

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

D19804
C/hu

_____AD3d_____

Argued - May 19, 2008

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-08037

DECISION & ORDER

Julie Levine, appellant, v Robert Levine, respondent.

(Index No. 9938/99)

Raoul Felder and Partners, P.C. (Michael P. O'Connor, New City, N.Y., of counsel),
for appellant.

Banks Shapiro Gettinger & Waldinger, LLP, Mount Kisco, N.Y. (Mona D. Shapiro
of counsel), for respondent.

In a matrimonial action in which the parties were divorced by judgment dated April 25, 2005, the plaintiff appeals from an order of the Supreme Court, Westchester County (Scarpino, J.), entered August 7, 2007, which granted her motion for leave to enter a money judgment against the defendant in the principal sum of \$1,092,892 only to the extent of granting her leave to enter a money judgment against the defendant in the principal sum of \$42,892, representing her net equitable distribution award.

ORDERED that the order is affirmed, with costs.

Contrary to the plaintiff's contention, the Supreme Court correctly applied the decision and order of this Court on the appeal from the parties' judgment of divorce (*see Levine v Levine*, 37 AD3d 550) by granting the plaintiff's motion for leave to enter a money judgment against the defendant in the principal sum of \$1,092,892 only to the extent of granting her leave to enter a money judgment against the defendant in the principal sum of \$42,892, representing her net equitable distribution award.

June 24, 2008

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The plaintiff's repeated challenge to the propriety of a \$1,050,000 credit imposed against her share of the marital assets, which was decided against her on the appeal from the parties' judgment of divorce, is barred by the doctrine of law of the case (*see J-Mar Service Center, Inc. v Mahoney, Connor & Hussey*, 45 AD3d 809).

MASTRO, J.P., SKELOS, BALKIN and LEVENTHAL, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court