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COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

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See Okla.Sup.Ct.R. 1.200 before citing.

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

IN THE MARRIAGE OF:)
)
S.W.A., JR.,)
)
Petitioner/Appellee,)
)
vs.)
)
N.L.A.,)
)
Respondent/Appellant.)

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Case No. 122,077

APPEAL FROM THE DISTRICT COURT OF
SEQUOYAH COUNTY, OKLAHOMA

HONORABLE KYLE E. WATERS, ASSOCIATE DISTRICT JUDGE

AFFIRMED

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For Petitioner/Appellee

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For Respondent/Appellant

OPINION BY GREGORY C. BLACKWELL, PRESIDING JUDGE:

Norma L. Armstrong appeals a trial court order granting her divorce from Sinclair W. Armstrong, Jr.¹ Ms. Armstrong alleges it was error for the court to bifurcate the proceedings, grant the divorce, and reserve all remaining issues such as property division, debt division, support alimony, and discovery issues. Upon review, we find that the court did not abuse its discretion and thereby affirm.

I.

Mr. Armstrong, who was seventy-nine years old at the time of the hearing below, filed a petition for dissolution of marriage on March 3, 2022. Although not contained in this record, it is undisputed that Ms. Armstrong filed a combined answer to the petition and her own counterclaim seeking a divorce. She was sixty-nine at the time of the hearing.

On October 8, 2022, Ms. Armstrong filed a motion to compel Mr. Armstrong's discovery responses. The court granted Ms. Armstrong's motion,

¹ In an apparent effort to keep these proceedings concealed from public view, Mr. Armstrong filed this case as captioned, using only the initials of each party. As a general rule, civil actions in Oklahoma must be prosecuted and defended in the names of actual people and entities. See 12 O.S. § 2010 ("In the petition the title of the action shall include *the names* of all the parties" (emphasis supplied)). While certain statutory and court-made exceptions exist, see, e.g., 10A O.S. § 1-5-102, 63 O.S. § 1-729.4, Okla.Sup.Ct.R. 1.4(B)(3), Rule 10.1 of the Rules of the Seventh and Twenty-Sixth Judicial Administrative Districts (Oklahoma and Canadian Counties), we are aware of no general law in Oklahoma that allows anonymous civil litigation. And for good reason. "Lawsuits are public events," *Doe v. Frank*, 951 F.2d 320, 324 (11th Cir. 1992), and "[o]rdinarily, those using the courts must be prepared to accept the public scrutiny that is an inherent part of public trials." *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000). Here, no party suggests any exception applies, and indeed, there is nothing in the record to indicate that either party so much as asked the district court to proceed anonymously. Accordingly, we will use the parties' actual names (as revealed in the record) in this opinion, and we direct the trial court to amend the caption on remand to reflect the names of the parties, absent a meritorious motion by one or both parties to proceed anonymously.

ordering that Mr. Armstrong provide complete and accurate responses and documents to Ms. Armstrong's discovery requests by December 13, 2022.

On May 8, 2023, Ms. Armstrong filed an application for contempt citation, alleging that although some documents had been produced, there were several remaining discovery deficiencies, she had not received any supplemental responses to discovery, and Mr. Armstrong had disposed of marital property without her written consent. The parties appeared for a hearing on the contempt citation on June 15, 2023. After the hearing, the court noted that Mr. Armstrong entered a plea of not guilty and requested a jury trial.

On September 9, 2023, Mr. Armstrong filed a motion for dissolution of the parties' marriage to be granted instant, requesting that the court grant the parties' request for dissolution of marriage and bifurcate all remaining issues. Ms. Armstrong filed a response and objection to the motion, and the court heard the matter on November 30, 2023. At the hearing, the court granted Mr. Armstrong's motion seeking immediate dissolution and a decree declaring the same was entered on March 4, 2024. The court's order declared the parties divorced and reserved all other issues not specifically addressed in the order, such as the valuation and division of marital property and debts, establishment and payment of support alimony, management of ongoing discovery efforts, and decisions concerning discovery disputes. It is from this order that Ms. Armstrong appeals.²

² This appeal was assigned to the authoring judge on January 9, 2026.

