

TTAB



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May 16, 2012

To: USPTO
TRADEMARK TRIAL AND APPEAL BOARD
PO BOX 1451
Alexandria Virginia
22313-1451

VIA US EXPRESS MAIL

Re: Complete motion filing for Opposition No.: 91202421 Tracking No: ESTTA472382

Dear Madam/Sir,

Per a phone conversation with a ESTTA representative at the TTAB that took place on May 15, 2012, here is the complete filing of MOTION TO REOPEN filed by TTABVUE on Mon, May 14, 2012.

The Monday, May 14, 2012, filing missed the exhibits as the ESTTA did not accept the documents for Opposition No.: 91202421 Tracking No: ESTTA472382.

Please accept this complete filing and update TTABVUE accordingly.

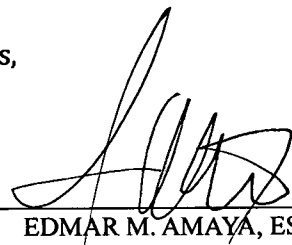
Thank you, and if you have any questions do not hesitate to call my office at any time.

Very truly yours,

EDAM LAW PLLC
Attorneys at Law

Latitude One Building
175 SW 7th Street, Suite 2416,
Miami FL 33130

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EDMAR M. AMAYA, ESQUIRE

Edmar M. Amaya LL.M.
Florida Bar No. 063816
edmar.amaya@edamlaw.com

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05-16-2012





ESTTA. Motion to Reopen confirmation receipt ID: ESTTA472382

estta-server@uspto.gov <estta-server@uspto.gov>
To: edmar.amaya@edamlaw.com

Mon, May 14, 2012 at 11:43 PM

Opposition No.: 91202421

Tracking No: ESTTA472382

ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Opposition No.: 91202421 submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at estta@uspto.gov.

The status of any Board proceeding may be checked using TTABVUE which is available at <http://ttabvue.uspto.gov>. Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for TTABVUE to be updated with information on your submission.

The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA472382
Filing date: 05/14/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding: 91202421

Party: Defendant

FLORIDA GARDEN SUPPLIES, INC.

Correspondence Address: EDMAR M AMAYA LLM

EDAM LAW PLLC

INTERAMERICAN PLAZA , 701SW 27TH AVE SUITE 707

MIAMI, FL 33135

UNITED STATES

edmar.amaya@edamlaw.com Phone:

Submission: Motion to Reopen

Filer's Name: Edmar M. Amaya, LL.M. Esq.

Filer's e-mail: edmar.amaya@edamlaw.com

Signature: /Edmar M. Amaya/

Date: 05/14/2012

Attachments: FGS motion only .pdf (9 pages)

FGS response to admissions.pdf (5 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VALENT USA CORPORATION,)	
)	
Opposer,)	
v.)	Opposition No.: 91202421
FLORIDA GARDEN SUPPLIES,)	
)	
Applicant.)	

In the matter of application Serial No. 85236790.
Published in the Official Gazette on 2011-07-12.

**MOTION TO REOPEN ITS RESPONSE TO THE ADMISSIONS REQUEST UNDER
FED. R. CIV. P. 6(B)(2).**

OR IN THE ALTERNATIVE.

**MOTION TO WITHDRAW AND AMEND ITS ADMISSIONS
UNDER FED. R. CIV. P. 36 (B)**

A Pursuant to Rule 6(b)(2) and Rules 36 (b) of the Federal Rules of Civil Procedure, Applicant, Florida Gardens Supplies ("FGS"), hereby provide the following motions to reopen and in the alternative to withdraw and amend its admission as follows:


Applicant asserts that his "late admissions," were late due to excusable neglect in failing to timely respond. In the alternative and pursuant to Federal Rule of Civil Procedure 36(b), and Trademark Trial and Appeal Board Manual of Procedure ("TBMP") §525, FGS, by and through counsel, hereby moves to reopen, or in the alternative withdraw and amend any "admissions" it is deemed to have made when the time Opposer's requests for admissions expired, during this initial or very early stage of the discovery process.

The grounds for this motion are set forth in the accompanying memorandum.

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MEMORANDUM OF SUPPORT

In the interest of presentation of the merits of this action, the Board should permit FGS to Reopen or withdraw and amend any “admissions” it is deemed to have made due to the passage of the time to respond, which occurred by excusable neglect by the Applicant’s counsel. When the time to respond to Opposer’s requests for admissions elapsed, counsel for FGS counsel was going through extreme personal emotional circumstance and at the same time moving office building. During this commotion, counsel in good faith believed that the period for response had not past. Applicant asserts that the passing of the time for its response was merely inadvertent. In this motion, Counsel submits an affidavit claiming that he was in fact separating due to adultery.

FGS has fully provided responses to Opposer’s requests for admissions, its proposed responses are attached hereto as **Exhibit 1** and respectfully requests the opportunity to do so, so that this action may be decided on the merits.

STATEMENT OF MATERIAL FACTS

On February 8, 2011, Applicant filed for the trademark COBRA U.S. Trademark Application No. 85/236790 in connection with “Non-chemical bio-fertilizers containing beneficial bacteria and fungi for domestic and agricultural use for use with plants, crops and fruit” international Class 001. Valent USA Corporation filed an opposition on November 4, 2011 for serial number 1503537 and 1514273. An answer was timely filed after a first extension granted on February 1, 2012.

Applicant submitted its Rule 26(a)(1) initial disclosures on January 2, 2012. Opponent submitted Request for Admissions has a certificate of service as sent First Class Mail, February

13, 2012, but were actually received to Applicant's office in Miami, Florida by February 17, 2012. Opposer did not submit its Request for Admission by electronic means.

Applicant submitted the responses to Opposer's counsel on March 28, 2010, by e-mail and at the same time deposited with the post office but post marked on March 29, 2010, twelve days after the response was originally due.

The following documents were sent to Opposing Counsel on March 28, 2010, Applicant's first set of interrogatories to Opposer, Applicant's first set of request for admissions to Opposer, Applicant's first set of request for production of documents and things to Opposer, Applicant's response to admissions by Opposer, Applicant's response to documents and things by Opposer, and Applicant's response to first set of interrogatories by Opposer. Furthermore sixty one pages of documents were sent to Opposing counsel via mail on May 11, 2012.

Applicant assert that his delay was inadvertent and Counsel in his affidavit states that he is a solo practitioner that had his offices moved to another location during the month of March 2012. *See Exhibit 1, P. 1, (Affidavit of Edmar Amaya, attorney of record).*

Counsel also affirms that he found out about a love affair that his wife was having on or about March 10, 2012, while the time that Opposer's Request were due. *See Exhibit 2, P. 1, (Affidavit of Edmar Amaya, attorney of record).*

Counsel also affirms he was "shocked and devastated," and that in the days after he could not "sleep, eat or concentrate with work..." and wanted to commit suicide. *See Exhibit 2, P. 2, (Affidavit of Edmar Amaya, attorney of record).*

He also mentions in he looked for help with the local Bar Association, Church and though anti-depressants submitted the response to admissions late. *See Exhibit 2, P. 2, (Affidavit of Edmar Amaya, attorney of record).*

LAW AND ARGUMENT

I. Applicant's Counsel sudden extreme personal emotional circumstance of infidelity, out of Counsel's control, should constitute "excusable neglect" under Fed. R. Civ. P. 6(b)(2).

Fed. R. Civ. P. 6(b)(2) allows for the moving party is seeking to be relieved of the untimeliness of its response, so that the admissions would not be deemed admitted. *See Hobie Designs, Inc. v. Fred Hayman Beverly Hills, Inc.*, 14 USPQ2d 2064 at fn. 1 (TTAB 1990). Rule 6(b)(2) constitutes a motion to reopen the time to serve responses to the outstanding admission requests. *Giersch v. Scripps Networks, Inc.*, 85 USPQ2d 1306 (TTAB 2007).

Under the excusable neglect standard and analysis that was announced in *Pioneer v. Brunswick*, 507 U.S. 380, (1993), the Court concluded that "*the courts would be permitted, [when] appropriate, to accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party's control.*" *Id.* at 388, 113 S.Ct. at 1495.

Under *Pumpkin Ltd. v. The Seeds Corp.*, 43 USPQ2d 1582, (TTAB 1997), the standard to be applied to Applicant's motion is "whether petitioner has demonstrated excusable neglect for its failure to act." The Board has adopted the Supreme Court's four-factor test set out in *Pioneer v. Brunswick*, *Supra*. Those factors are: (1) the danger of prejudice to the non-moving party; (2) the length of delay and its potential impact on judicial proceedings; (3) the reason for the delay, including whether it was within the reasonable control of the moving party; and, (4) whether the moving party has acted in good faith. The third factor, the reason for the delay, is the most important. *Prakash Melwani v. Allegiance Corporation*, 97 USPQd 1537 (TTAB 2010) following *Pumpkin Id.* at 1582.

a. Applicant 12 day delay did not cause any measurable prejudice upon Opposer.

