

Court urged to enter spurned spouse case



By Mark Sherman, Associated Press Writer | October 24, 2007

WASHINGTON --A plumber and a millionaire squared off in Mississippi over a woman. The woman chose the rich guy. The plumber sued the millionaire and won more than \$750,000.

Now Jerry Fitch Sr., a businessman from Holly Springs, Miss., wants the Supreme Court to step in and limit what a spurned spouse can collect through a lawsuit that claims "alienation of affection."

Fitch said he shouldn't have to pay \$112,000 in punitive damages, citing an earlier high court decision overturning state criminal laws against gay sex to bolster his case. He is not contesting the rest of the judgment.

The Mississippi Supreme Court called the matter a classic case of "he said/she said/the paramour said."

Mississippi is one of only seven states that still allows lawsuits by people who claim someone stole their wife or husband. The others are Hawaii, Illinois, New Mexico, North Carolina, South Dakota and Utah.

The claim is rooted in the antiquated notion of a woman as her husband's property. Most states have abolished alienation of affection as a basis for lawsuits.

Sandra Fitch, the woman in this case, was married to the plumber, Johnny Valentine, when she was hired by Fitch's real estate company.

Within a year, she and Fitch began an affair. She became pregnant by Fitch, but she told Valentine his suspicions about adultery were unfounded.

Soon, though, Valentine had genetic tests done showing he was not the baby's father. He sued for divorce and then he sued Fitch, who is worth \$22 million, according to the Mississippi Supreme Court.

The purpose of such a suit, the Mississippi high court said, is "the protection of the love, society, companionship, and comfort that form the foundation of a marriage."

Valentine said his marriage was normal until Fitch entered the picture. Sandra Fitch -- she married her boss in 2002 -- said she began her affair because she was unhappy in her marriage.

Fitch, who also was married at the time the affair began, initially denied that he was the father of the baby, that he was involved with his employee or that he was giving her extra money.

He eventually acknowledged his role.

A jury awarded Valentine more than \$750,000, including \$112,000 in punitive damages. The state Supreme Court upheld the verdict.

Shelby Duke Goza, Fitch's lawyer, argues that the punitive damages in this case are a state-sanctioned penalty for intimate conduct, something the Supreme Court outlawed when it overturned state sodomy laws in 2003.

In that decision, the high court said that sexual relations the government may not want to encourage can still be pursued by individuals without fear of criminal punishment.

"There is simply no rational basis for state sanctioned punishment of intimate association between consenting adults," Goza said in a filing asking the court to block payment until it decides whether to grant Fitch's appeal. ■

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