II.

“[A]n action for divorce, alimony and division of property such as this one is one of equitable cognizance and in reviewing a case of equitable cognizance, the judgment of the trial court will not be disturbed unless the trial court abused its discretion or unless the court’s finding was clearly against the weight of the evidence.” *Hough v. Hough*, 2004 OK 45, ¶ 9, 92 P.3d 695, 700. “A trial court may order a separate trial of any issue upon proper motion by a party, but it is not required to do so. Only where there is a clear abuse of discretion will this court disturb a decision made on this point.” *Faulkenberry v. Kansas City S. Ry. Co.*, 1983 OK 26, ¶ 12, 661 P.2d 510, 513.

III.

The sole question to be addressed in this appeal is whether the trial court abused its discretion in dissolving the parties’ marriage while reserving property division, discovery disputes, and alimony for subsequent proceedings. Upon careful consideration, we find that the court did not abuse its discretion in bifurcating the divorce from the property division and other issues. In *Alexander v. Alexander*, 2015 OK 52, 357 P.3d 481, the Supreme Court held that “[i]t is common for district courts to grant a divorce at one point in time but then reserve jurisdiction to address other pending issues—such as division of property or determinations as to custody or child support—at a later date.” *Id.* ¶ 15. Mr. Armstrong filed a petition asking the court to dissolve the parties’ marriage. Ms.

Armstrong filed a counter-petition requesting the same.³ Thus, the question of whether the parties' marriage should be dissolved was not a matter of controversy, and the court did not abuse its discretion in granting the relief both parties requested and reserving other issues to be tried at a later date.

Ms. Armstrong argues that the divorce decree should be overturned because bifurcation of the issues “merely reward[s]” Mr. Armstrong for his “dilatatory tactics” in delaying and failing to cooperate during discovery. *Brief-in-Chief*, pg. 9. She contends that bifurcation in this case was in “direct contradiction to Oklahoma’s preferred method of adjudicating divorce proceedings, and offends fundamental fairness, due process, and the right to a speedy and certain remedy” pursuant to *Flandermeyer v. Bonner*, 2006 OK 87, 152 P.3d 195.

The Court in *Flandermeyer* noted that “piecemeal proceedings should be used by the trial court as an exception, not as the norm.” *Id.* ¶ 15. However, we note that the circumstances in *Flandermeyer* were different from the present case. For example, *Flandermeyer* did not involve a bifurcated divorce proceeding. Instead, the parties were set to have a one-day divorce trial; however, testimony ran over and instead of scheduling a second day of trial for the following day, the court scheduled the next trial date five months later. *Id.* ¶ 4. The parties were still unable to finish testimony at that date, so another trial date was set for an

³ Although the counter-petition is not contained in this record, at the hearing the court directly asked counsel for Ms. Armstrong: “Didn’t both parties request the dissolution of marriage?” Tr. (Nov. 30, 2023), pg. 26. Counsel for Ms. Armstrong responded: “They did.” *Id.*

additional three months later. *Id.* ¶ 5. Trial ultimately did not finish until roughly one year after the initial start date. *Id.* ¶ 6. On appeal, the husband argued that he should be granted a mistrial because the trial had been conducted in piecemeal fashion over an entire year and that this was a denial of due process. *Id.* Although the Court expressed hesitation regarding the use of “piecemeal proceedings,” the Court ultimately held that his right to a speedy and certain trial was not violated. *Id.* ¶ 16.