Analyzing all the factors in turn. First, at this early stage in the Opposition Proceeding, there are no showing of lost evidence as Applicant's admission were submitted. Opposer will bear no greater cost in Opposing this trade name than it would have if Applicant had answered timely. Applicant submitted the complete Opposer's responses fist by e-mail on March 28, 2010 and then by USPS post marked on March 29, 2010. *See HGK Industries, Inc. v. Perma-Pipe, Inc.*, 49 USPQ2d 1156 (TTAB 1998).

b. Twelve day length of delay will have minimal impact, this early in this proceeding.

Second, reopening all periods and returning this proceeding back to the settlement and discovery planning conference will NOT be necessary. Despite, Counsels personal hardship, Applicant has complied with all discovery requests by Opposer. Furthermore, but for the inadvertent twelve day delay, and the delay in adjudicating this motion, the discovery process should be completed timely.

c. The sudden finding of an adulterous relationship is a reason beyond the control of Counsel.

Third, Applicant assert that his delay was inadvertent and beyond his control. Counsel in his affidavit states that he is a solo practitioner that had his offices moved to another location during the month of March. On and at bout the same time, Counsel also affirms that he found out about a love affair that his wife was having with another man, while the time that Opposer's Request were due. The letter that Counsel found shows the seriousness of the unfaithful relationship. *See Exhibit 2, P. 2, (Affidavit of Edmar Amaya, attorney of record)*. It has been published by the American Sociological Association that; "*Adultery may be the most serious violations regulating marriage...and that a violation of the commitment of sexual exclusivity expectably lead to intense feelings of betrayal, same hostility and anger. The emotional outrage*

that spousal infidelity generates should serve to amplify the distressful nature of the divorce experience.” The research concludes that the “...primary characteristics of the divorce experience itself (such as spousal infidelity and initiator status) have important effects on subsequent depression” Most importantly that “Morally charged events such as spousal infidelity should lead to especially intense psychological consequences” See Exhibit 3, (Infidelity, Initiation, and the Emotional Climate of Divorce: Are There Implications for Mental Health? Journal of Health and Social Behavior, Vol. 42, No. 3 (Sep., 2001), pp. 295-309.)

d. Applicant has acted in good faith as Counsel submitted all the discovery request and it is ready to continue with the Opposition Proceeding.

Third, Applicant assert that his delay was inadvertent and beyond his control but has complied with all the discovery request in good faith. Counsel has submitted the following documents were sent to Opposing Counsel: Applicant’ first set of interrogatories to Opposer, Applicant’s first set of request for admissions to Opposer, Applicant’s first set of request for production of documents and things to Opposer, Applicant’s response to admissions by Opposer, Applicant’s response to documents and things by Opposer, and Applicant’s response to first set of interrogatories by Opposer. Furthermore sixty one pages of documents were sent to Opposing counsel via mail on May 11, 2012.

Applicant asserts that “admissions” are deemed to have made due to the passage of the time should be Reopened as per Fed. R. Civ. P. 6(b)(2) because prejudice to the non-moving party is minimal; a twelve day delay has no potential impact on this proceeding; the reason for the delay was not within his control; and, because Applicant acted in good faith. Furthermore, late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party’s control should be deemed excusable as stated by the Supreme Court.

II. The development of the case is not in jeopardy and Opposer will not be prejudiced by a twelve day delay in Applicant's Admissions. Equity should consider Applicant's Counsel sudden extreme personal emotional circumstance to Withdraw and Amend it's Admissions at this early stage of litigation.

Under FED. R. CIV. P. 36 (B) the Board may permit withdrawal or amendment of admissions where *"the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice that party in maintaining the action or defense on the merits."* This is an Equitable Relief, "withdrawal is at the discretion of the court." *In re Fisherman's Wharf Fillet, Inc.*, 83 F. Supp.2d 651 (E.D.Va. 1999).

Thus, the test for withdrawal or amendment of admissions is based on two prongs. *Giersch v. Scripps Networks, Inc.*, 85 USPQ2d 1306 (TTAB 2007). First, *"when upholding the admissions would practically eliminate any presentation of the merits of the case."* *Hadley v. United States*, 45 F.3d 1345, 1348 (9th Cir. 1995). Or *"facilitate the development of the case in reaching the truth."* *Farr Man & Co., Inc. v. M/V Rozita*, 903 F.2d 871, 876 (1st Cir. 1990). Second, Under Rule 36(b), whether withdrawal or amendment will prejudice the party that has obtained the admissions. *Davis v. Noufal*, 142 F.R.D. 258 (D.D.C. 1992) (*holding that the burden of addressing the merits does not establish "prejudice"*). In *Kerry Steel, v. Paragon Industries* it shows the principal meaning of *"prejudice."* It explains: *"'prejudice' is not simply that the party who initially obtained the admission will now have to convince the fact finder of its truth, but rather, relates to the special difficulties a party may face caused by the sudden need to obtain evidence upon withdrawal or amendment of admission."* *Kerry Steel, v. Paragon Industries*, 106 F.3d 147 (6th Cir. 1997) *See also Hadley v. U.S.*, 45 F.3d 1345 (9th Cir. 1995) (*"Mere inconvenience" does not constitute "prejudice"*) *Emphasis Added.*

Applicant has submitted March 28, 2010, a response to petitioners' requests in which facts are denied, thereby demonstrating that the supposedly admitted matters are actually disputed. *See Exhibit 1*. It does not eliminate any presentation of the merits of the case. Opposer will have no difficulty finding the truth. Applicant's witnesses are readily available for deposition. Applicants document's have been sent for inspection. Opposer have names, addresses and phone numbers of Applicant's witnesses. This Opposition proceeding discovery process has just begun. A twelve day delay will not pose special difficulties to Valent. Valent have no particular prejudice in the form of special difficulties it could potentially face caused by the need to obtain evidence.

Opposer's will not be prejudiced by allowing the withdrawal of Applicant's effective admissions and the replacement thereof with the later served responses. The Opposition Proceeding is in the pre-trial stage, and any potential prejudice can be mitigated by extending the discovery period as necessary to permit Opposer Valent to take any additional follow-up discovery based on respondent's amended admissions. *See Johnston Pump/General Valve, Inc. v. Chromalloy American Corporation*, 13 USPQ2d 1719 (TTAB 1989); *see also Hadley, supra*, at 1348 (*courts are more likely to find prejudice when the motion for withdrawal is made in the middle of trial*).

CONCLUSION

Because Applicant's Counsel sudden extreme personal emotional circumstance out of Counsel's control, it should constitute "excusable neglect" under Fed. R. Civ. P. 6(b)(2) and in the alternative Under FED. R. CIV. P. 36 (B), since the development of the case is not in jeopardy and Opposer will not be prejudiced by a twelve day delay in Applicants' Admissions.

Equity should consider Applicant's Counsel sudden extreme personal emotional circumstance to Withdraw and Amend it's Admissions at this early stage of litigation.

CERTIFICATE OF TRANSMISSION

I hereby certify that this MOTION TO REOPEN ITS RESPONSE TO THE ADMISSIONS REQUEST UNDER FED. R. CIV. P. 6(B)(2), OR IN THE ALTERNATIVE, MOTION TO WITHDRAW AND AMEND ITS ADMISSIONS UNDER FED. R. CIV. P. 36 (B) have been sent via email and USPS mail on Monday, May 14, 2012 to Teresa D. Tambolas Esq.

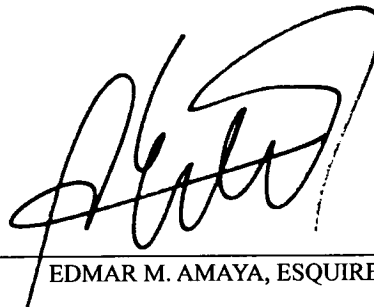
VALENT USA CORPORATION
870 Technology Way
60 Long Ridge Road
Libertyville, Illinois 60048
Phone Number: (847) 968-4729

Respectfully submitted on this Monday, May 14, 2012

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the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation and the importance of the proposed discovery in resolving the issues.

4. **Confidential Information-Trade Secrets.** Applicant objects to the requests to the extent that they call for the production of documents or things that contain or comprises the trade secrets or confidential proprietary technical and business information of Applicant including, but not limited to: "Confidential Information" means all technical and non-technical information provided by the disclosing party Applicant to Opposer, that the recipient Opposer reasonably be understood to be confidential. It is agreed by the Opposer that the following list is not inclusive, including without limitation any trade secret, idea, invention, information, process, technique, algorithm, computer program (source and object code), design, drawing, formula, model, or test data relating to Applicant's research projects, work-in process, future developments, engineering, licenses, manufacturing, marketing, servicing, financial information, personnel matters, past, present or future products, sales, suppliers, clients, customers, employees, investors, inventors or business, whether in oral, written, graphic, electronic or other form. Information may include data about product configurations, forecasts and/or volume, projections, roadmaps, pricing, marketing info and company info. Regardless if the Confidential Information disclosed in tangible form is marked with a "confidential," "proprietary," or other similar legend at or reasonably near the time of disclosure along with any other Information disclosed in oral or other intangible form will be "Confidential Information" if it is disclosed in a manner and under the circumstances that Opposer would reasonably expect the information to be confidential.

