

## A precious lesson in Pa. law.

# Jilted, then sued over the ring

By Mario F. Cattabiani  
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Janet Grace's near-wedding experience is a cautionary tale of love, charity, and a \$35,000 diamond ring that has Harrisburg rethinking the rules of engagement.

What she wants you to know is this: It's *his* ring until you're hitched, so says the law in Pennsylvania.

Grace, a 46-year-old construction manager from Philadelphia, is learning that the hard way, and she might pay dearly.

In December 2004, a mutual friend introduced Grace to Mario Mele, a former Montgomery County commissioner.

In the spring, he gave her a whopper of a ring — an eye-popping 2 $\frac{1}{3}$ -carat, flawless princess-cut diamond set in hand-crafted platinum.

Less than two months later, Mele, 64, abruptly broke it off and asked for the rock back. She refused, sold the stone, and gave the

proceeds to charity. Grace, who designed the ring, kept the setting and had it fitted with a cubic zirconia.

Now, Mele is suing her for the \$35,000 appraised value of the ring, plus an additional \$100,000 in damages. The whole episode, he contends in the lawsuit filed in December in Philadelphia, has caused him "embarrassment, humiliation, anxiety, and other personal injuries."

The law appears to be on his side.

In 1999, a divided state Supreme Court set precedent on the issue, ruling in a case involving a Western Pennsylvania couple.

"Pennsylvania law treats the giving of an engagement ring as a conditional gift," Justice Sandra Schultz Newman wrote in the 4-3 opinion. The woman must return it if the marriage does not occur, See **RINGS** on A8

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**Justice Sandra Schultz Newman**

In a 4-3 state Supreme Court opinion written in 1999



TOM GRALISH / Inquirer Staff  
**Janet Grace** holds her engagement ring. She donated the diamond to charity and replaced it with this cubic zirconia.

Philly Inquirer  
Tom Feb. 14, 2006  
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Newman wrote, "even if the donor broke the engagement."

In one dissenting opinion, Justice Ralph J. Cappy criticized the majority, citing tradition that dates back more than 11 centuries that dictates whoever reneges on a pledge of marriage surrenders the ring.

In defending the suit, Grace insists her case presents a different set of facts that the court hasn't yet addressed.

When the two started dating, Grace said in an interview, Mele made it clear he wasn't looking to marry. But he later asked her to set a wedding date.

Then came the ring, with a condition attached: Mele asked that it be the only diamond ring that she would own, she recalled. So she gave five of her rings to charity and a sixth to a niece. In all, it was about \$20,000 worth of jewelry, she said.

She never would have done that if she would later be asked to give back the engagement ring.

"My ring was not a gift. I had to give you something to receive it," said Grace, who ran her own architecture firm in Philadelphia from 2000 to 2004. "If I had not given up anything, I would have been happy to give it back."

The suit alleges that Grace acted "in reckless disregard" of Mele's rights and

was motivated "by personal spite and greed."

Mele, the owner of a dental insurance agency who served as a Montgomery County commissioner for eight years ending in 2000, refused comment, referring calls to his attorney, Joel Trigiani.

Trigiani said Mele never asked Grace to give up her other rings. It was her idea alone, he said, but even if he had, that doesn't matter in the eyes of the law.

"Everyone has a story. Everyone says they have damages," Trigiani said. "But the Supreme Court ruling is clear and definite."

When engagements shatter, who gets to keep the ring depends on where you live.

Pennsylvania is one of several states, including New Jersey and New York, that side with the man. California, too, backs the guy, unless he breaks it off. But courts in Montana have held that the ring is an unconditional gift that need not be returned.

Wedding experts are likewise divided.

Mark Kingsdorf, the owner of the Queen of Hearts Wedding Consultants in Philadelphia, believes that from an etiquette standpoint, the ring is merely a gift.

"It's not a binding contract," said Kingsdorf. "My concern now is whether

we are going to do prenuptial agreements upon engagement: I give you this ring and ask you to marry me, but please sign this and state that it's not a gift.

"Is that the next step?"

Grace's story has caught the attention of State Sen. Joe Conti (R., Bucks), whose office is drafting legislation that could be introduced in Harrisburg as early as mid-March. The bill is in the preliminary stages, and it is unclear what final form it would take.

Vicki Wilken, Conti's legislative counsel, said the senator is considering a range of options, from requiring Pennsylvania jewelers to post notices about the state law to publishing the information in state-issued consumer-protection pamphlets.

Conti is in discussions with the Attorney General's Office to determine the best approach.

"We are looking at all this stuff," said Wilken, who acknowledged that even as a lawyer, she was shocked to learn of the law. "It's not widely known. I didn't know it, and we want to educate people so they don't end up in the same situation as Janet."

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