Here, we have an uncontested request for a divorce, but a contested division of a purported fifty-million-dollar marital estate. *See* Tr. (Nov. 30, 2023), pg. 17. As the Court noted in *Flandermeyer*, “[a] trial court has the power to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. However, a trial court is charged with the duty to schedule cases in such a manner as to expeditiously dispose of them.” *Flandermeyer v. Bonner*, 2006 OK 87, ¶ 15, 152 P.3d 195, 200. Further, as stated above, “[c]ourts frequently bifurcate the issues, granting a divorce but then reserving jurisdiction to decide other issues, such as property division, at another time.” *Johnson v. Snow*, 2022 OK 86, ¶ 14, n.5, 521 P.3d 1272, 1277. It is undisputed that the parties’ property division would be complex and time-consuming. Thus, by bifurcating the divorce from the more complex and time-consuming issues, it appears the court was balancing the parties’ joint request to be divorced with other concerns regarding time and complexity of the other matters. Thus, we find that the court did not abuse its discretion in separating the question of the divorce from the remaining issues.

Ms. Armstrong also argues that *Alexander*, 2015 OK 52, which is the case that Mr. Armstrong cited as the basis for his motion for an immediate dissolution of marriage, is materially distinguishable from the present case. In *Alexander*, the wife filed a petition for dissolution of marriage on the ground of incompatibility, and the husband filed an answer agreeing that the two were incompatible and that they should be granted a divorce. *Id.* ¶ 3. Nearly nine months after the petition was filed, the wife filed a motion asking the court to grant the parties a divorce, even though marital property had not been divided, because she had been diagnosed with stage-four lung cancer and only had a short time left to live. *Id.* ¶ 4. The husband objected to the motion, arguing that the law required the dissolution to take place at the same time as the division of assets. *Id.* The Court disagreed with the husband, noting that it was “of no consequence” that the parties had not yet divided their marital property because “[i]t is common for district courts to grant a divorce at one point in time but then reserve jurisdiction to address other pending issues.” *Id.* ¶ 15.

Ms. Armstrong contends that the present case is distinguishable because Mr. Armstrong is not terminally ill like the wife in *Alexander*. Additionally, she argues that this case is different because Mr. Armstrong sought the dissolution instantaneously even though the delays in the parties’ divorce case were due to his own conduct. Thus, according to Ms. Armstrong, Mr. Armstrong failed to establish sufficient grounds to allow for bifurcation in the divorce action. However, first we note that *Alexander* does not require terminal illness or imminent death as a prerequisite to bifurcation. Second, the factual differences and the motives of

each party requesting the divorce instanter have no bearing on the Court's pronouncement in *Alexander* that it is common for courts to grant the parties a divorce, especially when both parties are asking for such relief, and reserve contested issues to be resolved at a later date. It appears that the Court in *Alexander* made the statement in response to the husband's contention that bifurcation in this context was not possible. Ms. Armstrong is not now arguing that it was impossible to bifurcate the divorce from the property division; rather, that it was inequitable to do so.

Ms. Armstrong also argues that bifurcation is unduly prejudicial to her rights and economic interests. Specifically, she contends that bifurcation would disrupt her access to health insurance, deprive her of other protections under the parties' automatic temporary injunction, and prevent the parties from filing joint income tax returns for 2023 and beyond. Additionally, it appears Ms. Armstrong is concerned that by bifurcating the case, Mr. Armstrong is being rewarded for delaying discovery and will be able to dissipate assets. However, in our view, the trial court is perfectly capable of dealing with each of these issues post-divorce, just as the court would be able to do so in a suit for separate maintenance or legal separation. By granting a divorce prior to deciding contested issues, the trial court has not in any way abdicated any of its powers, including the ability to hold a party in contempt, to issue discovery orders, to sanction a party, or to issue appropriate injunctions. Nevertheless, we will address Ms. Armstrong's specific concerns.