ADMISSIONS

Request for Admission No.1

Applicant's COBRA Goods and Opposer's COBRA Goods are related.

Response:

DENIED

Request for Admission No. 2

Many companies sell both fertilizers and herbicides.

Response:

DENIED

Request for Admission No. 3

Applicant's COBRA Mark and Opposer's COBRA Marks all include the word "COBRA."

Response:

ADMITTED

Request for Admission No.4

The only literal element in Applicant's COBRA Mark is the word "COBRA."

Response:

ADMITTED

Request for Admission No.5

The only literal element in Opposer's COBRA Marks is the word "COBRA."

Response:

ADMITTED

Request for Admission No. 6

The same purchasers buy Applicant's COBRA Goods and Opposer's COBRA Goods.

Response:

DENIED

Request for Admission No.7

Applicant's COBRA Goods and Opposer's COBRA Goods are marketed to the same classes of purchasers.

Response:

DENIED

Request for Admission No.8

Applicant's COBRA Goods and Opposer's COBRA Goods are sold to the same classes of purchasers.

Response:

DENIED

Request for Admission No.9

Purchasers use an ordinary level of care in selecting Applicant's COBRA Goods.

Response:

DENIED

Request for Admission No.10

Purchasers of Applicant's COBRA Goods are not sophisticated.

Response:

DENIED

Request for Admission No.11

Applicant's COBRA Goods and Opposer's COBRA Goods travel through the same channels of trade.

Response:

DENIED

Request for Admission No.12

Opposer's COBRA trademark is strong and well-known among relevant purchasers of Applicant's COBRA Goods and Opposer's COBRA Goods.

Response:

DENIED

Request for Admission No.13

No other trademarks consisting in whole or in part of "COBRA" are in use on goods similar to Applicant's COBRA Goods and/or Opposer's COBRA Goods.

Response:

DENIED

Request for Admission No.14

The same purchasers buy synthetic and biorational, or "non-chemical," products.

Response:

DENIED

Applicant reserves the right to amend and supplement these admissions during the discovery period.

CERTIFICATE OF TRANSMISSION

I hereby certify that these First Set of Interrogatories have been sent via email and USPS mail on Wednesday, March 28, 2012 to Teresa D. Tambolas Esq.

VALENT USA CORPORATION

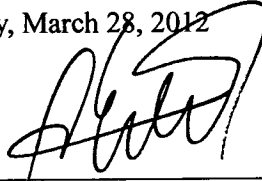
870 Technology Way

60 Long Ridge Road

Libertyville, Illinois 60048

Phone Number: (847) 968-4729

Respectfully submitted on this Wednesday, March 28, 2012



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AFFIDAVIT OF EDMAR M. AMAYA, ESQ.

State of Florida

County of Miami-Dade

BEFORE ME, the undersigned Notary, on the day of Monday, May 14, 2012, personally appeared Edmar M. Amaya, known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

1. I currently live at 700 NE 36 Terr. Miami Florida 33136.
2. I during the month of March, offices of EDAM LAW PLLC were moving from Interamerican Plaza 701 SW 27 Av. Miami Fl. 33135, to Latitude One, 175 SW 7 Street. Miami Fl. 33130.
3. I am solo practitioner and have been practicing law since 2010. I am fluent in both Spanish and English.
4. I am married 2 years to Giana Solarte. *See Exhibit A. Marriage certificate attached.*
5. On or about March 10, 2012 I found out that my wife had an affair with another person. I found out through an email message of a Facebook conversation. *See Exhibit B.*
6. *Translation to English language of the message is the following:*

*On Saturday, March 10, 2012, Facebook <notification
+2j_s24uy@facebookmail.com> wrote:*

*Tony Ansoleaga Love 5:07 pm Mar 10 You are the love of my life! You'll never be
without me. I love you with all I have. You are my soulmate.*

Conversation History> Gianna Solarte12: 55pm Mar 4> I see> Babyyyyy>

*Tony Ansoleaga4: 15am Mar 9 Love wanted to tell you I love you. I'm in school
andgoing soon. I'm super tired.*

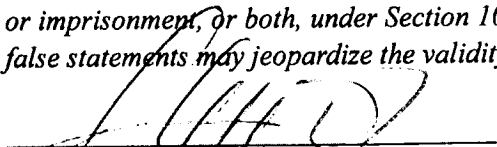
Gianna Solarte1: 45pm Mar 9> Tired? Of what love? Lol;)> Love, I miss you to much. I

*see your pictures and worse, it hurts my soul to see you go. Return loving me
Babyplease, I can not live without you.*

View Conversation on Facebook · Reply to this email message to Tony Ansoleaga.

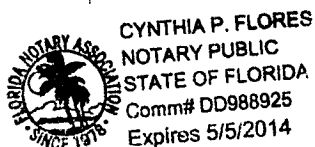
7. I was chocked and devastated. I wanted to kill myself.
8. The following days, I could not sleep, eat and could not concentrate with work. Most of my client-meetings were cancelled.
9. I looked for help though the local Bar Association a few days later. I looked for help with the local church ministry.
10. I, in good faith believed that the period for response to the Request for Admission to the Opposition No.: 91202421 had not past.
11. I swear that the passing of the time for its response was merely inadvertent.
12. After taking anti-depressants, my life slowly came back together. I submitted the Response to Admissions to Opposing Counsel March 28, 2010, by e-mail and at the same time deposited with the post office but post marked on March 29, 2010.
13. I am willing and able to testify before any court of law as to the information contained in this affidavit.

Affiant further states that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of Edmar Amaya's petition thereon.


Edmar M. Amaya Esq.

Subscribed and sworn to before me, this Monday, May 14, 2012.


NOTARY PUBLIC



My commission expires: May 05, 2014.

Department of Health • Vital Statistics

**STATE OF FLORIDA
MARRIAGE RECORD
TYPE IN UPPER CASE
USE BLACK INK**

This license not valid unless seal of Clerk,
Circuit or County Court, appears thereon.

PENGAD 900-631-6889

EXHIBIT

A

(STATE FILE NUMBER)



Official Record

Date: JAN-19-2010

Rec#: 105760

STATE OF FLORIDA, COUNTY OF DADE

I HEREBY CERTIFY that the foregoing is a true and correct copy of the

Original on file in this office. JAN 19 2010 AD 20

HARVEY RUVIN, Clerk of Circuit and County Courts

Deputy Clerk

Emelina Crespo

2010-000873

APPLICATION NUMBER

APPLICATION TO MARRY

1. GROOM'S NAME (First, Middle, Last) EDMAR MAURICIO AMAYA			2. DATE OF BIRTH (Month, Day, Year) JAN-31-1976		
3a. RESIDENCE - CITY, TOWN, OR LOCATION MIAMI	3b. COUNTY MIAMI DADE	3c. STATE FLORIDA	4. BIRTHPLACE (State or Foreign Country) COLOMBIA		
5a. BRIDE'S NAME (First, Middle, Last) GIANNA PATRICIA SOLARTE ERASO			5b. MAIDEN SURNAME (If different)		
7a. RESIDENCE - CITY, TOWN, OR LOCATION MIAMI			7b. COUNTY MIAMI DADE	7c. STATE FLORIDA	8. DATE OF BIRTH (Month, Day, Year) AUG-02-1978
			8. BIRTHPLACE (State or Foreign Country) COLOMBIA		

WE, THE APPLICANTS NAMED IN THIS CERTIFICATE, EACH FOR HIMSELF OR HERSELF, STATE THAT THE INFORMATION PROVIDED ON THIS RECORD IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR THE ISSUANCE OF A LICENSE TO AUTHORIZE THE SAME IS KNOWN TO US AND HEREBY APPLY FOR LICENSE TO MARRY.

	9. SIGNATURE OF GROOM (Sign full name using black ink) <i>[Signature]</i>	10. SUBSCRIBED AND SWORN TO BEFORE ME ON (DATE) JAN-19-2010
	11. TITLE OF OFFICIAL DEPUTY CLERK	12. SIGNATURE OF OFFICIAL (Use black ink) <i>[Signature]</i>
	13. SIGNATURE OF BRIDE (Sign full name using black ink) <i>[Signature]</i>	14. SUBSCRIBED AND SWORN TO BEFORE ME ON (DATE) JAN-19-2010
	15. TITLE OF OFFICIAL DEPUTY CLERK	16. SIGNATURE OF OFFICIAL (Use black ink) <i>[Signature]</i>

LICENSE TO MARRY

AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF FLORIDA TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF FLORIDA AND TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS. THIS LICENSE MUST BE USED ON OR AFTER THE EFFECTIVE DATE AND ON OR BEFORE THE EXPIRATION DATE IN THE STATE OF FLORIDA IN ORDER TO BE RECORDED AND VALID.

