

Daughter Gets A Diploma, Dad Gets Sued
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Unusual litigation focuses on contract to cover tuition payments

By CHRISTIAN NOLAN

It's not news that some children, especially as they hit their teenage and college years, don't get along with their parents. But even experienced attorneys say it's rare when the disagreements grow to a point where litigation is required.

So consider the odd case of Dana Soderberg, who went to court to force her father to live up to a deal to pay her tuition at Southern Connecticut State University. Hamden family lawyer Renee C. Berman handled the lawsuit for Soderberg.

"Nothing that I've researched has shown any cases like this and hopefully there won't be anymore because it's a sad situation," said Berman.

Dana came from what is perhaps an all-too-typical family situation. Her parents, Howard and Deborah Soderberg, of Stratford divorced in 2004. Upon splitting, they agreed that Howard, a property developer, would be responsible for the education costs for their three children, Dana, Amanda and Erik.

Dana's experience had evidently taught her that her father had a tendency not to follow through with paying for things. So she persuaded him the following year to enter into a written contract obligating him to pay her college tuition until she was 25, along with other school expenses such as textbooks, and her car insurance.

As part of the agreement, Dana would make an effort to apply for student loans and Howard Soderberg would pay off those loans. Co-signing the agreement was Howard's sister, Patricia.

Howard delivered on his word through March 24, 2007. But when it came time for Dana to begin her senior year at Southern Connecticut, Howard Soderberg refused to pay the bills. And so Dana got a \$20,000 loan to pay for her last year of college, with her mother co-signing.

No Receipts

Dana finished up school and then filed a breach of contract lawsuit in New Haven Superior Court against her father for failing to pay for her senior year of college.

The father represented himself in a two-day trial. He argued that Dana breached their agreement by not making reasonable efforts to apply for student loans, by failing to attend classes full time, and by not providing him with receipts for tuition and other school-related expenses.

Howard Soderberg also filed a counterclaim alleging that his daughter dropped courses and pocketed the refunds. He also said she spent money that was supposed to go toward textbooks on personal items.

Attorney Berman said Dana was an art major and needed expensive art supplies for her classes. She said her father was typically late in making tuition payments, which often forced Dana to drop out of certain classes.

Judge Trial Referee William L. Hadden Jr. issued a written opinion earlier this month, ruling that father and daughter had a legitimate contract, that Dana proved to be the more credible party in the lawsuit, and that the father had breached the agreement.

"The plaintiff has proven that she has performed all of her obligations as set forth..." wrote Hadden. "The defendants have failed to prove the claims set forth in their special defenses and in Howard's counterclaim."

Berman said damages totaled around \$47,000, including the loan, interest, attorney fees and missed car insurance payments. Berman did not anticipate an appeal.

"They just don't have a relationship," Berman said of Dana and her father. "It has to be weak to begin with if you enter into that agreement.

Berman was struck by Howard Soderberg's emotions – or lack thereof. "Here his daughter's bringing him to court and there's no sadness, no remorse that his daughter was in this situation having to sue him."

Berman said Dana's father still maintains "somewhat" of a relationship with his other children and has paid for their education.

Family lawyer Thomas D. Colin, of Schoonmaker, George & Colin, P.C. in Greenwich doesn't foresee a rash of young students suing their parents in light of this opinion.

"I've never seen that at all," said Colin. "I don't know how many kids can get their parents to sign contracts with them so I don't know how much that would show up."

Berman, whose client is now a teacher, agreed with that assessment.

"I think this is just a limited situation," Berman said. "This was her way of assuring college would get paid. I think it's a very unique situation. It's not a typical relationship." •