

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

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_____AD3d_____

Argued - February 27, 2007

REINALDO E. RIVERA, J.P.
DAVID S. RITTER
GLORIA GOLDSTEIN
DANIEL D. ANGIOLILLO, JJ.

2005-09861

DECISION & ORDER

Jodi Ann Tortomas, respondent, v John Robert
Andrade, appellant.

(Index No. 3519/03)

Tabat, Cohen & Blum, LLP, West Islip, N.Y. (Robert A. Cohen of counsel), for
appellant.

Raymond E. Kerno, Mineola, N.Y., for respondent.

Chas G. Cancellare, Hauppauge, N.Y., Law Guardian for the child.

In a matrimonial action in which the parties were divorced by judgment dated May 26, 2004, the defendant father appeals from an order of the Supreme Court, Suffolk County (Bivona, J.), entered September 21, 2005, which, after a hearing, granted the plaintiff's cross motion for permission to relocate with the parties' son to Toronto, Canada.

ORDERED that the order is affirmed, without costs or disbursements.

After weighing the appropriate factors set forth in *Matter of Tropea v Tropea* (87 NY2d 727), the Supreme Court properly found that it was in the child's bests interest to permit relocation (*see Matter of Vega v Pollack*, 21 AD3d 495; *Miller v Pipia*, 297 AD2d 362).

RIVERA, J.P., RITTER, GOLDSTEIN and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 27, 2007

TORTOMAS v ANDRADE