17. COUNTY ISSUING LICENSE MIAMI-DADE	18a. DATE LICENSE ISSUED JAN-19-2010	18b. DATE LICENSE EFFECTIVE JAN-19-2010	19. EXPIRATION DATE MAR-19-2010
20. SIGNATURE OF COURT CLERK OR JUDGE <i>[Signature]</i>		20a. TITLE CLERK	20c. BY D.C. <i>[Signature]</i>

CERTIFICATE OF MARRIAGE

I HEREBY CERTIFY THAT THE ABOVE NAMED GROOM AND BRIDE WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA

21. DATE OF MARRIAGE (Month, Day, Year) JAN-19-2010	22. CITY, TOWN, OR LOCATION OF MARRIAGE MIAMI FL	
23a. SIGNATURE OF PERSON PERFORMING THE CEREMONY (Use black ink) <i>[Signature]</i>		23c. ADDRESS (of person performing ceremony) 140 WEST FLAGLER ST ROOM: 1503 MIAMI FL
23b. NAME AND TITLE OF PERSON PERFORMING THE CEREMONY (Or notary stamp) EMELINA CRESPO DEPUTY CLERK		24. SIGNATURE OF WITNESS TO CEREMONY ▶
		25. SIGNATURE OF WITNESS TO CEREMONY ▶

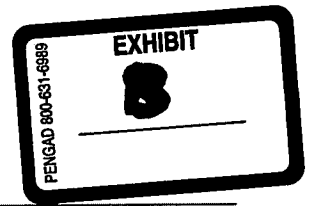
INFORMATION BELOW FOR USE BY VITAL STATISTICS ONLY - NOT TO BE RECORDED

GROOM	28. SOCIAL SECURITY NUMBER 589-19-5919	27. RACE WHITE	28. WERE YOU EVER PREVIOUSLY MARRIED? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	IF ANSWER IS 'YES' TO ITEM 28, THEN COMPLETE ITEMS 29a, 29b, 29c		
	29a. NO. OF THIS MARRIAGE 2	29b. LAST MARRIAGE ENDED BY (Death, Divorce, or Annulment) DIVORCE	29c. DATE LAST MARRIAGE ENDED JUL-22-1997			
BRIDE	30. SOCIAL SECURITY NUMBER 964-83-0087	31. RACE WHITE	32. WERE YOU EVER PREVIOUSLY MARRIED? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	IF ANSWER IS 'YES' TO ITEM 32, THEN COMPLETE ITEMS 33a, 33b, 33c		
	33a. NO. OF THIS MARRIAGE 2	33b. LAST MARRIAGE ENDED BY (Death, Divorce, or Annulment) DIVORCE	33c. DATE LAST MARRIAGE ENDED SEP-25-2009			



Re: New message from Tony Ansoleaga

1 message



Gianna Solarte <gianna.solarte@gmail.com>

On Saturday, March 10, 2012, Facebook <notification+2j_s24ay@facebookmail.com> wrote:

- > Tony Ansoleaga 5:07pm Mar 10
- > Amor tu eres el amor de mi vida!! Nunca vas estar sin mi. Yo te amo con todo de lo que tengo. You are my soulmate.
- > Conversation History
- > Gianna Solarte 12:55pm Mar 4
- > quiero verte
- > Babyyyyy
- > Tony Ansoleaga 4:15am Mar 9
- > Amor te quería contar que te amo. Estoy en las escuela y los vamos pronto. Estoy súper cansado.
- > Gianna Solarte 1:45pm Mar 9
- > Cansado ? De que amor? Lol ;)
- > Amor, que hago para no extrañarte tanto. veo tus fotos y es peor, me duele mi alma por dejarte ir. Baby regresa amandome please, no puedo vivir sin ti.
- > View Conversation on Facebook · Reply to this email to message Tony Ansoleaga.



Infidelity, Initiation, and the Emotional Climate of Divorce: Are There Implications for Mental Health?*

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A large literature has examined the role of "secondary" stressors, such as problems with finances, social support, residential mobility, and children, in producing the well-documented association between divorce and a variety of psychopathological conditions. Much less attention, however, has been paid to variation in the "primary" disruption experience. We address this omission using data from the National Survey of Families and Households to investigate the interrelationships among depression, initiator status, and spousal infidelity. While we find little evidence of direct effects of initiator status or spousal infidelity on post-divorce depression, the importance of these characteristics emerges when they are considered in an interactive context. Specifically, while divorce initiation is associated with reduced depression among individuals with unfaithful spouses, initiation is associated with increased depression in the absence of spousal infidelity. Taken together, our findings suggest that characteristics of the divorce experience may interact in complex ways to produce variation in mental health outcomes.

A fundamental goal of the sociology of mental health is to understand the ways in which social experiences lead to stressful psychological conditions. The initial studies in the field identified the kinds of events that contributed to emotional distress, typically correlating the number of presumably stressful events people experienced with resulting amounts of distress (Holmes and Rahe 1967). This approach, however, identified only modest associations between well-being and the simple occurrence of events and offered little insight into the causal mechanisms underlying these processes. Subsequent research has therefore focused more on the contexts in

which life experiences unfold, with considerable attention paid to identifying those qualities of events that are most responsible for producing emotional distress (Dohrenwend and Dohrenwend 1974; Ross and Mirowsky 1979; Wheaton 1990). In particular, a large literature indicates that the meaningful qualities of events are responsible for how much distress they entail (Dohrenwend 2000; Pearlin and Lieberman 1979; Thoits 1983). For example, the sudden and unexpected death of a spouse has different psychological consequences than a long-expected death after a chronic and debilitating illness (Carr et al. forthcoming). Much recent work attempts to specify the qualities of life events that make them more or less distressing to those who experience them.

Although social scientists have examined the mental health consequences of many individual life events, marital disruption has been of particular interest. This is not surprising, given that as many as 60 percent of recent marriages are expected to end in divorce or separation (Bumpass 1990). Divorce is associated

* We are grateful to Deborah Carr, Robin Simon, and three anonymous reviewers for comments on a previous version of this manuscript. The analyses for this paper were conducted while the first author was at Rutgers University. Please direct correspondence to Megan M. Sweeney, Department of Sociology, University of California, Los Angeles, 264 Haines Hall, Los Angeles CA 90095.

with numerous psychopathological conditions, and indeed may be among the most stressful events that many individuals experience over the course of their lives (Kitson and Morgan 1990). Compared to married people, those who divorce display higher rates of depression, suicide, alcohol abuse, and out and inpatient mental health treatment (for reviews see Bloom, Asher, and White 1978; Kitson, Babri, and Roach 1985; Ross, Mirowsky, and Goldstein 1990; Waite 1995). While divorce tends to be difficult for all involved, there is considerable variation in the nature of this experience. Understanding the source of these disparities provides important insight into the pathways through which divorce impacts mental health.

Most previous sociological research on divorce emphasizes how divorce serves as a stress proliferator, leading to a chain of "secondary stressors" that further reduce well-being (Aseltine and Kessler 1993; Brown and Foye 1984; Pearlin 1989). For example, estimates suggest that women's standard of living falls by 27 percent after divorce, although men's post-divorce standard of living increases slightly (Peterson 1996). Divorce may also cause former sources of interaction—including networks based on couples, in-laws, and married friends—to attenuate or dissolve (Gerstel, Reissman, and Rosenfield 1985; Ross 1995; Weiss 1975). Divorce often involves geographic mobility, which further weakens support networks (Coleman 1988; Speare and Goldscheider 1987). Finally, the experience of parenting may become more stressful after divorce. Indeed, marital disruption is associated with conflict over the division of labor in childcare, disputes over custody and child support, overburdened caretaker roles for the custodial parent, and the loss of contact with children for the non-custodial parent (Furstenberg and Cherlin 1991; Seltzer 1991; Spanier and Thompson 1987).

While most prior research has investigated the consequences of these secondary stressors for mental health, considerably less attention has been devoted to understanding the impact of variation in the "primary" divorce experience. In particular, previous investigations of divorce have tended to neglect the dimensions of the disruption experience itself that the life events literature suggests should produce considerable variation in distress. The current study addresses this omission using data from

two waves of the National Survey of Families and Households. Specifically, we investigate the importance of spousal infidelity and initiator status for understanding depression following a recent marital disruption. We further consider the complex ways in which these event qualities interact with one another to produce mental health outcomes.

