

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

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_____AD3d_____

Submitted - April 12, 2007

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
MARK C. DILLON
EDWARD D. CARNI, JJ.

2006-06477

DECISION & ORDER

Pauline D'Chiutiis-Lattuga, respondent,
v Sebastian Lattuga, appellant.

(Index No. 200036/05)

Farber, Pappalardo & Carbonari, White Plains, N.Y. (John A. Pappalardo of counsel), for appellant.

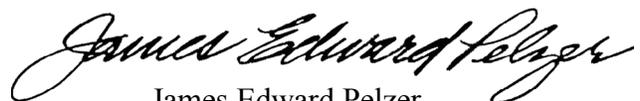
Gassman & Keidel, P.C., Garden City, N.Y. (Lisa Silverman of counsel), for respondent.

In an action for a divorce and ancillary relief, the defendant appeals from an order of the Supreme Court, Nassau County (Iannacci, J.), dated June 7, 2006, which granted the plaintiff's motion, inter alia, for a protective order quashing certain subpoenas duces tecum.

ORDERED that the order is modified, on the facts and in the exercise of discretion, by adding a provision thereto granting leave to the defendant, if he be so advised, to serve appropriate subpoenas following the completion of discovery and the evaluation of the parties' business interests by the court-appointed neutral expert; as so modified, the order is affirmed, without costs or disbursements (*see D'Chiutiis-Lattuga v Lattuga*, _____AD3d_____ [Appellate Division Docket No. 2006-00154; decided herewith]).

RIVERA, J.P., FLORIO, DILLON and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 15, 2007

D'CHIUTIIS-LATTUGA v LATTUGA