

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

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_____AD3d_____

Submitted - November 30, 2007

WILLIAM F. MASTRO, J.P.
ROBERT A. LIFSON
JOSEPH COVELLO
DANIEL D. ANGIOLILLO, JJ.

2007-02882
2007-02883

DECISION & ORDER

In the Matter of Robert S. Chupungco, appellant,
v Lizel Acompado, respondent.

(Docket No. F-5722-06)

John J. O'Shea, Manhasset, N.Y., for appellant.

Fox & Lefkowitz, LLP, Garden City, N.Y. (Richard B. Lefkowitz of counsel), for
respondent.

In a child support proceeding pursuant to Family Court Act article 4, the father appeals from (1) an order of the Family Court, Nassau County (Miller, S.M.), dated September 12, 2006, which, after a hearing, denied his petition for a downward modification of his child support obligation, and (2) an order of the same court (Zimmerman, J.), dated February 26, 2007, which denied his objections to the order dated September 12, 2006.

ORDERED that the appeal from the order dated September 12, 2006, is dismissed, without costs or disbursements, as that order was superseded by the order dated February 26, 2007; and it is further,

ORDERED that the order dated February 26, 2007, is affirmed, with one bill of costs.

The father failed to establish an unanticipated change in circumstances sufficient to justify a downward modification of his child support obligation (*see Heller v Heller*, 43 AD3d 999; *Matter of Connolly v Connolly*, 39 AD3d 643; *Schlakman v Schlakman*, 38 AD3d 640, *lv dismissed* 9 NY3d 982; *Matter of Silver v Akerson*, 34 AD3d 487).

January 8, 2008

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MATTER OF CHUPUNGCO v ACOMPADO

The father's remaining contentions are without merit.

MASTRO, J.P., LIFSON, COVELLO and ANGIOLILLO, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court