BACKGROUND AND CURRENT RESEARCH

Spousal Infidelity and Divorce

The meaning that stressful life events has for people should magnify or soften their character as stressors. The infidelity of a spouse should be one particularly important aspect of the meaningful context of the divorce experience. While divorce tends to be stressful for all involved, the highly charged moral climate of adultery suggests that divorces involving the violation of the norm of spousal fidelity will be especially contentious and productive of distress. Marriage is a central social institution that is based on the commitment of two individuals to have primary loyalty to each other and to their children. In particular, it involves a pledge to direct exclusive sexual attention to the spouse. Indeed, sexual exclusivity may be the strongest norm governing marriage, with nearly 99 percent of married persons expecting their spouses to be sexually faithful and the same percentage assuming that their partner expects sexual exclusivity of them (Treas and Giesen 2000). While social proscriptions governing family and sexual behavior in the United States have generally weakened over time, the trend towards more permissive attitudes does not extend to extramarital sex (Thornton 1989). In fact, there is evidence that public disapproval of infidelity has actually *increased* somewhat in recent decades (Scott 1998; Thornton 1989). Adultery may be the most serious violation of norms regulating marriage, so that a violation of the commitment to sexual exclusivity expectably leads to intense feelings of betrayal, shame, hostility, and anger. The emotional outrage that spousal infidelity generates should serve to amplify the distressful nature of the divorce experience.

Quantitative studies of the mental health impacts of divorce, however, have generally ignored the impact of adultery on psychologi-

cal distress. This neglect is surprising given that infidelity is one of the most frequently cited factors leading to marital disruption (Amato and Rogers 1997; Kitson, Babri, and Roach 1985; South and Lloyd 1995). In addition, qualitative studies of the divorce experience highlight the enormous psychological consequences of adultery including outrage, betrayal, resentment, embarrassment, anger, grief, shame, guilt, fear, and anxiety (Vaughan 1986; Weiss 1975).¹ Weiss (1975), for example, finds infidelity "to be the most hurtful of the afflictions of a failing marriage" (p. 24). Despite the seemingly powerful mental health consequences of infidelity, quantitative studies using nationally representative data have not examined the distressing psychological consequences of this aspect of marital dissolution.

Initiator Status and Divorce

In addition to spousal infidelity, initiator status is a second contextual aspect of the divorce experience that might affect the degree of distress that divorcing individuals face. The life events literature indicates that the ability to control the outcome of stressors is related to the resulting amount of distress.² Situations that individuals are unable to influence should be especially distressful because they engender feelings of helplessness, hopelessness, and non-efficaciousness (Dohrenwend 2000). Dohrenwend (1974) reports that whether or not loss events are within the subject's control is the most important quality related to how much distress they produce. Thoits' (1983) comprehensive review of the life events literature also emphasizes that uncontrollable events are most strongly associated with depressive outcomes. In contrast, events that individuals are able to control should have less distressing consequences.

A number of empirical studies examine how the degree to which spouses have control over the divorce process affects mental health during marital dissolution (Buehler 1987; Kitson 1982; Spanier and Thomson 1984; Vaughan 1986; Weiss 1975). This literature focuses on differences in mental health outcomes between the spouse who makes the decision to divorce and the one who is told that the marriage will end. Because the differential ability to control the stressful effects of events is such an important general mediator of stressors (Pearlin 1989;

Rosenfield 1989), initiator status ought to affect how much distress results from the divorce experience. Initiators of divorce should be more prepared for the divorce process, be more likely to have alternatives to the marriage, and have more control over the divorce process, and thus ought to have better mental health outcomes than non-initiators (Black et al. 1991; Goode 1956; Pettit and Bloom 1984; Spanier and Thompson 1987; Sweeney forthcoming). In contrast, the non-initiator should face not only rejection and unanticipated social embarrassment but also the lack of control over a life-changing experience (Vaughan 1986).

Little quantitative research, however, has investigated the association between initiator status and post-divorce mental health. Among the few existing studies on this topic, empirical support for a relationship between initiator status and mental health is mixed. Most studies find similar levels of emotional distress following separation regardless of initiator status, although some research suggests that non-initiators may lag slightly behind initiators in the post-divorce adjustment process (Buehler 1987; Crosby, Lybarger, and Mason 1987; Furstenberg and Spanier 1987; Pettit and Bloom 1984; Weiss 1975). Other research, however, finds larger differences in post-divorce emotional adjustment between initiators and non-initiators, particularly during the initial years following a separation (Kitson 1982; Spanier and Thompson 1987). These previous studies vary in their treatment of remarriage, in the timing and length of the post-divorce period they examine, and in their use of a legal versus residential definition of marital dissolution. Most research examining the association between initiator status and post-divorce adjustment has also relied on small or non-representative samples, which may further explain inconsistent findings across previous studies.

The Current Research

This study investigates how spousal infidelity and initiator status affect mental health. We test several specific hypotheses in this research. First, we expect that persons who believe their spouses committed adultery will experience greater depression than those who do not believe their spouses were unfaithful. This hypothesis is derived from the principle

that life events involving violations of strong social norms will be more distressful than will those that are more morally neutral. Second, we expect that non-initiators will experience more depression after divorce than will initiators. Such a relationship is anticipated because non-initiators should be less likely than initiators to perceive the divorce to have been within their control. Third, we consider the ways in which interactions of event qualities may contribute to the level of resulting distress (Thoits 1983). We believe that regaining a sense of control during divorce will be particularly important in the face of the emotional outrage often resulting from infidelity. In particular, while initiating a divorce might often engender guilt, the context of an adulterous spouse might serve to justify ending a marriage. We therefore expect an interaction between initiator status and the perception that one's spouse was unfaithful. Specifically, we predict that situations where spouses are both unfaithful and initiate the divorce process will be most distressing. This is because non-initiators whose spouses engaged in extramarital affairs are likely to face the combined disadvantages of emotional outrage along with lack of preparedness and fewer alternatives to the marital relationship. In contrast, we expect the least distress when spouses have not had affairs and when respondents themselves initiate the divorce process. In general, we expect such persons will have less emotional outrage and more preparedness. The other two combinations where spouses have had affairs and respondents initiate the divorce or where spouses have not been unfaithful but initiate the divorce should have mental health consequences that are intermediate between the two extremes. In the first combination, the spousal infidelity might cancel out what might otherwise be the guilt of initiating a divorce; in the second combination, the guilt over initiating a divorce from a faithful spouse might offset the advantages of gaining a degree of control over the divorce process. This possible interaction between initiator status and infidelity could explain the lack of strong main effects of initiator status on mental health in previous research.

DATA AND METHODS

Sample

This paper analyzes data from the National

Survey of Families and Households (NSFH), a national probability sample of 13,007 adults (Sweet, Bumpass, and Call 1988) first interviewed in 1987-88 (NSFH1), with 10,005 main respondents re-interviewed in 1992-94 (NSFH2). Several sub-populations were over-sampled in the data, including blacks, Hispanics, recently married couples, stepfamilies, and single-parent families. These data contain complete marital histories, and measures of mental health (at both waves), social support, family composition, and economic and demographic characteristics of respondents. The NSFH data are particularly well-suited for the current project because they also contain information on whether respondents initiated their marital separation and whether they believe their spouse was involved with someone else before their marriage ended.

The analytic sample is limited to men and women who were married at NSFH1, who experienced the dissolution of these marriages through either divorce or separation by NSFH2, and who provided complete data on the twelve items used to assess depression at each survey wave. We consider marriages ended through either divorce or separation because of documented variation in the duration between separation and divorce among population sub-groups, and because of the possibility that a legal divorce will only be obtained once one partner wishes to remarry (Sweet 1973; Sweet and Bumpass 1987; Thornton 1977). Finally, because of sample size restrictions, we limit our analysis to white, black, and Hispanic respondents. The unweighted analytic sample includes 580 men and women.

Measures

Mental health. The mental health outcome this paper uses is depression at NSFH2, which is measured by 12 items drawn from the Center for Epidemiologic Studies Depression Scale (CES-D), a commonly used instrument for assessing depressive symptomatology (Radloff 1977).³ In the self-administered portion of the questionnaire, respondents are asked how many times in the past week they "felt bothered by things that usually don't bother you;" "did not feel like eating;" "felt that you could not shake off the blues;" "had trouble keeping

your mind on what you were doing;" "felt depressed;" "felt that everything you did was an effort;" "felt fearful;" "slept restlessly;" "talked less than usual;" "felt lonely;" "felt sad;" and "felt you could not get going." Following Radloff (1977), we recode each of these items from 0 to 3 depending on the frequency with which each symptom was experienced in the past week. Grouped categories included less than one day (0), one to two days (1), three to four days (2), and five to seven days (3). The individual items are then summed to create an index ranging from 0 to 36 (Chronbach's $\alpha = .93$). Finally, because the distribution of CES-D scores is substantially skewed, we create a variable indicating whether a respondent's CES-D score falls in the top quintile (greater than or equal to 14) of the score distribution for the full NSFH sample.⁴ Because we are interested in the change in depression associated with marital dissolution, all models also control for depression at NSFH1, when respondents were still married.

