

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

GODAWINNA W. FARLEY, a/k/a	:	
CHANDIMA ISHANIE GODAWINNA	:	
WITHANAGE FARLEY, a/k/a	:	
ISHANIE FARLEY,	:	NO. FC-18-21,524
Plaintiff	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
TAVON DORSEY-HURTT,	:	
Defendant	:	

OPINION

This matter is before the Court on a Petition for Annulment filed by Plaintiff on April 22, 2021. A hearing was held on June 11, 2021 at which time Plaintiff appeared and was represented by Trisha Jasper, Esquire and Defendant failed to appear, although properly served.¹ Attorney Jasper has had no contact with Defendant since this action has begun.

Plaintiff testified that she was married to John David Farley in 2011 in Sri Lanka. She and Mr. Farley had a child together in 2012. In May of 2016, Plaintiff moved to the United States of America from Sri Lanka to be with her husband. When she moved here, Plaintiff spoke and understood very little, if any, English. At some point after she moved to the United States, Plaintiff and Mr. Farley separated, but at no point were they divorced. As a result of the separation, Plaintiff lived at the YWCA

¹ In accordance with the Order dated February 23, 2021, Plaintiff served Defendant with the Notice to Defend and Complaint for Annulment by publishing them in The Baltimore Sun on April 8, 2021 and The Daily Record on April 12, 2021.

in Williamsport where she began a friendship with Defendant's sister who gave Plaintiff a place to live, which is where Plaintiff eventually met the Defendant.

At some point in September of 2016, Plaintiff became sick and needed to go to the hospital, but did not have any health insurance. The Defendant told Plaintiff that he could help her get health insurance and other government benefits. He instructed her to write and sign her name on a document, which she did although she did not know what the document was that she was signing. Defendant also took Plaintiff to the Courthouse and then a church. Again, Plaintiff did not understand the reasons he was taking her to these places but was led to believe he was helping her obtain health benefits. Defendant took her back to the home in which she was staying but the individual who identified herself as Defendant's "sister" never came back. Plaintiff ended up going back to live at the YWCA.

Years later, after taking English classes and learning to speak and understand the language, Plaintiff learned from her custody attorney, Jennifer Heverly, Esquire, that she was married to Defendant. Plaintiff also remains married to Mr. Farley.

Generally, where either party to a marriage desires to have the marriage annulled, he or she must bring an action in annulment and prove that the marriage is either void or voidable. 23 Pa.C.S.A. § 3303(a). A marriage is *void* when "there has been no confirmation by cohabitation following the removal of an impediment" and:

(1) Where either party at the time of such marriage had an existing spouse and the former marriage had not been annulled nor had there been a divorce except where that party had obtained a decree of presumed death of the former spouse . . .; or

(3) Where either party to such marriage was incapable of consenting by reason of insanity or serious mental disorder or otherwise lacked capacity to consent or did not intend to consent to the marriage.

23 Pa.C.S.A. § 3304(a)(1) and (3).

Additionally, a marriage is *voidable* “where one party was induced to enter into the marriage due to fraud, duress, coercion or force attributable to the other party and there has been no subsequent voluntary cohabitation after knowledge of the fraud or release from the effects of fraud, duress, coercion or force.” 23 Pa.C.S.A. § 3305(a)(5).

The Court finds that Plaintiff’s marriage to Defendant is both void and voidable. First, there has been no removal of an impediment because Plaintiff remains married to Mr. Farley, whom she married in 2011. There is also no evidence that Plaintiff and Defendant ever resided together after their marriage. It is undisputed that Plaintiff had an existing spouse at the time she married Defendant, that the marriage between Plaintiff and Mr. Farley was not annulled, and Plaintiff and Mr. Farley were not divorced. Additionally, Plaintiff has proven that she lacked the capacity to consent to her marriage to Defendant because she spoke very little English and did not understand what she was signing or doing when Defendant took her to the Courthouse and the church. Plaintiff testified that had she known that she was marrying the Defendant, she would not have done those things. For these reasons, the Court finds that the marriage between Plaintiff and Defendant is void pursuant to Section 3304(1) and (3).

Similarly, the Court finds that the marriage between Plaintiff and Defendant is voidable pursuant to Section 3305(5). Based on Plaintiff's testimony, it is clear that she was induced into marrying Defendant by Defendant's fraudulent actions such as having Plaintiff sign a document for what she believed to be health benefits when Defendant knew Plaintiff was unable to speak or understand the English language. Additionally, there is no evidence that Plaintiff and Defendant ever resided together following Plaintiff's discovery of her marriage to Defendant.

ORDER

AND NOW, this 14th day of **June, 2021**, for the reasons set forth above, the Court finds that the marriage between Plaintiff and Defendant is both void and voidable pursuant to 23 Pa.C.S.A. §§ 3304 and 3305 and therefore, such marriage is hereby **ANNULLED**.

BY THE COURT,

Ryan M. Tira, Judge

RMT/ads
cc: Trisha Jasper, Esq.