As to health insurance, we note that the court's order explicitly states that "[Mr. Armstrong] shall continue to cover the expenses of [Ms. Armstrong's] health insurance. [Ms. Armstrong] shall be entitled to an equivalent or better health insurance plan as she currently has. Further, neither party shall change the status of beneficiary on any policies and/or accounts." ROA 72. Thus, it is unclear how bifurcation will disrupt Ms. Armstrong's access to health insurance when the court explicitly ordered that Mr. Armstrong was required to maintain the status quo or provide her with better health insurance than she currently has.

As to taxes, we note that the court's order granting the parties' dissolution of marriage was filed on March 4, 2024. Thus, it is unclear if the divorce would affect the parties' tax status for 2023. If the date of divorce is considered the date of the hearing—November 2023—the trial court can issue any appropriate order to remediate any inequity thereby created as to the parties' 2023 taxes.

As to the more general concerns regarding the automatic temporary injunction, discovery delays, or dissipation of assets, we reiterate that the court's order reserved all other issues not specifically addressed in the order such as the valuation and division of marital property and debts, establishment and payment of support alimony, management of ongoing discovery efforts, and decisions concerning discovery disputes. ROA 72. Therefore, if Mr. Armstrong is uncooperative during discovery, dissipates marital assets, or acts inappropriately in any other way, Ms. Armstrong is not prohibited from providing the court with evidence of the same, at any time, as the court holds hearings on

the subsequent issues. In short, Ms. Armstrong is not without a remedy or means to address those concerns, and the trial court maintains all the power needed to deal with any such issue, should it arise.

Lastly, Ms. Armstrong contends that the court abused its discretion in granting Mr. Armstrong's motion without receiving any testimony or documentary evidence in support of his request. Specifically, she argues that the court erroneously granted the dissolution before she had an opportunity to testify or present evidence to the court that she still wanted the marriage to be dissolved. Ms. Armstrong notes that pursuant to 43 O.S. § 130, no divorce shall be granted without proof.

While Ms. Armstrong contends she was prevented from testifying, the record reflects that counsel never attempted to call her. The court informed the parties that the divorce would be granted and counsel for Ms. Armstrong stated that she had not rested. *Id.* at 38. The court responded that it had shut down the arguments and asked if the parties had anything further. *Id.* Ms. Armstrong did not make an objection, did not proffer any evidence she would have presented in opposition to the divorce, and did not make an offer of proof that Ms. Armstrong would have testified that she did not want a divorce. Thus, we find any issue related to the sufficiency of evidence on this question was not preserved for appeal. *See Gowens v. Barstow*, 2015 OK 85, ¶ 42, 364 P.3d 644 (“A party who fails to preserve an issue for appeal by objecting in a timely manner to testimony or issues before the trial court ... has waived review of that issue in the appellate courts.”).

Even still, we note that in arguing that the immediate dissolution should not be granted, Ms. Armstrong never contended that she no longer wanted the divorce, and Ms. Armstrong's attorney affirmed that both parties were in fact requesting a divorce. Tr. (Nov. 30, 2023), pg. 26. Additionally, both parties attended *and testified* at the hearing, though the testimony centered on another issue—the location of a car key. Nevertheless, Ms. Armstrong specifically testified about the breakdown of her relationship with Mr. Armstrong, noting that she had not spoken to him for two years. *Id.* at pgs. 7-8. At no point did she testify that she no longer wanted the divorce she sought in her counterclaim. On this record, we find that Ms. Armstrong had ample opportunity to present evidence regarding her objection to the motion to bifurcate and granting of that motion was not an abuse of discretion.

* * *

Ultimately, both parties sought dissolution of their marriage, and the trial court acted within its discretion in granting that uncontested relief while reserving contested and complex issues for later resolution. Bifurcation in this context neither offends due process nor deprives either party of any right or remedy. Rather, it reflects the sound exercise of judicial discretion, promoting efficiency and mitigating potential inequities that could arise during the extended resolution of complex issues.

AFFIRMED.

BARNES, P.J., and HUBER, J., concur.

February 26, 2026