Character of event. We measure two central characteristics of the dissolution experience that are expected to affect the emotional context of divorce: initiator status and infidelity on the part of one's spouse. Initiator status has been defined in many different ways in previous research, including the spouse who first suggested separation, or the spouse who eventually filed for divorce. Research suggests, however, that such definitions of initiation may be misleading because often both partners wanted their marriages to end, regardless of who made these formal moves (Hopper 1993). The current analysis therefore operationalizes initiation using a more direct measure of whether respondents wanted their marriages to end. We create a dummy variable for "initiators" coded as one if respondents report having wanted their marriage to end as least as much as their spouse did.⁵ Although only the respondent's report is used to construct this measure, previous analyses of initiator status reporting in the NSFH shows relatively high levels of agreement between spouses (Sweeney forthcoming).

To assess infidelity, we rely on respondent reports of whether their former spouse was involved with someone else before their marriage ended. Respondents are given the options of answering "yes," "no," or "don't know" to this question, which further allows us to assess the impact of uncertainty with respect to one's

spouse's infidelity on the emotional climate of divorce. While respondents may not provide a valid report of their spouses' actual infidelity (South and Lloyd 1995), we believe that what matters most for understanding the emotional context and mental health consequences of divorce is respondents' *perception* of whether their spouse was unfaithful. Because of suspected severe under-reporting in the respondents' reports of their own extramarital relationships (South and Lloyd 1995), we do not attempt to construct a parallel measure for infidelity among NSFH primary respondents.⁶ Three separate dummy variables are created, each coded as one for "yes," "no," and "don't know" responses.

Secondary stressors. We measure three secondary stressors that are expected to impact adjustment following divorce: income, children, and social support. Income is measured as total family income at NSFH2, divided by the official United States poverty threshold for a given family composition.⁷ Although the adequacy of official poverty lines is a subject of some debate (Citro and Michael 1995), this approach is preferred to a direct measure of income because the standard of living that is obtainable from a given level of income will vary with family size and composition. We measure children with a dummy variable, coded as one when any biological or adopted children of the respondent lived in the household at NSFH1. The variable is based on data from the first wave of the study since our primary interest lies in complications to parenting potentially introduced by marital disruption, rather than in the effects of children currently present in the household. This is particularly important given that many fathers no longer live with their children after marital disruption. Finally, social support is operationalized through two measures. First, we construct a dummy variable coded as one when the respondent has received any support (advice, encouragement, moral or emotional support) from family members, friends, neighbors, or co-workers during the past month. Second, we construct dummy variable measures of change in frequency of visits with friends shared with one's former spouse, with respondents coded as one if they indicate that they no longer see most of these friends at all, they see less of these friends, or that they see at least as much of these friends as before their marriage ended. Both social support variables are constructed

from information gathered at NSFH2. Missing data on household income was assigned the sample mean, with an indicator variable for missing data added to all models and a separate category for missing data created for categorical variables in the analysis.

Background and control variables. Finally, we control several other respondent characteristics that are expected to contribute to variation in mental health following marital disruption. These include sex, race/ethnicity, age (at NSFH2), educational attainment (at NSFH2), and time since marital separation. Geographic region and metropolitan status of residence at NSFH1 are also controlled, as these variables were part of the stratified sample design in the NSFH. To control for other characteristics of the separation experience that may be associated with mental health outcomes, we also construct measures of whether the separation occurred within two years of the NSFH2 interview, whether the dissolved union was a first marriage, and whether the respondent had remarried by the NSFH2 interview date.

RESULTS

Descriptive statistics for our analytic sample of respondents married at NSFH1 and who experienced an inter-survey separation are shown in the first column of Table 1. For purposes of comparison, data for the full NSFH sample and for the sub-sample of respondents married at NSFH1 are also shown. Not surprisingly, respondents in our analytic sub-sample display higher levels of depression after their marital separation (wave 2 CES-D) than while they were married (wave 1 CES-D), with fully 30 percent classified as depressed in the later period and 24 percent classified as depressed in the earlier period. Our analytic sample is 82 percent white, with respondents most often in their thirties, high-school educated, living in the South and in a metropolitan area. On average, respondents report family incomes 3.7 times the poverty threshold, and 66 percent had at least one child living with them at NSFH1. Approximately 78 percent of respondents report having received some emotional support in the past week, although fully two-thirds report seeing less of friends previously shared with their spouse than they did before the separation. Indeed, 40 percent of respondents report no contact at all with previ-

ously shared friends. Approximately 61 percent of respondents report having "initiated" their marital separations. Similar proportions of respondents report spouses that did and did not have affairs (39 and 38 percent, respectively), while almost one in five report they do not know if their spouse was involved with someone else before their marriage ended. Twenty-nine percent of our respondents had separated from their spouses within two years of the NSFH2 interview. Finally, most respondents were in their first marriages at NSFH1 (72 percent), and only 25 percent of respondents separating between the survey waves had remarried by NSFH2.

Our analytic sample of respondents experiencing an inter-wave separation differs from other NSFH respondents in expected ways, as the second and third columns of Table 1 show. For example, respondents experiencing an inter-wave separation display higher levels of depression than other NSFH respondents at both time points. Consistent with life course variation in patterns of divorce (White 1990), our divorcing respondents are somewhat younger than other NSFH respondents. They are also somewhat less likely to live in the Northeast and more likely to live in the South. Our analytic sample members also tend to have lower family incomes than other NSFH respondents, which is consistent with higher rates of divorce among lower income families (White 1990), and are more likely to have children living in the household at NSFH1.

In considering the interrelationships among depression, initiator status, and spousal infidelity, we begin by inspecting descriptive associations among these variables. Table 2 displays patterns of post-separation depression by initiator status, spousal infidelity and gender. Because some qualitative research suggests that effects of stresses associated with marital dissolution may dissipate over time (Vaughan 1986; Weiss 1975), we further investigate whether the effects of initiator status and spousal infidelity on mental health attenuate over time since separation. The top panel of the table includes all separations since NSFH1, while the bottom panel is limited to separations occurring within two years of the NSFH2 interview date.

Although the life events literature suggests that non-initiators will experience more depression than will initiators, such a pattern is found here only for women who separated

TABLE 1. Descriptive Statistics for Variables Used in Analysis of the Emotional Climate of Divorce and Its Consequences for Mental Health, Various Sample Definitions

Variable	Analytic Sample Separated Between Waves	Full Sample	Currently Married at NSFH1
Depression, NSFH2	.30	.19	.17
Depression, NSFH1	.24	.20	.16
Sex (female = 1)	.52	.52	.50
Race/ethnicity			
White	.82	.81	.86
Black	.11	.11	.07
Hispanic	.07	.08	.07
Current age (NSFH2)			
< 30 years	.13	.14	.04
30-39 years	.40	.24	.24
40-49 years	.32	.21	.27
50+ years	.15	.40	.46
Education (NSFH2)			
Less than high school	.14	.18	.16
High school	.37	.36	.38
Some college	.28	.22	.21
College degree	.20	.23	.24
Regional Characteristics (NSFH1)			
Northeast	.14	.22	.21
South	.42	.34	.35
West	.20	.21	.20
North Central	.24	.24	.24
SMSA (NSFH1)	.77	.77	.75
<i>Secondary Stressors</i>			
Household income-to-needs (NSFH2)	3.73 (2.66)	4.25 (2.73)	4.45 (2.88)
Any children in household, NSFH1 (1 = yes)	.66	.38	.50
Social support			
Any recent emotional support (1 = yes)	.78		
Post-separation contact with shared friends			
At least as much	.34		
Less	.26		
None	.40		
<i>Emotional Context</i>			
Respondent initiated separation (1 = yes)	.61		
Spouse had affair			
No	.38		
Yes	.39		
Unknown	.18		
<i>Other Characteristics of Separation Experience</i>			
Recent separation (< 2 years)	.29		
Dissolved union was first marriage (1 = yes)	.72		
Respondent has remarried (1 = yes)	.25		
Sample Size	580	9,885	5,425

Note: Data are weighted. Means for categorical variables may not sum to 1 because of missing data. Standard deviations for continuous variables are shown in parentheses. All samples are limited to respondents interviewed at both survey waves and were classified as black, white, or Hispanic.

from their spouses within the past two years. For all other groups, depression is instead somewhat more common among initiators than among non-initiators. Similarly equivocal results are observed for the association between spousal infidelity and post-separation mental health. A divorce experience characterized by infidelity is associated with relatively greater depression among women, but seems

to have little association with depression among men, at least in the bivariate context. Among women, the magnitude of these differences is greatest in the first two years following divorce. Finally, while we expected respondents who do not know if their spouse had an affair to display levels of depression midway between those who report spousal infidelity and those who do not, we instead find relative-

TABLE 2. Observed Depression at Wave 2, by Initiator Status, Spousal Infidelity, Gender, and Time Since Separation: National Survey of Families and Households

	Total		Women		Men	
	% Depressed	N	% Depressed	N	% Depressed	N
<i>All Separations Since NSFH1 (1987-88)</i>						
Initiator	31.8*	360	38.1	230	22.0	130
Non-initiator	23.3*	159	36.9	64	15.4	95
Spouse affair	31.0*	225	40.9	127	19.9	98
Don't know	31.9	107	37.1	60	26.3	47
No spouse affair	28.3*	213	34.8	124	20.4	89
<i>Separations Within Past Two Years</i>						
Initiator	36.2	95	42.4	61	27.2	34
Non-initiator	36.0*	54	59.9	22	23.2	32
Spouse affair	40.0*	66	59.7	34	22.3	32
Don't know	42.9	31	37.8	14	45.8	17
No spouse affair	30.9	61	35.6	41	23.9	20

Note: Depression is defined as having a total CES-D score of 14 or greater at NSFH2. Percentages are weighted, frequency counts are unweighted. * Indicates that the mean level of depression within category differs significantly by gender, at $p < .05$ level (two-tailed test).

ly high levels of depression among men in this group. Men expressing uncertainty about their former wives' fidelity are substantially more likely to be depressed than are men who either report an affair or report that no affair occurred. Taken together, these descriptive results provide only mixed support for our hypotheses about the psychological consequences of spousal infidelity and initiator status.

