

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

D17216  
C/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - October 4, 2007

REINALDO E. RIVERA, J.P.  
GABRIEL M. KRAUSMAN  
ANITA R. FLORIO  
MARK C. DILLON, JJ.

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2006-06618

DECISION & ORDER

Elizabeth Norton, plaintiff, v Kristopher Kenderes,  
appellant; Satz and Kirshon, P.C., intervenor-  
respondent; IBM Corporation, nonparty-respondent.

(Index No. 3538/98)

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Douglas Walter Drazen, Binghamton, N.Y., for appellant.

Van DeWater & Van DeWater, LLP, Poughkeepsie, N.Y. (Brett E. Roberts Jones  
and Perry Satz of counsel), for intervenor-respondent.

In an action for a divorce and ancillary relief, the defendant appeals, as limited by his brief, from so much of an order of the Supreme Court, Dutchess County (Brands, J.), dated May 5, 2006, as, in effect, upon reargument, directed the nonparty-respondent, IBM Corporation, to transfer to the defendant his marital share of the plaintiff's retirement savings plan in order for the defendant to use these moneys to satisfy his debt for counsel fees to the intervenor-respondent, Satz and Kirshon, P.C.

ORDERED that the appeal is dismissed, with costs.

The issue raised by the defendant on this appeal and the appeal from an order of the same court dated February 10, 2006 (*see Norton v Kenderes*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No. 2006-02760; decided herewith]) was determined in a prior order of the same

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court dated October 25, 2004. No appeal was taken from that order. Accordingly, the issue is not properly before this court.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer  
Clerk of the Court