

Lombardi v. Lombardi: Alimony Awards Should Include A Savings Component For the Formerly Frugal Family

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Although it did not receive much press, two weeks ago the Appellate Division published the decision of *Lombardi v. Lombardi*. Make no mistake, this is an important decision; it may impact pendente lite support orders (temporary support awards) and most certainly will impact final alimony awards.

In *Lombardi*, during the marriage the parties (then an in-tact family) “relied on only a fraction of their household income to pay their monthly expenses and regularly saved the balance during the course of their marriage.” When their marital bliss ended and divorce litigation ensued, one of the issues – an issue in most cases – centered on the amount of alimony. More specifically, the primary issue of importance from *Lombardi* is whether the payee spouse (the spouse in need of alimony) should, through an alimony award, receive a savings component under circumstances in which the “marital lifestyle” included a proclivity to save rather than spend. The Appellate Division, relying on several published decisions, *Gnall v. Gnall*; *Steneken v. Steneken*; *Jacobitti v. Jacobitti*; *Martindell v. Martindell*; *Davis v. Davis*, and recognizing that a “savings” component has always been a consideration in fashioning an appropriate alimony award, held that “[t]he most ‘appropriate case’ in which to include a savings component is where the parties’ lifestyle included regular savings.”

There you have it – spousal support orders attendant to a divorce can, and for those frugal families will, include a savings component.