

SUMMARY STATEMENT

Katseanes v. Katseanes, Docket No. 48705

The Idaho Supreme Court affirmed a district court's decision concerning an order of contempt entered against Jeff Katseanes ("Jeff") and an order of disgorgement entered against his attorney, Justin Oleson. As part of a divorce agreement between Judy Katseanes, now Judy Yancey ("Judy"), and Jeff, Jeff was required to pay Judy spousal support. Following several years of insufficient payments, Judy filed a lawsuit to seek enforcement of spousal support. During the proceedings, the district court orally granted Judy's request for a Qualified Domestic Relations Order ("QDRO") assigning Judy 100% of Jeff's 401k plan. After the court orally issued its order in open court, but before the district court signed a written order reflecting the oral ruling, Jeff withdrew all the funds from the 401k. The district court ordered Jeff to return the funds and provide an accounting. When the accounting was not timely provided, the district court held Jeff in criminal contempt and sentenced him to five days in jail. The court also granted an order of disgorgement against his attorney, Oleson, after discovering Jeff's attorney fees were paid with funds from the 401k. Jeff appealed to the Idaho Supreme Court, arguing the order of contempt and order of disgorgement were improper because the QDRO did not become effective until the written order was signed by the court. The Idaho Supreme Court affirmed the district court's decision and awarded Judy attorney fees as the prevailing party on appeal.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******