

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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Submitted - September 21, 2006

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
STEVEN W. FISHER
ROBERT J. LUNN, JJ.

2005-06421

DECISION & ORDER

Sheldon Greenspan, appellant, v Joan Greenspan,
respondent.

(Index No. 201229/04)

Ira Bierman, Syosset, N.Y., for appellant.

Cohen & Prizer, Carle Place, N.Y. (Carl G. Cohen and Linda A. Priser of counsel),
for respondent.

In an action for a divorce and ancillary relief, the plaintiff appeals, as limited by his brief, from so much of a judgment of the Supreme Court, Nassau County (Stack, J.), entered April 6, 2006, as, after a nonjury trial, dismissed his cause of action for a divorce on the ground of constructive abandonment.

ORDERED that the judgment is affirmed insofar as appealed from, with costs.

Under the particular circumstances of this case, the Supreme Court properly dismissed the plaintiff's cause of action for a divorce on the ground of constructive abandonment.

PRUDENTI, P.J., MASTRO, FISHER and LUNN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 31, 2006

GREENSPAN v GREENSPAN