

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

D16702
X/cb

_____AD3d_____

Submitted - October 9, 2007

ROBERT W. SCHMIDT, J.P.
PETER B. SKELOS
ROBERT A. LIFSON
RUTH C. BALKIN, JJ.

2006-06023

DECISION & ORDER

Philip J. Cervone, Jr., appellant, v Theresa L. Cervone,
respondent.

(Index No. 200643/05)

Barton R. Resnicoff, Great Neck, N.Y. (Lisa M. Williams of counsel), for appellant.

Anthony A. Capetola, Williston Park, N.Y. (Danielle L. Seid of counsel), for
respondent.

In an action for a divorce and ancillary relief, the plaintiff appeals from an order of the Supreme Court, Nassau County (Diamond, J.), dated May 15, 2006, which denied his motion for a downward modification of his child support obligation.

ORDERED that the order is affirmed, with costs.

The plaintiff failed to establish a substantial, unanticipated, and unreasonable change in circumstances warranting a reduction in his child support obligation (*see Matter of Heyward v Goldman*, 23 AD3d 468, 469; *Morrissey v Morrissey*, 259 AD2d 472). Accordingly, the Supreme Court properly denied the plaintiff's motion for a downward modification of his child support obligation.

SCHMIDT, J.P., SKELOS, LIFSON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 30, 2007

CERVONE v CERVONE