalized, then a Trial Management Conference is scheduled. The final step in the process is the Trial but, cases rarely ever reach that point.

Throughout it all, the parties and their lawyers are negotiating with one another and coming up with creative Offers to present the other. However, regardless of the fact that the spouses have been actively involved in every step of the process, helping craft solutions to the disputes which take into account the interests of both, they may still feel as if they were wronged by the other spouse.

This feeling creates a desire to vindicate and in order to calm that desire, spouses seem to be taking matters into their own hands, such as the boulder incident.



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When a spouse feels betrayed or mistreated, even a hefty equalization payment or custody order that favors him or her may not be sufficient. Other alternatives are looked to, to gain maximum retribution. Consequently, the spouse may destroy precious assets or max out every jointly held credit card, leaving the other to pay it off.

The Repercussions

However, are the feelings of ultimate retribution and vindication worth the consequences of such actions? Many lawyers do not think so.

Rather, pranks provide a temporary fix for the deviant spouse because, when all is said and done, the spouses are still separated and any past conduct which may have led to the breakdown of the marriage has not been erased from their respective memories.

In addition, a spouse's misconduct can actually backfire and negatively impact any final Order that a Judge may make during litigation, especially with regards to spousal support.

So, to prank or not to prank?

The answer to this question is definitely, **do not prank.**

The costs of behaving badly in family law do not outweigh the benefits of acting cordially and cooperatively, when possible, with a soon-to-be ex-spouse.

At the end of the day, there aren't any losers or winners when it comes to divorce, unless... a spouse starts pranking and as a result, is "punished" for said behavior when it comes time for the Judge to hand down an Order.