We next use logistic regression techniques to investigate the interrelationships among depression, initiator status, and spousal infidelity in a multivariate context. Table 3 displays models regressing post-separation depression on the emotional context variables, prior mental health, secondary stressors, and an array of background characteristics. We first ask whether initiator status is associated with reduced mental health when background characteristics and secondary stressors are controlled. As shown in Model 1, we find that initiator status is not significantly associated with post-separation depression in the multivariate model. An interaction of initiator status with a recent separation (not shown in Table 3) does not further improve the fit of the model. The lack of association between initiator status and post-divorce mental health is somewhat surprising, given the emphasis in the life events literature on the mental health benefits of event controllability. This result is, however, largely consistent with findings from prior studies (Furstenberg and Spanier 1987; Pettit and Bloom 1984).

Results for other variables in the model are

largely consistent with prior research. For example, depression at NSFH1 is a strong predictor of depression at NSFH2, as shown in Model 1. Respondents who were depressed at the time of the NSFH1 interview display 3.9 times greater odds ($e^{1.372}$) of depression at NSFH2. Although not statistically significant at conventional levels, experiencing a marital disruption within the past two years is associated with 53 percent greater odds of depression, relative to individuals whose separations occurred more than two years before the NSFH2 interview. Secondary stressors (economic well-being, children, and social support) are also related to post-marital mental health. Individuals with greater family income are less likely to be depressed after marital disruption, with a one-standard deviation increase in the level of income-to-needs associated with a one-third reduction in the odds of being depressed. The presence of children in the household at NSFH1 is associated with a 73 percent increase in the odds of being depressed at NSFH2. Respondents experiencing declines in their pre-separation social networks also fare poorly: Having less contact with previously shared friends is associated with a 62 percent increase in the odds of depression. This effect of reduced social networks, however, is not statistically significant at conventional levels. Consistent with much previous research, women display considerably higher post-disruption depression scores than do men, even when holding all other characteristics constant. Coefficients for race/ethnicity, age, education, marital order, and whether a remarriage

TABLE 3. Logistic Coefficients from Regression of Depression at Wave 2 on Emotional Context Variables, Depression at Wave 1, Secondary Stressors, and Background Characteristics (N = 580): National Survey of Families and Households

Independent Variables	Model 1		Model 2		Model 3	
	Coeff.	S.E.	Coeff.	S.E.	Coeff.	S.E.
<i>Emotional Context</i>						
Respondent initiated separation	.11	.25	—		1.04*	.47
Spouse affair						
Yes	—		.13	.23	1.12*	.47
Unknown	—		.16	.29	.94	.60
Initiator status x infidelity						
Initiator x spouse had affair	—		—		-1.34*	.55
Initiator x affair status unknown	—		—		-.96	.68
<i>Prior mental health</i>						
Depression, time 1	1.37*	.22	1.40*	.22	1.41*	.22
<i>Time since separation</i>						
Recent separation (< 2 yrs)	.42	.23	.41	.22	.45*	.23
<i>Secondary Stressors</i>						
Household Income-to-needs, time 2	-.14*	.07	-.14*	.07	-.14*	.07
Any children	.55*	.24	.57*	.24	.56*	.24
Social support						
Any recent emotional support	.38	.27	.38	.27	.38	.27
Contact with shared friends (omitted = same)						
None	.15	.26	.13	.26	.10	.26
Less	.48	.28	.47	.28	.45	.28
<i>Background Characteristics</i>						
Sex (female = 1)	.60*	.24	.62*	.23	.62*	.24
Race/ethnicity (omitted = white)						
Black	-.10	.30	-.10	.30	-.13	.30
Hispanic	-.19	.44	-.14	.43	-.19	.45
Age at time 2 (omitted = < 30 years)						
30-39 years	-.18	.31	-.18	.31	-.12	.32
40-49 years	-.44	.36	-.45	.36	-.42	.37
50+ years	-.90	.48	-.87	.48	-.91	.48
Education (omitted = less than high school)						
High school	-.59	.31	-.60	.31	-.60	.32
Some college	-.47	.33	-.48	.33	-.54	.34
College degree	-.30	.38	-.33	.38	-.35	.39
Dissolved union was a first marriage	-.09	.24	-.11	.24	-.07	.25
Respondent has remarried	-.25	.29	-.26	.29	-.29	.29
Constant	-1.15	.67	-1.14	.66	-2.04*	.78
-2 log likelihood	614.97		616.50		607.99	
Degrees of freedom	26		26		30	

Note: Models also control region of residence, SMSA status, and indicator variables for missing data.

* $p < .05$ (two-tailed test).

occurred between survey waves do not significantly differ from zero.

We next ask whether spousal infidelity is associated with reduced mental health when background characteristics and secondary stressors are controlled. These results are shown in Model 2. Similar to the findings for initiator status, we find little evidence that infidelity is associated with poor mental health. While there is some evidence that spousal infidelity is associated with a greater likelihood of depression among individuals whose separations occurred within the past two years (not shown in Table 3), the addition of this interaction does not significantly improve the overall

fit of the model. Thus, when considered independently, we find little evidence of strong mental health effects of either initiator status or spousal infidelity.

We next consider ways in which event qualities may interact, asking if the effect of spousal infidelity on mental health is moderated by whether individuals initiate their own separations. Model 3 includes both measures of initiator status and infidelity, as well as an interaction of these two variables. We find that such an interaction does exist in these data. While a spouse affair is associated with substantially greater depression among those who did not initiate separation, it has little net

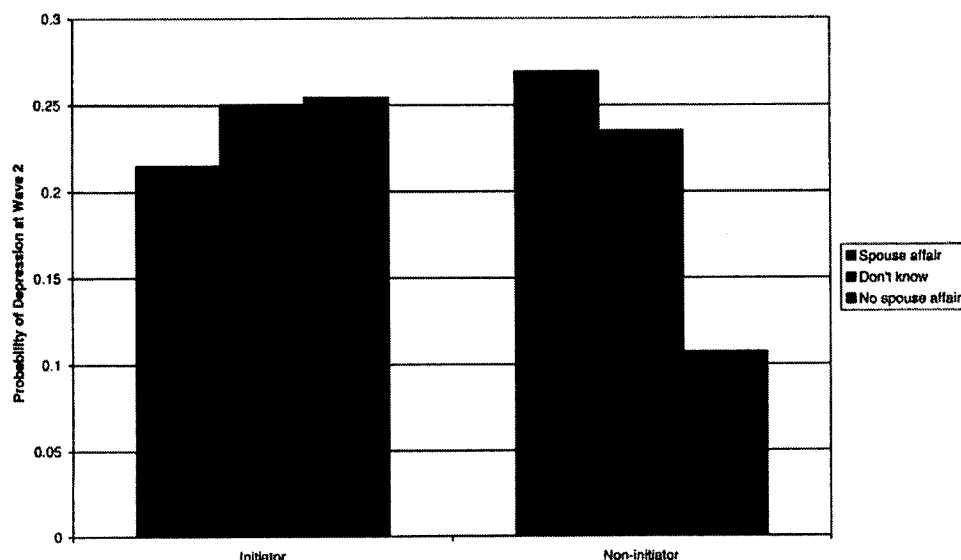
effect among those who did initiate this break-up. Among non-initiators, a spouse's affair is associated with a three-fold increase in the odds of depression, while uncertainty is associated with 2.6 times greater odds of depression, relative to non-initiators who report that their spouses were faithful. Among initiators, however, a spouse's affair is associated with a 20 percent *reduction* in the odds of being depressed, while uncertainty with respect to the fidelity of one's former spouse is associated with almost no change in the odds of depression, relative to initiators who reported that their former spouses were not engaged in extramarital affairs. The interaction between initiator status and spousal infidelity is statistically significant at the .05 level.

