

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

D18089  
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Argued - January 15, 2008

DAVID S. RITTER, J.P.  
FRED T. SANTUCCI  
JOSEPH COVELLO  
EDWARD D. CARNI, JJ.

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2007-01369

DECISION & ORDER

Bruce Reiter, respondent, v Heidi Reiter,  
appellant.

(Index No. 12284/04)

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Schlissel, Ostrow, Karabatos & Poepplein, PLLC, Garden City, N.Y. (Stephen W. Schlissel and Lisa R. Schoenfeld of counsel), for appellant.

Lefkowitz & Poulos, Hauppauge, N.Y. (Darla A. Filiberto of counsel), for respondent.

In an action to rescind provisions of a settlement agreement dated November 19, 2003, which was incorporated but not merged in the judgment of divorce entered June 30, 2004, the defendant appeals, as limited by her brief, from so much of an order of the Supreme Court, Nassau County (Balkin, J.), dated October 30, 2006, as denied that branch of her motion which was for summary judgment rescinding the child support and maintenance provisions of the agreement.

ORDERED that the order is affirmed insofar as appealed from, with costs.

Contrary to the defendant's contention, the Supreme Court did not err in denying that branch of her motion which was for summary judgment rescinding the child support and maintenance provisions of the parties' settlement agreement (*see generally McMains v McMains*, 15 NY2d 283,

February 19, 2008

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291; *Woods v Bard*, 285 NY 11; *Rodgers v Rodgers*, 235 NY 408; *Butler v Butler*, 206 App Div 214).

RITTER, J.P., SANTUCCI, COVELLO and CARNI, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court