The overall effects of initiator status and spousal infidelity on the probability of post-separation depression are displayed graphically in Figure 1. In addition to depicting the previously described findings from Model 3, the figure highlights the fact that in situations where no spousal infidelity is believed to have occurred, initiating separation is associated with relatively *worse* mental health than not initiating separation. This is surprising, given an emphasis in the life events literature on the relative mental health benefits of high event controllability. Although not directly examined here, it is possible that the feelings of

guilt and condemnation by others that can be experienced by initiators (Weiss 1975) are reduced in the context of a spouse affair. The current findings point to a complex relationship between the controllability of life events and their mental health consequences, and they highlight the importance of considering the important ways in which multiple characteristics of events may interact to produce mental health outcomes.

Finally, in models not shown here, we test for gender differences in the mental health effects of initiator status, spousal infidelity, and secondary stressors. Although differences between men and women in the effects of initiator status and spousal infidelity are not statistically significant at conventional levels, the pattern of these results suggests a somewhat stronger interaction between initiator status and spousal infidelity among men than among women. For example, for individuals who believe their spouse had an affair, men's likelihood of depression is more sensitive to whether they initiated the separation than is true for women. With respect to secondary stressors, we further find that having children in the household is associated with a greater likelihood of post-disruption depression among men than among women. This gender difference is statistically significant at the .05 level and may reflect the substantial reduction in contact with children many men experience

FIGURE 1. Predicted Probability of Depression at Wave 2, by Initiator Status and Spousal Infidelity: National Survey of Families and Households



upon divorce. Although prior research has investigated the impact of post-disruption relationships with fathers on children's well-being (Amato and Gilbreth 1999), far less work has considered the mental health consequences of post-disruption changes in parenting among fathers themselves. This will be an important direction for future work.

DISCUSSION

The results from this large, nationally representative sample of people who have undergone recent divorces help to clarify why divorce is associated so much psychological distress. As most sociologists have emphasized, factors such as low income and problems associated with children are significantly associated with negative mental health (Gerstel et al. 1985; Horwitz, White, and Howell-White 1996; Ross 1995; Waite 1995). After controls for these secondary stressors, information about the emotional climate of the primary divorce experience also enhances our understanding of the mental health consequences of marital disruption.

This work investigated the importance of two particular aspects of the divorce experience: infidelity on the part of one's spouse and the degree to which divorcing spouses have control over the process of marital dissolution through initiation. Although we expected that depression would be higher among people (particularly recently separated women) who were non-initiators or who believed their former spouses to have been unfaithful, our multivariate analysis found little evidence of direct psychological consequences associated with either spousal infidelity or with initiator status. This was quite surprising, given the moral outrage that may result from spousal infidelity and the important role played by initiator status in structuring the nature of the separation experience (Hopper 1993; Vaughan 1986; Weiss 1975).

Yet our research further suggests that tremendous insight can be gained by examining life events in their broader contexts. In themselves, spousal infidelity and the initiation of divorce do not have straightforward effects on the mental health of people undergoing marital dissolution. Instead, the interaction of these aspects of the divorce process contributes to mental health outcomes.

Spousal infidelity has different psychological consequences depending on whether victims initiate the divorce process. Likewise, initiator status has different emotional impacts for persons whose spouses were adulterous or not. Among those who experience marital disruption, persons who reassert control through taking the initiative to end a marriage with an adulterous spouse have relatively positive mental health outcomes. In contrast, lack of control over the divorce experience appears to have particularly deleterious effects in the context of moral outrage resulting from spousal infidelity. Among respondents who do not report spousal infidelity, however, initiating one's divorce is associated with relatively poorer mental health. Indeed, the significance of initiator status and spousal infidelity for post-divorce mental health becomes clear only once these factors are considered jointly.

This study also has a number of limitations that should be addressed in future work. First, because our sample includes only people experiencing marital disruption, the mental health effects of infidelity cannot be generalized to the full population of married people. Unfortunately, the NSFH gathers information on infidelity only for those couples whose marriages eventually ended, and thus cannot be used to investigate how affairs that do not precede a marital disruption affect mental health. Second, it would be valuable to know how people's own adulterous involvements affect their responses to the divorce experience. Although the NSFH does collect self-reported data on affairs, these reports are considered to be of questionable validity (South and Lloyd 1995). Third, while this research considers a single mental health outcome, depression, other research demonstrates the importance of using multiple outcome variables to fully understand variations in response to stressful experiences (Horwitz et al. 1996). Future work should consider additional outcome measures, such as problem drinking behavior.⁸ Such research will also allow more careful attention to variations among sub-populations in emotional responses to divorce, and will facilitate a broader understanding of the significance of the moral character of life events. Finally, while the use of survey data based on a nationally-representative sample offers important insight into the mental health consequences of marital disruption, such an analysis necessarily offers only

limited insight into the complexities of divorce and the vast heterogeneity in emotional responses individuals have to marital disruption. We hope that future research will include more qualitative investigations of the importance of controllability, the violation of social norms, and uncertainty for understanding the mental health effects of life events. For example, only qualitative studies could disentangle whether respondents who "don't know" if their spouses had affairs are truly uncertain or are in a state of denial about their spouses' conduct. Such work may also be particularly important for understanding effects of divorce on men's well-being, as some evidence suggests that divorced and separated men are less well covered in large survey data samples (Bumpass, Martin, and Sweet 1991).

CONCLUSION

This study suggests that examining the multi-dimensional and contextual aspects of stressful life events can greatly enhance our understanding of how psychological distress is grounded in social experiences. In particular, our research suggests that in addition to secondary experiences resulting from divorce (such as reduced income and loss of social support), primary characteristics of the divorce experience itself (such as spousal infidelity and initiator status) have important effects on subsequent depression. The strong interrelationship of these variables, however, masks their importance for understanding variation in distress after marital dissolution.

More generally, these results highlight the importance of taking the *moral* quality of life events into account when assessing the consequences of these events for mental health. Morally charged events such as spousal infidelity should lead to especially intense psychological consequences. Likewise, the perception that one has been unjustly fired from a job should have different consequences for emotional well-being than a layoff due to the perceived general economic climate. Similarly, categories of life events that are morally charged, such as crime victimizations, might have differential mental health outcomes than categories that are morally neutral, such as natural disasters. Theoretical discussions of the general dimensions of life events, however, have ignored this important aspect of life expe-

riences. While our findings indicate that the moral qualities of life events are important, they also indicate that the psychological consequences of norm violation are quite complex and are influenced in the case of infidelity by an interactive relationship with event controllability. Future research should pay careful attention to the complex ways in which multiple dimensions of divorce experiences or other life events may interact to produce mental health outcomes.

NOTES

1. Unlike the neglect of the psychological consequences of adultery in quantitative sociological research, this dimension has generated many of the world's greatest works of fiction including Homer's *Iliad*, Shakespeare's *Othello*, and Flaubert's *Madame Bovary*. Contemporary portrayals of the divorce experience in literature, television, and film also focus on the impact of adulterous spouses on individual well-being.
2. Note that this use of "controllability" refers more to a quality of the *situation* that people face than to an individual personality characteristic such as sense of control or mastery.
3. These 12 items are derived from the 20 items that constitute the full CES-D scale.
4. Recall that our depression scale is a modified version of Radloff's (1977) original CES-D. While the complete CES-D is based on 20 items and ranges from 0 to 60, our analyses are based on a dichotomized measure of depression, indicating that the respondent has scored in the top 20 percent of all NSFH respondents. To test the robustness of our results to the specification of depression, a parallel set of models using the continuous measure of depression were also estimated, with results generally similar to those presented here.
5. If the respondent answers "I wanted the marriage to end BUT my husband/wife did not" or "I wanted it to end MORE THAN my husband/wife did" or "We both wanted it to end" he or she is coded as wanting the first marriage to end. Respondents selecting "My husband/wife wanted it to end MORE THAN I did" or "My husband/wife wanted it to end BUT I did not" are coded as not

- having wanted the first marriage to end. Respondents who report their spouses as having wanted the marriage to end more than they did are not coded as having wanted the marriage to end because it is unclear that the separation would have occurred were it not for the spouse's relatively stronger desire to end the relationship. Consistent with Pettit and Bloom (1984), our exploratory analyses suggest that respondents reporting a mutual decision to separate are appropriately classified as "initiators," rather than as "non-initiators" or as a distinct group.
6. South and Lloyd (1995) find that over 40 percent of recently divorced 1987-88 NSFH respondents report that their spouses were romantically involved with someone else prior to the end of their marriage, while only 15 percent of these respondents report having themselves been extramaritally involved.
 7. As NSFH2 respondents report their income during the past 12 months, rather than during any particular calendar year, we use the following rule to determine which set of poverty thresholds is assigned to a particular respondent: We use 1992 dollar thresholds for respondents interviewed from July 1992-June 1993, 1993 dollar thresholds for those interviewed from July 1993-June 1994, and 1994 dollar thresholds for those interviewed in July 1994. Poverty thresholds for 1992 are obtained from Current Population Reports, Series P60-185 (U.S. Bureau of the Census 1993), and these thresholds are inflated to 1993 and 1994 dollars using the Consumer Price Index.
 8. The current research does not investigate problem drinking because of relatively imprecise measurement of drinking behavior at NSFH1.
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